

Dulwich Community Council Planning

Monday 4 July 2011
7.00 pm

Dulwich Library, 368 Lordship Lane, London SE22 8NB

Membership

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

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Friday 24 June 2011



Order of Business

Item No.	Title
1.	INTRODUCTION AND WELCOME
2.	APOLOGIES
3.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Item No.**Title**

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

To confirm as a correct record the minutes of the meeting held on 11 May 2011 which will be circulated separately.

6. DEVELOPMENT CONTROL ITEM (Pages 4 - 8)**6.1. 11-15 MELBOURNE GROVE, LONDON SE22 8RG (Pages 9 - 25)**

Date: Friday 24 June 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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Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò Àwùjo ti a se ayipada si ede abíníbí re, jọwọ tẹ wa l'aago si ori nomba yi i : 020 7525 7234 tabi ki o yo ju si awon òṣiṣé òsisé ni ojúlé 160 Tooley Street , London SE1 2TZ .

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Item No. 6.	Classification: Open	Date: 4 July 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 Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. 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 November 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 Monday 04 July 2011

Appl. Type Renewal of unimplemented permission
Site 11-15 MELBOURNE GROVE, LONDON, SE22 8RG

Reg. No. 11-AP-0420
TP No. TP/2125-11
Ward East Dulwich
Officer Ronan O'Connor

Recommendation **GRANT PERMISSION**

Item 6.1

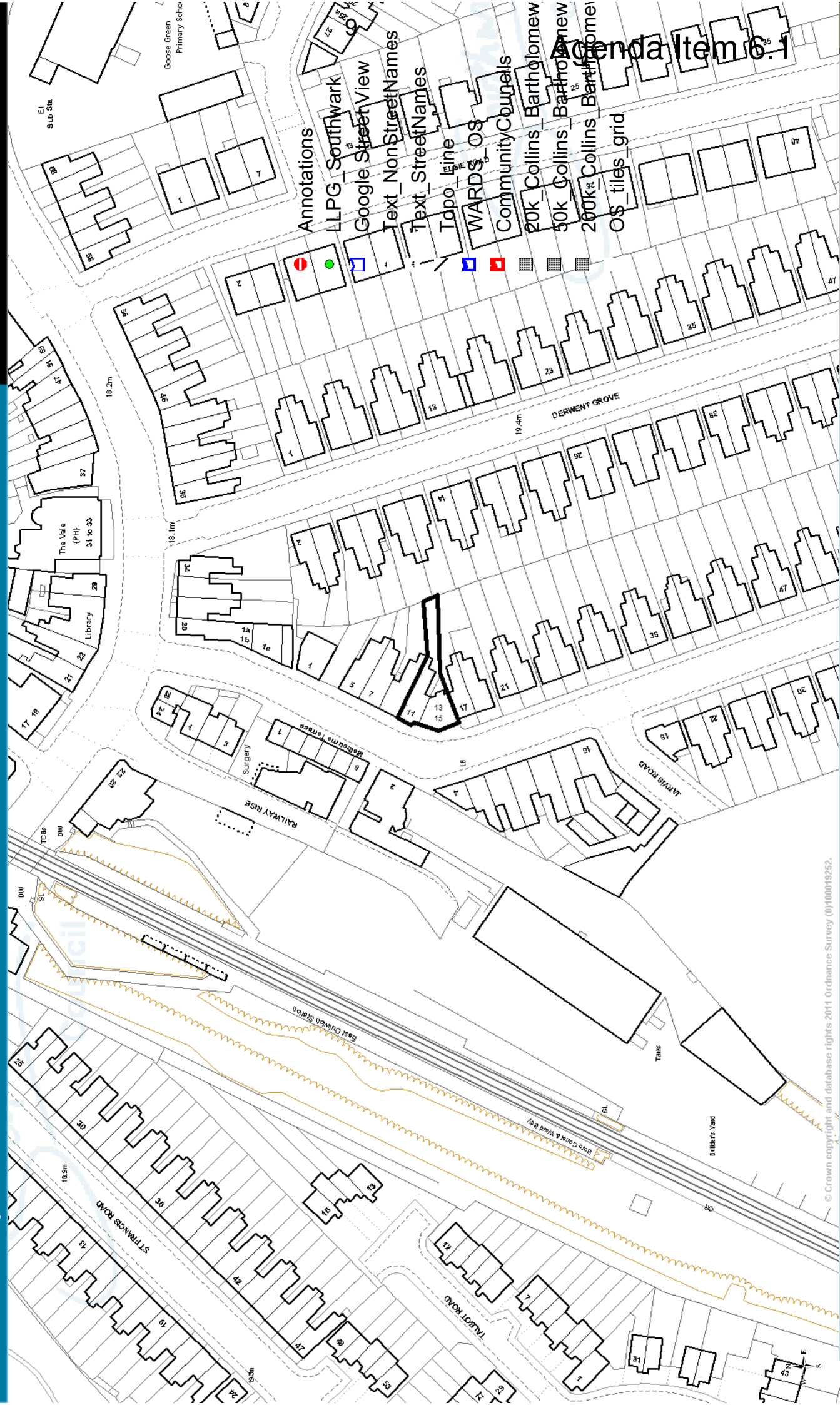
Proposal

Application to replace extant permission 08-AP-0579 for: Demolition of existing commercial and residential unit and the construction of Class A3 commercial space at ground floor with 3 x 1 bedroom and 1 x 2 bedroom flats and a studio flat over ground, first and second floors within newly constructed three storey building with associated bicycle storage and refuse storage to front of premises

11-15 Melbourne Grove, London, SE22 8RG

Ordnance Survey

Date 22/6/2011



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Agenda Item 6.1

Item No.	Classification:	Date:	Meeting Name:
6.1	OPEN	4 July 2011	Dulwich Community Council
Report title:	Development Management planning application: Application 11-AP-0420 for: Renewal of unimplemented permission Address: 11-15 MELBOURNE GROVE, LONDON, SE22 8RG Proposal: Application to replace extant permission 08-AP-0579 for: Demolition of existing commercial and residential unit and the construction of Class A3 commercial space at ground floor with 3 x 1 bedroom and 1 x 2 bedroom flats and a studio flat over ground, first and second floors within newly constructed three storey building with associated bicycle storage and refuse storage to front of premises		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 7 March 2011		Application Expiry Date 2 May 2011	

RECOMMENDATION

- 1 Grant Permission

BACKGROUND INFORMATION

- 2 The application is brought before Dulwich Community Council as 3 objections have been received.

Site location and description

- 3 The application site is located on the south east side of Melbourne Grove approximately 70m south of the junction with Grove Vale. The area is characterised by mixed uses, with single residential dwellings, commercial units and commercial units with residential flats above. The application site is located approximately 75m east of the railway line running through East Dulwich as well as the station.
- 4 Properties in the area are characterised by a mix of design, with both period buildings and representations of more modern additions within the vicinity of the site. The application site itself appears a mix of designs. The application site currently appears as a converted terrace, with an vacant A3 restaurant use below and residential above. The site is located on a corner plot, reflecting the 'bend' to Melbourne Grove as it goes to meet Grove Vale. This gives the site an irregular shape, with a wider frontage of around 17m, which funnels to a narrow rear boundary of 4m.
- 5 A change in levels gives the appearance of a one and two storey premises to the front of the site and a two and three storey premises to the rear of the site. The properties adjoining the application premises feature pitched roofs to both the north east and south of the site. Further to the north east, attached to no.9 Melbourne Grove there is a three storey building, further to this, three storey premises are exhibited opposite the

site.

- 6 There are a number of commercial premises located on the ground floor of buildings surrounding the site. These show a majority of A1 and A3 uses in the area. The application site currently has a vacant restaurant located to the ground floor.

Details of proposal

- 7 The application is to renew an unimplemented permission which was granted on 10th June 2008 for the demolition of the existing mixed use premises over the plots 11-15 Melbourne Grove, and replacing the current 2 storey and single storey (front elevation), 3 and 2 storey (to rear) with a 3 storey building with front mansard roof accommodating the third storey to the front elevation. This is not proposed to be any higher than the existing ridge line to the 2 storey dwelling currently located on the site.
- 8 On the ground floor a new shop front is proposed, together with the flat entrances and storage area. Above this, 4 residential units are proposed, within the first floor, and second floor set within a new mansard roof, and the loft area within the pitched roof adjoining neighbouring properties. A front and rear balcony are proposed to two of the units, with the ground floor residential unit, situated to the rear of the commercial floorspace having sole use of the rear garden amenity area.
- 9 The proposal is detailed to be finished in brick, with an off-white render section to the first floor, middle section of the front facade, reflecting the existing render finish to the existing building here. Two small, projecting front windows are proposed within the mansard roof section. The roof is detailed to be finished in slate grey zinc sheeting.
- 10 It is proposed to accommodate 60.7m² of commercial space and a one bedroom flat at ground floor, a one bedroom and two bedroom flat at first floor and a one bedroom and studio flat at second floor.

Planning history

- 11 11-15 Melbourne Grove
- 12 08/AP/0579 - Planning permission granted for demolition of existing commercial and residential unit and the construction of Class A3 commercial space at ground floor with 3 x 1 bedroom and 1 x 2 bedroom flats and a studio flat over ground, first and second floors within newly constructed three storey building with associated bicycle storage and refuse storage to front of premises.
- 13 07-AP-2797 – Planning permission refused for demolition of existing commercial and residential unit and construction of a Class A3 (restaurant) at ground floor and 2x 1 bedroom flats and 3x 2 bedroom flats over ground, first and second floors within newly constructed 3 storey building, with associated bicycle storage for 5 bikes and refuse storage to front of premises.

Reasons:

- 1. The excessive scale, bulk and mass of the proposed development in relation to the adjoining properties would represent an oppressive form of development that would result in an increased sense of enclosure detrimental to the residential amenities of the adjoining occupiers: specifically, to the rear of no.17 Melbourne Grove and to the roofline appearance of no.9 Melbourne Grove.
- 2. The proposal, by reason of its combined height, mass, bulk and detailed design, would be overly dominant in the context of its surroundings. The inappropriate scale and design of the building would be an incongruous feature within the street scene which would adversely affect the character and appearance of the existing

- terrace.
- 3. The proposed building by reason of the form and positioning would result in a poor living environment for future occupiers of the flats due to restricted outlook and levels of natural light to habitable room windows to the rear. Furthermore, the awkward layout of the ground floor flat would provide a poor living arrangement with the main living area forming a corridor to the 2nd bedroom and bathroom within the unit.
 - 4. The proposal would increase the demand for on street parking in an area that is already heavily parked to the detriment of the amenity of existing residents. In the absence of the ability to provide on-street parking on the site it is considered that the numbers of units should be reduced to alleviate any parking pressures.
- 14 11-15 Melbourne Grove – Planning permission granted for the change of use from office and storage to restaurant on ground floor no.11 Melbourne Grove, and ground and first floor no.'s 13 and 15 Melbourne Grove, and provision of new ground floor facade and erection of external duct.
- 15 LBS: 92/319 – Planning permission granted for the single storey rear extension to restaurant. 02-11-1992
- 16 13-15 Melbourne Grove – TP/2123/13 – Planning permission granted for the erection of a first floor addition for commercial purposes over the existing vehicle store and warehouse.
- 17 TP/2123/13 – Planning permission granted for the erection of an extension at second floor level at 13-15 Melbourne Grove and the use for office and storage purposes.
- 18 TP/2125-13/TE – Planning permission granted for elevational alterations at 13-15 Melbourne Grove. 02-08-1983
- 19 11A Melbourne Grove – 06-AP-2002 – Planning permission granted for a rear roof dormer window extension, converting hipped roof to gable end, front rooflight and single storey side extension to ground floor of dwellinghouse, all to provide additional residential accommodation.
- 20 07-AP-0421 – withdrawn application for the conversion of upper residential floors into two self-contained flats (one x 1 bed and one x 2 bed flats).
Reason:
The conversion was dependent upon extensions being carried out. There were extensions approved as part of a previous application 06-AP-2002 which are yet to commence.

Planning history of adjoining sites

- 21 05/AP/1764 - 17 Melbourne Grove: Planning permission granted for the conversion of single dwellinghouse into one three-bedroom flat and one two-bedroom flat, with alterations to the rear.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 22 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.

- b] the impact upon the amenity of adjoining occupiers.
- c] the design of the proposal.
- d] the impact upon traffic in the area.

Planning policy

Saved Southwark Plan Policies 2007 (July)

- 23 3.2 Protection of Amenity
3.7 Waste Reduction
3.9 Water
3.11 Efficient use of Land
3.12 Quality in Design
3.13 Urban Design
3.14 Designing out Crime
4.1 Density of Residential Accommodation
4.2 Quality of Residential Accommodation
4.3 Mix of Dwellings
5.3 Walking and Cycling
5.6 Car Parking
- 24 Supplementary Planning Guidance: Standards, Controls and Guidelines for Residential Developments (2008)

Core Strategy

- 25 Strategic Policy 1 Sustainable Development
Strategic Policy 2 Sustainable Transport
Strategic Policy 5 Providing New Homes
Strategic Policy 12 Design and Conservation
Strategic Policy 13 High Environmental Standards

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 26 PPS 3 Housing (2011)
Ministerial Statement 'Planning for Growth' (2011)
DCLG 'Greater Flexibility for Planning Permissions' (2009)

Principle of development

- 27 The Government Department for Communities and Local Government released guidance (Greater Flexibility for Planning Permissions) in 2009 to assist Local Planning Authorities (LPA) in the determination of renewal applications. The guidance explains that the LPA retains jurisdiction to determine an application for an extension of time, even if the original permission has expired after the application was made but before its determination.
- 28 The guidance also explains that LPAs should take a positive and constructive approach towards renewal applications, which may improve the prospect of sustainable development being taken forward quickly. In determining such applications, the focus should be on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the grant of permission.

- 29 The guidance also confirms that LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.
- 30 The Ministerial Statement 'Planning for Growth' explains the Government's clear expectation that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national policy.
- 31 The principle of ground floor commercial use with residential use above in this location is acceptable, and it has been accepted under the previous permission (planning ref 08/AP/0579). However the policy environment is subject to change and it is necessary to ensure that the proposal is compliant with all relevant policies within the adopted Core Strategy as well as saved Southwark Plan Policies.
- 32 In relation to the proposed uses of the site, While it is not entirely clear from the planning history of the site detailed above, a site visit of the premises revealed that the current use of the property is ground floor A3 restaurant with self-contained residential accommodation above. Therefore there is no objection to the continued use of this site for mixed use A3 restaurant and C3 residential.

Environmental impact assessment

- 33 Not required for this type of application.

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

Increased bulk and mass of the premises

- 34 The previous refusal on this site raised concerns regarding the increased bulk and mass resulting for the incorporation of a flat roof which created a three storey building, as well as the depth over the 3 storeys. The current application has substantially reduced the impact caused by incorporating pitch roofs and a central mansard roof to the front elevation, while substantially reducing the depth over all levels.
- 35 The front facade now reflects a much improved relationship with the adjoining properties, with pitched roofs to either end adjoining the terrace blocks, and a central mansard which is in keeping with the mass of surrounding properties.
- 36 The proposed building actually now represents a reduction in depth to the existing building on the site. Therefore it is considered that the impact on adjoining occupiers will be improved. While neighbours have raised concerns of overshadowing and over dominance caused by the proposal to the rear, it is clear from the plans that the proposal actually results in a reduction to the rear depth, and this coupled with the fact that there is a substantial decrease in depth at 3rd floor, minimising the impact caused by the slight increase in height here, from 7.8m for the existing outrigger at ridge level to 8.6m, will ensure that there is minimal impact.
- 37 It is further noted that the proposed building is now set back from No.17 Melbourne Grove whereas the current building is built flush with the property. It is noted that an objector has raised the issue of the legality of the building being flush here but this is not considered to be a planning issue.

Standard of Residential Accommodation

Size of accommodation

- 38 The design and access statement submitted with this application details the density of the development to be 500 habitable rooms per hectare, however officer calculations find the density to be 465 habitable rooms per hectare. The site is located within the urban density zone and this requires sites to have a density of 300-700 habitable rooms per hectare, therefore the density of the proposal is appropriate for this location.
- 39 The size of the individual flats is considered acceptable, with the floorspace meeting those requirements specified in Supplementary Planning Guidance for Residential Development (2008). It is noted that flat 4 at second floor level (studio flat) does not strictly meet the definition of a studio flat (which has a shared living/sleeping area). However this unit has previously been approved in 2008 and it would be considered unreasonable to refuse the scheme in this instance as the policy requirements have not changed since 2008.
- 40 The previous refusal on this site raised concern regarding the level of natural light received by the accommodation, it is now considered that this has been improved. All of the habitable accommodation now has clear access to natural light and therefore there is no longer an objection on this point.

Layout of flats

- 41 The previous refusal resulted in an awkward layout to the flats, largely resulting from the shape of the site. With the decrease in depth and re-arrangement of the living space within the flats, it is now considered that the accommodation provides practical living space which has responded well to the site constraints resulting for the shape of the plot.

Amenity space

- 42 There is significant amenity space provided for flat no.1 in the rear garden area. Flat no.5 has a large rear terrace situated above the first floor, on the flat roof with screening provided (1.8m high) ensuring that there is no increase in overlooking here. Flat no.3 has a small front balcony area, while flats 2 and 4 have no amenity space.
- 43 Having regard to the refused application on this site, concern was raised regarding the lack of amenity space on the site. There is now an increase for flat no.5, resulting in the reduction in depth here, and while flats 2 and 4 have no amenity space, they are a one bedroom flat and a studio apartment, and it is not unusual to have accommodation in the borough, of this small size, without associated amenity space. It is apparent that a family would not be expected in these units, and therefore there is no objection raised to the level of amenity space at the site.

Traffic issues

Covered and secure cycle storage is proposed for five bicycles at ground floor level.

- 44 It is considered that this application has sufficiently addressed the previous concerns regarding the lack of parking on the site, by reducing the potential level of occupancy. It is noted that there is a bus stop directly in front of the development and a train station nearby, there is no objection to the development based on the lack of parking provision, and it is not intended to seek any contribution towards a CPZ review.

- 45 As part of the previous application, the agent has submitted a parking survey which demonstrates that there is capacity in the area for parking. For the indicated usage in the area, it would seem that the majority of users are not local occupiers, therefore capacity increases in the evening / night time period, when occupiers would be most likely to need a parking space. It is not considered that area has changed to such an extent that the parking survey would now be invalid.
- 46 Transport have not raised any objection to the proposal.

Design issues

- 47 There are no additional design policies in place that would override the assessment of the previous scheme.
- 48 The front elevation demonstrates pitched roof styles to either end, ensuring that the established appearance of the terrace is reflected. To the middle section a mansard roof is proposed, due to the existing appearance of the site, it is considered that this is an appropriate design solution. The eaves level flows from the existing terrace and is reflected in the design of the proposal, while the ridge height also follows that of the established buildings here.
- 49 The proposal is an improvement upon the existing appearance of the site which has poor aesthetic value and does not sit comfortably amongst the adjoining buildings. The proposal will re-establish the visual relationship between these buildings, filling what currently appears as a gap in the terrace row. Therefore it is considered that the proposal has a desirable design and there are no objections raised on this point.

Waste

- 50 There is space to the front of the premises where refuse can be adequately stored without resulting in the obstruction to pedestrians. This is considered to be a reasonable solution to waste/recycling storage.

Extract Flue

- 51 It is noted that an existing vacant restaurant use is on site. However no details of the proposed replacement extract has been included within the application. While this issue was not raised as part of the previous approval it is considered that details of this flue and any ventilation system should be required by condition.

Conclusion on planning issues

- 52 Having regard to the above considerations the proposal is acceptable and the recommendation is to grant permission.

Community impact statement

- 53 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.
- 54 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 57 10b Melbourne Grove

- Would like information on the time and duration of building work
- Is the building the same height as neighbouring property

- 12b Melbourne Grove

- Would like to know how it will impact on property

- 6 Melbourne Grove

- project will have a negative impact on businesses
- road closures, noise disturbance
- demolition is unnecessary.
- Are flats needed
- parking issues
- another business would be better

- 17 Melbourne Grove

- scheme will overlook the garden
- scheme will affect rights of light to the side of the house
- demolition may have an impact on 17 Melbourne Grove
- scale of scheme is excessive and doesn't fit in with surroundings
- parking issues
- density is too high
- would have objected to the original applications in 2007/2008 but did not live in the property and it may have been vacant
- Ventilation system and time of opening of A3 use should be carefully considered
- A restaurant could cause large amount of traffic
- customers smoking to the front and rear of the property
- A home delivery service may cause further disruption to the area
- would impact on amenity of the area
- application should be turned down

- 19 Melbourne Grove

- Traffic generation and parking issues
- Impact on amenity
- restaurant has been closed for several years
- impact on trees
- impact on daylight

Officer Response

The above issues are dealt with in the body of the report.

Human rights implications

- 58 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.

- 59 This application has the legitimate aim of providing commercial and residential floorspace. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2478-29 Application file: 11/AP/0420 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 5420 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ronan O'Connor, Planning Officer	
Version	Final	
Dated	14 June 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to the Community Councils Team		

Consultation undertaken

Site notice date: 01/04/11

Press notice date: n/a

Case officer site visit date: 21/04/11

Neighbour consultation letters sent:

16/03/11

Internal services consulted:

Transport

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

As per appendix 3

Re-consultation:

None

Consultation responses received

Internal services

Transport - raise no objection

Statutory and non-statutory organisations

None

Neighbours and local groups

10b Melbourne Grove

- Would like information on the time and duration of building work
- Is the building the same height as neighbouring property

12b Melbourne Grove

Would like to know how it will impact on property

6 Melbourne Grove

- project will have a negative impact on businesses
- road closures, noise disturbance
- demolition is unnecessary.
- Are flats needed
- parking issues
- another business would be better

17 Melbourne Grove

- scheme will overlook the garden
- scheme will affect rights of light to the side of the house
- demolition may have an impact on 17 Melbourne Grove
- scale of scheme is excessive and doesn't fit in with surroundings
- parking issues
- density is too high
- would have objected to the original applications in 2007/2008 but did not live in the property and it may have been vacant
- Ventilation system and time of opening of A3 use should be carefully considered
- A restaurant could cause large amount of traffic
- customers smoking to the front and rear of the property
- A home delivery service may cause further disruption to the area
- would impact on amenity of the area
- application should be turned down

19 Melbourne Grove

- Traffic generation and parking issues
- Impact on amenity
- restaurant has been closed for several years
- impact on trees
- impact on daylight

Officer Response

The above issues are dealt with in the body of the report.

Neighbour Consultee List for Application Reg. No. 11-AP-0420

TP No	TP/2125-11	Site	11-15 MELBOURNE GROVE, LONDON, SE22 8RG
App. Type	Renewal of unimplemented permission		

Date Printed	Address
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16/03/2011	29 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	31 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	5 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	20A DERWENT GROVE LONDON SE22 8EA
16/03/2011	20B DERWENT GROVE LONDON SE22 8EA
16/03/2011	8A MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	1 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	2 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	3 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	5 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	1 JARVIS ROAD LONDON SE22 8RB
16/03/2011	7 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	4 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	6 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	9 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	14 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	1 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	2 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	4 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	18A DERWENT GROVE LONDON SE22 8EA
16/03/2011	18B DERWENT GROVE LONDON SE22 8EA
16/03/2011	10B MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	10A MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	12B MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	12C MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	12A MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	FIRST FLOOR AND SECOND FLOOR FLAT 6 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	FIRST FLOOR FLAT 23 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	FIRST FLOOR FLAT 5 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	GROUND FLOOR FLAT 4 DERWENT GROVE LONDON SE22 8EA
16/03/2011	GROUND FLOOR FLAT 23 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	GROUND FLOOR FLAT 5 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	1A MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	1B-1C MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	3 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	10A DERWENT GROVE LONDON SE22 8EA
16/03/2011	10B DERWENT GROVE LONDON SE22 8EA
16/03/2011	FIRST FLOOR FLAT 4 DERWENT GROVE LONDON SE22 8EA
16/03/2011	14A MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	11A MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	25B MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	10 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	FLAT A 16 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	FLAT B 16 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	GROUND FLAT 29 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	TOP FLAT 5 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	TOP FLOOR 29 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	Flat G 3 Dunnage Crescent London SE16 7FJ
16/03/2011	25A MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	TOP FLAT 9 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011	5-6 MELBOURNE TERRACE MELBOURNE GROVE LONDON SE22 8RE
16/03/2011	FLAT A 4 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	FLAT B 4 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011	2A MELBOURNE GROVE LONDON SE22 8PL
16/03/2011	3 JARVIS ROAD LONDON SE22 8RB
16/03/2011	10 DERWENT GROVE LONDON SE22 8EA
16/03/2011	12 DERWENT GROVE LONDON SE22 8EA
16/03/2011	14 DERWENT GROVE LONDON SE22 8EA
16/03/2011	16 DERWENT GROVE LONDON SE22 8EA

16/03/2011 18 DERWENT GROVE LONDON SE22 8EA
16/03/2011 2 DERWENT GROVE LONDON SE22 8EA
16/03/2011 22 DERWENT GROVE LONDON SE22 8EA
16/03/2011 24 DERWENT GROVE LONDON SE22 8EA
16/03/2011 4 DERWENT GROVE LONDON SE22 8EA
16/03/2011 6 DERWENT GROVE LONDON SE22 8EA
16/03/2011 8 DERWENT GROVE LONDON SE22 8EA
16/03/2011 12 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011 16 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011 6 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011 8 MELBOURNE GROVE LONDON SE22 8QZ
16/03/2011 17 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011 19 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011 21 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011 23 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011 25 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011 27 MELBOURNE GROVE LONDON SE22 8RG
16/03/2011 38 Vardens Road London SW11 1RH
16/03/2011 9 Derwent Grove SE22 8EA

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	Thai Pavilion Ltd	Reg. Number	11-AP-0420
Application Type	Renewal of unimplemented permission	Case Number	TP/2125-11
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Application to replace extant permission 08-AP-0579 for: Demolition of existing commercial and residential unit and the construction of Class A3 commercial space at ground floor with 3 x 1 bedroom and 1 x 2 bedroom flats and a studio flat over ground, first and second floors within newly constructed three storey building with associated bicycle storage and refuse storage to front of premises

At: 11-15 MELBOURNE GROVE, LONDON, SE22 8RG

In accordance with application received on 10/02/2011

and Applicant's Drawing Nos. E326/PP/001, E326/PP/002-Rev-4, E326/PP/003-Rev 4.

Reasons for granting planning permission.

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

a] Saved Southwark Plan Policies (2007)

Policy:

3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity).

3.7 (Waste Reduction) seeks to ensure developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities.

3.11 (Efficient use of Land) seeks to ensure that all developments ensure that they maximise the efficient use of land,

3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

4.2 (Quality of Residential Accommodation) seeks to achieve a high standard of accommodation. [part replaced by Core Strategy Strategic Policy 12 'Design and Conservation'.]

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.

5.3 (Walking and Cycling) seeks to ensure that access and facilities are provided in order to promote walking and cycling.

5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

b] Policies of the Southwark Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 5 Providing New Homes requires that developments meet the housing needs of people by providing high quality new homes in attractive environments, particularly in growth areas.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

Strategic Policy 14 Implementation and Delivery which ensure that the strategic vision and objectives for Southwark are implemented to ensure that the borough continues to be successful and vibrant.

Particular regard was had to residential design standards and the impact on the amenity of surrounding residents. It was considered that the residential design standards were met in this instance and that there would be no material impact on the amenity of surrounding occupiers. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

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:

E326/PP/002-Rev-4, E326/PP/003-Rev 4.

Reason:

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

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan (2007).

- 4 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with save Policy 3.7 'Waste reduction' of the Southwark Plan 2007 and in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 Before the any work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure weatherproof 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 Policy 5.3 Walking and Cycling of the Southwark Plan 2007 and Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011).

- 6 The development shall not commence until full particulars and details (2 copies) of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any

necessary plant and the standard of dilution expected, has been submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order to that the Council may be satisfied that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007) and in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

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NOTE: Original held by Constitutional Support Unit; amendments to Beverley Olamijulo
(Tel: 020 7525 7234)

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