

Dulwich Community Council

Planning

Tuesday 15 March 2011

7.00 pm

Dulwich Grove United Reform Church, East Dulwich Grove, London SE22
8RH

Membership

Councillor James Barber (Chair)
Councillor Helen Hayes (Vice-Chair)
Councillor Robin Crookshank Hilton
Councillor Toby Eckersley
Councillor Jonathan Mitchell
Councillor Michael Mitchell
Councillor Lewis Robinson
Councillor Rosie Shimell
Councillor Andy Simmons

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Monday 7 March 2011



Order of Business

Item Title
No.

1. INTRODUCTION AND WELCOME
2. APOLOGIES

Item No. Title

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The Chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. MINUTES FROM THE PREVIOUS MEETING (Pages 4 - 9)

To confirm as a correct record the minutes of the meeting held on 9 February 2011.

6. DEVELOPMENT CONTROL ITEMS (Pages 10 - 14)

6.1. 198 CROXTED ROAD, LONDON SE21 8NW (Pages 15 - 29)

Date: Monday 7 March 2011

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: beverley.olamijulo@southwark.gov.uk
Website: www.southwark.gov.uk

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Dulwich Community Council

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DULWICH COMMUNITY COUNCIL
- Planning & general meeting -

MINUTES of the Dulwich Community Council held on Wednesday 9 February 2011 at 6.00 pm at Christ Church, 263 Barry Road, London SE22 0JT

PRESENT: Councillor James Barber (Chair)
Councillor Helen Hayes (Vice-Chair)
Councillor Robin Crookshank Hilton
Councillor Toby Eckersley
Councillor Jonathan Mitchell
Councillor Michael Mitchell
Councillor Lewis Robinson
Councillor Rosie Shimell
Councillor Andy Simmons

OFFICER SUPPORT: Des Waters (Head of Public Realm)
John McHenry (Markets Manager)
Sonia Watson (Planning Officer)
Beverley Olamijulo (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for lateness from Councillors Rosie Shimell and Helen Hayes.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Members declared interests in relation to the following agenda items:

Agenda Item 9 – LEA School Governor Appointment

Councillor Andy Simmons, personal, as his children attend Goodrich Primary School.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair drew people's attention to an addendum report relating to 6.1 and 6.2 containing late amendments which refer to suggested additional conditions to restrict permitted development rights and to restrict the use of the garage.

5. MINUTES

RESOLVED:

That the minutes of the meetings held on 15 December 2010 and 13 January 2011 be agreed as correct records of the meetings, and signed by the Chair.

6. DEVELOPMENT CONTROL ITEMS

The Chair agreed to consider items 6.1 and 6.2 together as they relate to the same site.

6.1 266 TURNEY ROAD, LONDON SE21 7JP

Planning application reference number 10-AP-3022

PROPOSAL

Demolition of existing building.

The planning officer introduced the report and circulated the site plans. The officer also drew Members' attention to the addendum report which referred to additional conditions.

Councillors asked questions of the planning officer.

There were no objectors present.

The applicants spoke in favour of the application and responded to Members' questions.

A local supporter spoke in support of the application. No questions were asked of the supporter.

No ward councillors wished to speak on this application.

Members discussed the application.

RESOLVED:

That planning permission for application 10-AP-3022 be granted subject to conditions outlined in the draft decision notices.

6.2 266 TURNEY ROAD, LONDON SE217JP

Planning application reference number 10-AP-3023

PROPOSAL

Erection of 2 storey dwelling, following demolition of existing building on the site (Use Class C3).

The planning officer introduced the report and drew Members' attention to the addendum report.

Councillors asked questions of the planning officer.

There were no objectors present.

The applicants spoke in favour of the application and responded to Members' questions.

A local supporter spoke in support of the application. No questions were asked of the supporter.

No ward councillors wished to speak on this application.

Members discussed the application.

RESOLVED:

That planning permission for application 10-AP-3023 be granted subject to conditions outlined in the draft decision notices and addendum report.

7. PRESENTATION ON NORTH CROSS ROAD MARKET

John McHenry, markets development manager presented this item and provided some background information of the North Cross Road market. John also referred to the recommendations taken at the licensing committee on 6 Jan 2011 as set out below:

1. That the committee resolved to vary the designation of North Cross Road as a licence street to increase the number of pitches from twenty to thirty and include Sunday as a trading day (but the hours to be agreed as per item 2 below)
2. That the committee requested that the officer attends the next available Dulwich Community Council meeting to discuss the following with ward councillors and local residents:
 - Discuss the Sunday trading hours; consult on the Saturday trading hours with traders and local residents.
 - Consult on the number of traders allowed on Monday to Thursday with a proposed maximum of 5.

- Consult on the market location being shifted towards the Lordship Lane end of Northcross Road.
 - Consult on the road closures proposed.
 - Explore the possibility of using some of the street trading revenue to install traffic calming measures on Northcross Road.
 - Reviewing the market every 6 months.
3. The DCC are requested to make recommendations on the above and these recommendations will be presented at the next licensing committee on 15 March 2011.

John McHenry also mentioned that the consultation process involved sending questionnaires to 2000 local residents and businesses with 78% in favour of extra stalls, 64% in favour of Sunday trading and 76% in favour of extra pitches.

The officer responded to questions from Members.

The community council heard two deputations. The first deputation was from a spokesperson representing local residents of Northcross Road, Nutfield Road, Archdale Road, Lacon Road, Felbrigg Road, Crystal Palace Road and local shopkeepers and a spokesperson representing the traders of Northcross Road.

The spokesperson representing local residents outlined their position:

“We oppose the Council’s plans to open Northcross Road market on Sundays for a number of reasons which include the following:

- Local people should enjoy and are entitled to peaceful Sundays.
- Parking is difficult on Saturdays. Sunday trading would put pressure on parking on Sundays too.
- The market is a noise nuisance for residents adjacent to Northcross Road. One weekend day is acceptable within reasonable hours. Disturbance on both days of the weekend is not.
- Litter and health, rubbish including food waste is not frequently cleared in Northcross Road until late on Saturday. Sunday trading would exacerbate this problem.
- Sunday trading could increase competition for local shops and could rob shopkeepers of their day off with little or no financial pay back.
- Strength of local feeling: The Council’s consultation on Sunday trading received 339 responses of which 64% were apparently in favour of Sunday trading – 217 people. The deputation was in receipt of a petition signed by local residents and shopkeepers opposing Sunday trading.

The spokesperson representing local traders outlined:

- The majority of traders do welcome the proposal for additional pitches.
- Preference is to improve the Saturday market rather than consider trading on Sunday.
- Concerns expressed involving duplication in that the additional traders could be selling the same products as the existing traders.
- Would like to see pitches clearly marked out so they can be easily identifiable to traders and strongly favours designated pitches.
- Open market stalls at later hours as opposed to getting up at the crack of dawn.
- Would like to the existing market days to be vibrant for the local community.
- Weekday trading does not always work and is not viable.

Both deputations responded to questions from Members.

There were questions and general views taken from local residents many echoing that officers had not consulted those residents within the vicinity of the market, the financial viability of the market and that Sunday trading should not be totally ruled out in the future. Many felt that more focus should be given on Saturday trading.

RESOLVED:

The Dulwich Community Council requests:

1. That there be no market trading on a Sunday.
2. That the number of traders allowed during Monday until Thursday should be a proposed maximum of 10 and that a 9am start is applicable to Saturday trading only.
3. That further recommendations and options be drawn up by officers to review the current operation of the market.
4. That consideration should be given on the closure of roads on a Saturday and retain the southside where the electric sockets are located and increase the number of stalls along Lordship Lane. Also look for an experimental road closure at Lordship Lane for a fixed period of 18 months, with a review after 6 months in operation.
5. Members requested that detailed proposals of the market should be referred back to this community council for consideration and that the presentation with regard to this be given in visual form which should include the marked out pitches.
6. That the above recommendations be referred to the licensing committee. In addition that the immediate residents be consulted.

8. EXCLUSION OF PRESS AND PUBLIC

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2, Access to Information Procedure rules of the Constitution.

9. LEA SCHOOL GOVERNOR APPOINTMENTS

Executive decision

RESOLVED:

That Mr Derrick Bennett be appointed as a LA governor representative at Goodrich Primary School.

The meeting ended at 9.30pm

CHAIR:

DATE:

Item No. 6.	Classification: Open	Date: 15 March 2011	Meeting Name: Dulwich Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All within Dulwich [College, East Dulwich & Village] Community Council area	
From:		Deputy Chief Executive	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the council on 23 May 2007 and amended on 30 January 2008 and 20 May 2009. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in parts 3F and 3H of the Southwark council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community Impact Statement

14. Community Impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of communities, law and governance, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under

section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the strategic director of communities, law & governance. The planning permission will not be issued unless such an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. Section 106 of the Town and Country Planning Act 1990 as amended introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 - I. restrict the development or use of the land;
 - II. require operations or activities to be carried out in, on, under or over the land;
 - III. require the land to be used in any specified way; or
 - IV. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 2TZ	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1P 5LX	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	1 October 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE DULWICH CC
on Tuesday 15 March 2011

Appl. Type Full Planning Permission
Site 198 CROXTED ROAD, LONDON, SE21 8NW

Reg. No. 10-AP-3503
TP No. TP/2544-196
Ward Village
Officer Sonia Watson

Recommendation GRANT PERMISSION

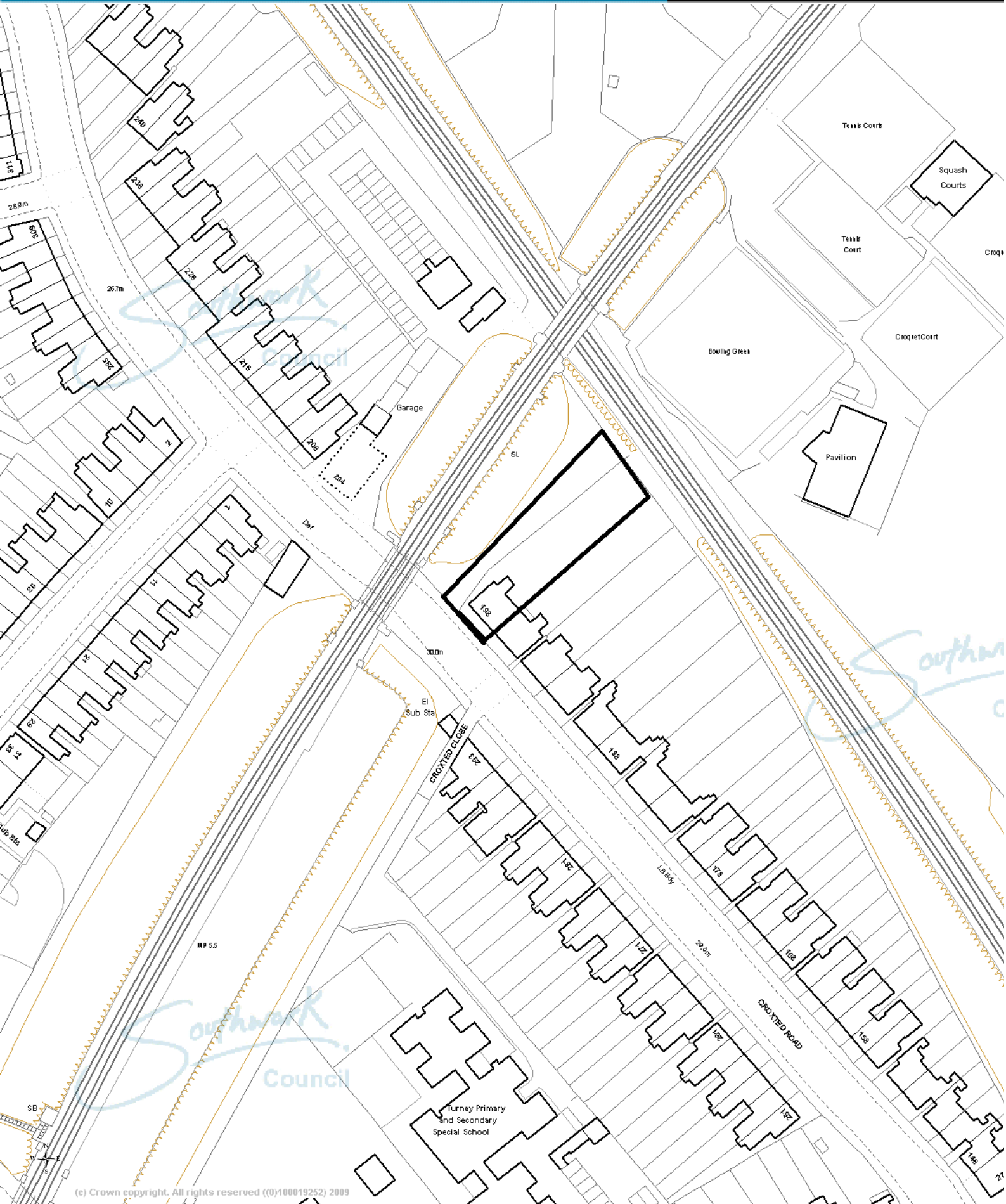
Item 1.6

Proposal

Construction of a single storey building for use as a children's day nursery for 34 children on the land to the rear of 198, Croxted Road.

Ordnance Survey

Date 1/3/2011



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Item No.	Classification:	Date:	Meeting Name:
6.1	Open	15 March 2011	Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-3503 for: Full Planning Permission		
	Address: 198 CROXTED ROAD, LONDON, SE21 8NW		
	Proposal: Construction of a single storey building for use as a children's day nursery for 34 children on the land to the rear of 198, Croxted Road.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 02/12/2010		Application Expiry Date 27/01/2011	

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

- 2 This application is for determination by Dulwich Community Council, due to the numbers of objections received.

Site location and description

- 3 The site adjoins an end of terrace double fronted house. There is a strip of land to the side of the house which measures around 3.5 metres wide and widens to as it forms a plot of land at the rear most point of the rear garden of the property at 198.
- 4 Croxted Road is a largely residential road, however there are a few commercial premises in the section leading to the junction with Norwood Road; including a petrol filling station and a garden centre located on the opposite side of the road. Two railway lines bound the property to the north west and the north east. The railway line to the north east denotes the boundary with the Dulwich Village Conservation Area.
- 5 The borough boundary between LB Southwark and LB Lambeth is the centre of the road.

Details of proposal

- 6 Planning permission is sought for the construction of single storey building for use as a children's day nursery on the land to the rear of no.198 for 34 children. The land which is largely separated off from the house and garden of 198 would be accessed from an existing gate on Croxted Road. The building would measure 10 metres wide, 15 metres deep and 3.3 metres high. The building would be constructed in timber with a flat roof, and solar panels would be installed on the roof. The building would be located 8 metres off the rear garden side boundary with 196 Croxted Road and 5 metres off the new rear boundary with no. 198 Croxted Road

- 7 The main window openings would be placed within the long elevations of the building, which face north westerly towards the railway line and south easterly towards the side boundary with no. 196. The main entrance would be in the south-westerly elevation which faces the rear boundary with no.198. The plan shows an area of land to the south east of around 192 sq metres would be sectioned off to provide playspace for the nursery.
- 8 The proposal also includes a canvas structure close to the gate on the Croxted Road frontage. The structure which would provide some shelter, would be set in line with the building line of the houses; therefore its visibility would not be readily apparent when walking along the road.

Planning history

- 9 10/AP/0571 Planning permission was refused on 02/06/2010 for the construction of a single storey building for use as a childrens day nursery for the following reason;

The location of the proposed nursery would result in vehicles slowing and/or waiting in the road or manoeuvring into spaces which would impact significantly on the performance and safety of the surrounding highway network and compromise highway safety for other road users.

- 10 08-AP-0516 22/04/2008 Certificate of lawfulness (proposed) was granted for refurbishment of the rear dormer windows and other works to the property at 198.
- 11 Limited consent was granted on 25/4/1978 for a temporary period of two years for the use of the land adjoining 198 for the storage of mobile homes.

Planning history of adjoining sites

- 12 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) the impact of the proposal on the residential amenity within the area and
 - c) the impact of the proposal on the parking and traffic flow.

Planning policy

Saved Southwark Plan Policies

- 14 2.2 Provision of New Community Facilities
3.2 Protection of Amenity
3.7 Waste Reduction
3.9 Water
3.12 Quality in design

3.13 Urban design
5.2 Transport Impacts

London Plan 2008 consolidated with alterations since 2004

15 LPP 3A.24 Educational facilities

Core Strategy

16 Southwark's Core Strategy was considered by an independent Inspector during an Examination in Public held in July 2010. The Inspector has issued his binding report and deemed the Core Strategy to be sound. His report was received on 28 January 2011 and it is likely that the Southwark will adopt the Core Strategy.

17 Now the Inspector's binding report has been received, the Core Strategy, together with the suggested changes by the Inspector carries considerable weight. In the period before the Core Strategy is formally adopted, whilst the Southwark Plan remains the relevant statutory development plan, where the Core Strategy suggests a different approach when determining a planning application, the Core Strategy is a significant material consideration that should be taken into account.

Strategic Policy 4 Places to learn and enjoy

Principle of development

18 The Council generally supports provision of new community facilities, provided there is general compliance around other policies within the Plan.

19 A key land use issue raised by this application is that of building on gardens, referred to as "garden grabbing". Recently changed in government policy, PPS3 Housing sets out that private gardens shall be removed from the brownfield definition. However, this is not, at the same time, conferring particular protection on this land, for example in the same way that Borough Open Land or Metropolitan Open Land are protected. It means that gardens are not classified as 'previously developed land'. The development of such areas will not contribute to the target set by the Government which is that at least 60% of development occurs on brownfield land. Given the limited number of back garden developments applied for in Southwark, development on gardens would be unlikely approach the 40% limit for non brownfield, or greenfield, development. It is not considered that the fact that back gardens are no longer 'brownfield' may in itself be used as a reason for refusal. Rather, regard still needs to be had to the site specific assessment of impacts in terms of matters such as the character of residential neighbourhoods, design, amenity, and transport.

20 The proposal would also introduce a commercial building into a residential area. The land is fairly substantial and there is already a separate access to the site from the road. Equally it is noted that on the other side of the railway bridge is the petrol filling station and a number of garages beyond. The use of a portion of this land as a nursery would still retain a substantial amount of garden to the original house at no 198 as well as land for the nursery use. The use is not considered to be out of keeping within a residential setting provided there is sufficient separation between the two uses.

Environmental impact assessment

21 Not required for a development of this size or type. No significant environmental impacts would arise.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 22 Policy 3.2 Protection of Amenity aims to protect existing residents from undue loss of amenity arising from development.

The main amenity impact for neighbours is likely to arise from noise associated with the nursery use.

The proposal is for a maximum of 34 children from 07:30 until 18:30 Monday to Fridays. The properties along this section of Croxted Road benefit from having very long rear gardens, (approximately 45 metres). The nursery boundary would be at least 25 metres from the nearest residential property. The railway lines already contribute to a certain amount of noise within the area. It is considered that the level of noise from the nursery could be managed by restricting the numbers of children playing outside at any one time and restricting the hours of operation. Subject to conditions, the level of noise from the nursery should not significantly erode the amenity of the nearest residential properties. Measures to restrict the hours of operation would address some of the concerns raised by residents.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 23 The surrounding area is largely residential although the railway land adjoins two sides of the site boundary. There may be some noise nuisance from the railway lines to the nursery as it would be located closer to the railway boundaries than other properties on the road. The nursery would not be compromised by the adjoining residential houses and gardens.

Traffic issues

- 24 Highway impacts

The applicant has surveyed a number of nursery premises which are within an immediate proximity of the development. They have observed travel patterns connected with the surveyed premises. They have used the collected travel pattern data to ascertain the likely trip generation associated with the proposed development. It is clear that sustainable modes of travel will be used. The provision of buggy parks to ensure a further modal shift combined with the nursery policy of removing children of parents that park immediately outside the property are sufficient mitigation to ensure the previous road safety concerns attached to application 10-AP-0571 can now be dismissed as car use will be minimal in association with the proposed development.

- 25 Cycle storage

The Southwark plan has no guidance for the above type of development, however TfL workplace travel plan guidelines state that a *minimum* of 1 space per 10 students or staff is provided. A total of nine staff are proposed in association with the development. The plans indicate a storage area for 15 bikes, although the details of the storage area are not provided. This is considered a good level of provision however a condition should be added to any permission requiring the applicant to submit to the Council, for approval, detailed and scaled drawings to demonstrate the provision of cycle storage.

- 26 Car Parking

The site is not located within a Controlled Parking Zone (CPZ). The site sits immediately outside of the Herne Hill CPZ.

No on site parking has been provided in association with the above application.

The surrounding highway network will be heavily parked (due to commuter parking) at

peak times of parking demand for the proposed development. This will deter parents from using vehicles to access the site and ensure a modal shift toward sustainable modes of travel. There are also a number of other initiatives mentioned in the application which will ensure a significant modal shift toward sustainable modes of travel.

27 Servicing

Servicing and refuse collection will be undertaken from Croxted Road. No vehicular access is being provided in association with the above application. Given the nature of the proposed development and the central location of the bin stores it is not thought there will be many service vehicle movements associated with the above application or refuse vehicles stationary in the highway for an extended period.

28 Travel Plan

A travel plan has been submitted with the application. This clearly demonstrates the applicant's commitment to embedding sustainable travel habits into the development from the outset. The applicant is committed to ensuring that car use to and from the development is minimised, and the use of sustainable travel will be encouraged. The travel plan is therefore acceptable at this stage. Should planning permission be granted, it is recommended that a condition is attached requiring an updated travel plan to be submitted to and approved by the local authority following the first user surveys (within 3 months of opening), and thereafter, surveys to be undertaken annually and results reported to London Borough of Southwark.

Design issues

- 29 The building is a very simple timber structure and within the context of the surrounding gardens, which are some 45 metres deep, does not dominate the area. Some existing outbuildings within the location would be removed as a consequence of the proposal. Although the proposed building would have an extensive flat roof, a number of water interceptors would be installed to collect water from the roof for recycling.

Impact on character and setting of a listed building and/or conservation area

- 30 The conservation area adjoins the site on the north eastern boundary, however the proposed development next to the railway line would not impact on current views into or out of the conservation area. Further there are no listed buildings affected by the proposal.

Impact on trees

- 31 The proposal would not have any impact on the near by willow tree which would remain within the boundary of the rear garden of no. 198 Croxted Road.

Planning obligations (S.106 undertaking or agreement)

- 32 Not required for a scheme of this size.

Other matters

Security

- 33 The proposed entrance to the nursery would be from Croxted Road, security gates and video entry and intercom would allow staff to control entry onto the site.

Sustainable development implications

- 34 The proposal includes the use of solar panels on the roof and rain water harvesting

from the flat roof. The proposal also included the submission of a Green Travel Plan with the aim of encouraging carers to walk or use other more sustainable forms of transport.

Conclusion on planning issues

- 35 Planning permission is sought for the construction of a building within the rear garden of no. 198 Croxted Road to provide a children's day nursery. The proposal has attracted some local objection mainly around traffic congestion and parking. This formed the previous reason for the refusal of the scheme. The applicant has now demonstrated that the use of cars for picking and dropping of children can be controlled through the use of a green travel plan, which has been reviewed and agreed with the Transport Planning team, subject to conditions around implementation and monitoring. There is a demand for nursery places within this area and the provision of a purpose built structure would contribute to serving this need, in line with the Council's policies for community uses. It is therefore recommended that planning permission is granted.

Community impact statement

- 36 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.
- b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

- 37 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 38 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 39 3 letters of objection have been received with comments around additional traffic, congestion from parking, hazard from bus stops, petrol filling station, and school entrance opposite. Noise from outdoor play.

Human rights implications

- 40 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

- 41 This application has the legitimate aim of providing a childrens day nursery. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 42 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2544-196 Application file: 10-AP-3503 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	List of neighbours consulted

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Senior Planning Officer	
Version	Final	
Dated	1 March 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	n/a	n/a
Strategic Director of Regeneration and Neighbourhoods	n/a	n/a
Strategic Director of Environment and Housing	n/a	n/a
Date final report sent to Constitutional Team	4 March 2011	

APPENDIX 1

Consultation undertaken

- 43 **Site notice date:** 08/02/2011
- 44 **Press notice date:** n/a
- 45 **Case officer site visit date:** 28/04/2010 and 08/02/2011
- 46 **Neighbour consultation letters sent:** 07/01/2011
- 47 **Internal services consulted:**
Environmental Protection
Transport
- 48 **Statutory and non-statutory organisations consulted:**
London Borough of Lambeth
Network Rail
- 49 **Neighbours and local groups consulted:**
n/a
- 50 **Re-consultation:**
n/a

Consultation responses received**51 Internal services**

Transport planning - Raise no objections subject to conditions

Environmental Protection - Raise no objections subject to conditions around site contamination.

52 Statutory and non-statutory organisations

London Borough of Lambeth - Raise no objections, subject to conditions to ensure bicycle parking and implementation of the green travel plan.

Network Rail - No response received

53 Neighbours and local groups

194 Croxted Road - Difficult to park on the road currently, proposal will lead to an increase in the parking demand, not convinced that the travel plan submitted would deter car travel by parents. Site directly opposite a bus stop which is busy at peak morning and evening times, there is also a vehicular access to Turney Road special school where buses are routinely pulling in and out. On the other side there is a garden centre opposite which is a petrol filling station, which makes this section of road particularly busy in terms of footfall and traffic.

184 Croxted Road - The area suffers from commuter parking, as well as other activity within the area, it is a dangerous traffic area which is unsuitable for young children.

287 Croxted Road - Concerned about the safety and environmental impact of additional vehicles seeking parking spaces in the area, with both difficult and hazardous parking conditions. Additional vehicles delivering and collecting children at times of considerable traffic would put further pressure on parking and could encourage dangerous and illegal parking behaviour. Also concerned about the potential for noise from the children likely to be considerable.

List of neighbours consulted

07/01/2011 196B CROXTED ROAD LONDON SE21 8NW
07/01/2011 196A CROXTED ROAD LONDON SE21 8NW
07/01/2011 DULWICH SPORTS CLUB GIANT ARCHES ROAD LONDON SE24 9HP
07/01/2011 204 CROXTED ROAD LONDON SE24 9DG
07/01/2011 192 CROXTED ROAD LONDON SE21 8NW
07/01/2011 192A CROXTED ROAD LONDON SE21 8NW
07/01/2011 198 CROXTED ROAD LONDON SE21 8NW
07/01/2011 194 CROXTED ROAD LONDON SE21 8NW
07/01/2011 190 CROXTED ROAD LONDON SE21 8NW
07/01/2011 287 CROXTED ROAD LONDON SE21
07/01/2011 289 CROXTED ROAD LONDON SE21
07/01/2011 291 CROXTED ROAD LONDON SE21
07/01/2011 293 CROXTED ROAD LONDON SE21

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Ms Mary Haynes
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 10-AP-3503

Case Number TP/2544-196

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of a single storey building for use as a children's day nursery for 34 children on the land to the rear of 198, Croxted Road.

At: 198 CROXTED ROAD, LONDON, SE21 8NW

In accordance with application received on 02/12/2010 08:00:47

and Applicant's Drawing Nos. Design and Access Statement, Site Plan, Travel Plan, Travel Plan Statement

Plans:- GA001, GA002, GA003, GA004, GA005, GA026

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

GA002; 003; 004; 005; 0026

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall not be commenced before details of the arrangements for the storing of refuse and recycling have been submitted to (2 copies) and approved by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Southwark Plan Policy 3.2 Protection of Amenity.

- 4 The nursery shall operate only between the hours of 07:30 to 18:30 Monday to Friday and not at any time on Saturdays, Sundays or public holidays.

Reason

The proposed nursery use is within close proximity to residential boundaries and its use beyond the hours specified may give rise to a loss of amenity to neighbouring residential properties contrary to Saved Southwark Plan Policy 3.2 Protection of Amenity.

- 5 The nursery hereby approved shall accommodate a maximum of 34 children at any time.

Reason

The proposed nursery use is within close proximity to residential boundaries and its use for more children or beyond the hours specified may give rise to a loss of amenity to neighbouring residential properties contrary to Saved Southwark Plan Policy 3.2 Protection of Amenity.

- 6 The Green Travel Plan submitted or as updated and agreed in writing with the Local Planning Authority, shall be implemented in full for the duration of the use hereby permitted. An updated travel plan shall be submitted to and approved by the local authority following the first user surveys (within 3 months of opening), and thereafter, surveys to be undertaken annually and results reported to the Green Travel Plan Officer at the London Borough of Southwark.

Reason

In order that the use of non-car based travel is encouraged in accordance with Saved Southwark Plan policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 car parking.

- 7 Before the any work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Saved Southwark Plan Policy 5.3 Walking and Cycling.

- 8 Any deliveries, unloading and loading to the nursery shall only be between the following hours: Monday to Saturday - 08:00 - 20:00, and not at all on Sundays and Bank Holidays.

Reason

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Southwark Plan policy 3.2 Protection of Amenity.

- 9 Details of a survey and investigation of the soil conditions of the site (2 copies), sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal, or remove the contaminating substances, shall be submitted to and approved by the Local Planning Authority and thereafter shall be carried out before any works in connection with this permission are begun.

Reason

In order to protect construction employees and future occupiers of the site from potential health-threatening substances in the soil in accordance with Saved Policy 3.1 Environmental Effects of the Adopted Southwark Plan 2007

Reason for Granting Planning Permission

This planning application was considered with regard to various policies including, but not exclusively:

- a] Saved Southwark Plan Policies 2.2 (Provision of community facilities) sets out the conditions where the Council will consider sites suitable for new community facilities, Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity. Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site. Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area.
- b] Policy 3A.24 Educational facilities of the London Plan
- c] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS 3 Housing
- d] Core Strategy 2011 - Strategic Policy 4 Places to learn and enjoy

Particular regard was had to the loss of garden associated with the existing house and the potential traffic impacts that could result from the proposed use, as well as potential amenity impacts for residential neighbours. It was considered that this would be outweighed by the benefit to the local community provided by the nursery for which there is a high demand. Consideration was given to the mitigation measures put in place within the proposed green travel plan as such it was considered that with conditions the amenity concerns would be reduced. It was therefore considered appropriate to grant planning permission subject to conditions having regard to the policies considered and other material planning considerations.

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(Tel: 020 7525 7234)

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