Open Agenda



Nunhead and Peckham Rye Community Council Planning

Wednesday 11 April 2012 7.00 pm Rye Lane Chapel, 59A Rye Lane, Peckham, London, SE15 5EX

Membership

Councillor Victoria Mills (Chair) Councillor Mark Glover (Vice-Chair) Councillor Sunil Chopra Councillor Fiona Colley Councillor Rowenna Davis Councillor Nick Dolezal Councillor Gavin Edwards Councillor Renata Hamvas Councillor Althea Smith

Members of the committee are summoned to attend this meeting **Eleanor Kelly** Acting Chief Executive Date: Friday 30 March 2012



Order of Business

ltem No.

Title

- 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 (Pages 5 - 7)

To approve as a correct record the minutes of the meeting held on 6 March 2012.

6. **DEVELOPMENT MANAGEMENT ITEMS** (Pages 8 - 13)

6.1. 129 BELLENDEN ROAD, LONDON, SE15 4QY (Pages 14 - 24)

6.2. CABRINI HOUSE, 2 HONOR OAK RISE, LONDON, SE23 3QY (Pages 25 - 44)

Date: Tuesday 3 April 2012

Nunhead & Peckham Rye Community Council

Language Needs

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U-Baahnaanshaha Luqadda

Haddii aad u baahan tahay macluumaadka ku saabsan Guddiyada Beelaha oo lagu tarjumay luqaddaada fadlan soo wac khadka taleefoonka 020 7525 7420 ama booqasho ugu tag hawlwadeennada ku sugan 160 Tooley Street, London SE1 2TZ

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আপনি যদি নিজের ভাষায় কমিউনিটি কাউসিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7420 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

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Awon Kosemani Fun Ede

Bi o ba nfe àlàyé kíkún l'ori awon Ìgbìmò Àwùjo ti a se ayipada si ede abínibí re , jọwọ tẹ wa l'aago si ori nomba yi i : 020 7525 7420 tabi ki o yo ju si awon òşìşé ni ojúlé 160 Tooley Street , London SE1 2TZ .

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Twi:

Kasaa ohohia,

se wopese wo hu nsem fa Community Councils ho a, sesa saakasa yie ko wo kuro kasa mu. wo be tumi afre saa ahoma torofo yie 020 7525 7420 anase ko sra inpanyinfo wo 160 Tooley Street, London SE1 2Tz.

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Alexa Coates, Principal Constitutional Officer, Tel: 020 7525 7385 or email: alexa.coates@southwark.gov.uk Website: <u>www.southwark.gov.uk</u>

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Planning at Community Council Meetings

This sheet will tell you about what happens at the meeting when the community council considers a planning application, a planning enforcement case or other planning proposals.

The community council must follow the same rules and procedures as the council's main planning committee.

The items are heard in the order printed on the agenda, but the chair may change the running order of the items.

At the start of each item, the council's planning officer will present the report about the planning application and answer points raised by Members of the committee. After this, the following people may speak on the application if they wish, but **not more than 3 minutes each**:

- 1. A representative (spokesperson) for the objectors if there is more than one objector wishing to speak the time is then divided within the 3 minute time slot
- 2. The applicant or their agent
- 3. A representative for any supporters who live within 100 metres of the development site
- 4. A ward councillor from where the proposal is located.

The chair will ask the speakers to come forward to speak. Once the speaker's three minutes have elapsed, members of the committee may ask questions of them, relevant to the roles and functions of the community council.

Members of the committee will then debate the application and consider the recommendation.

Note

If there are several objectors or supporters, they have to identify a representative who will speak on their behalf. If more than one person wishes to speak, the 3 minute time allowance must be shared amongst those who wish to speak. Objectors may wish to meet with other objectors in the foyer of the hall prior to the start of the meeting to appoint a representative.

Speakers should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already on the report.

The arrangements at the meeting may be varied at the discretion of the Chair.

Agenda Item 5

Couthwark Council

NUNHEAD AND PECKHAM RYE COMMUNITY COUNCIL - Planning -

MINUTES of the Nunhead and Peckham Rye Community Council held on Tuesday 6 March 2012 at 7.00 pm at John Donne Primary School, Woods Road, Peckham, London, SE15 2SW

PRESENT:	Councillor Sunil Chopra Councillor Fiona Colley Councillor Nick Dolezal Councillor Gavin Edwards Councillor Renata Hamvas Councillor Althea Smith
OFFICER SUPPORT:	Andre Verster, Planning Team Leader Rachel McKoy, Lawyer Alexa Coates, Principal Constitutional Officer

1. INTRODUCTION AND WELCOME

As both the chair and vice chair were not in attendance the clerk opened the meeting and asked for nominations for a chair for the duration of the meeting.

RESOLVED

That Councillor Nick Dolezal chair the meeting.

2. APOLOGIES

Apologies for absence were received from Councillors: Rowenna Davis, Mark Glover and Victoria Mills.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

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Nunhead and Peckham Rye Community Council - Tuesday 6 March 2012

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional paper circulated prior to the meeting.

• Addendum report relating to item 6 – development management items

5. MINUTES

RESOLVED

That the minutes of the meeting held on 15 February 2012 be agreed as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT ITEMS

6.1 48 GIBBON ROAD, LONDON, SE15 3XE

Planning application reference number 11-AP-3134

Report: See pages 11-21 of the agenda

PROPOSAL

Retention of ground floor single storey rear extension to residential unit.

The planning officer presented the report drawing members' attention to the addendum which had been circulated. Members asked questions of the planning officer.

An objector addressed the meeting and councillors asked questions of the objector.

The applicant was not present.

No supporters were present.

No members spoke in their capacity as ward councillor.

RESOLVED

- 1. That application 11-AP-3134 be approved subject to the conditions set out in the report.
- 2. That the community council request an information report, to a future meeting, from officers on the enforcement and environmental health issues at the property, including the width of the development and vermin problems.

The meeting ended at 7.33 pm.

CHAIR:

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DATED:

Item No. 6.	Classification: Open	Date: 11 April 2012	Meeting Name: Nunhead and Peckham Rye Community Council
Report title):	Development Manage	ment
Ward(s) or groups affected: All			
From:	Deputy Chief Exe		е

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 Councils case at appeal which maybe 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 & 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. 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).
- 18. 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. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the 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. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
- 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. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

- 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.
- 21. The National Planning Policy Framework (NPPF) is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. It is a consultation document and therefore may be subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it is a matter for the decisions-maker. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

BACKGROUND DOCUMENTS

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

AUDIT TRAIL

Lead Officer	Deborah Collins, Strateg	Deborah Collins, Strategic Director of Communities, Law &			
	Governance	Governance			
Report Author	Nagla Stevens, Principal	Planning Lawyer			
	Kenny Uzodike, Constitu	tional Officer			
Version	Final				
Dated	7 February 2012				
Key Decision	No	No			
CONSULTATION	CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET				
	MEMBER				
Officer Title					
j					
Strategic Director of Communities, Law & Yes Yes					
Governance					
Deputy Chief Executive No No					
Head of Development Management No No					

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ITEMS ON AGENDA OF THE NUNHEAD AND PECKHAM RYE CC

on Wednesday 11 April 2012

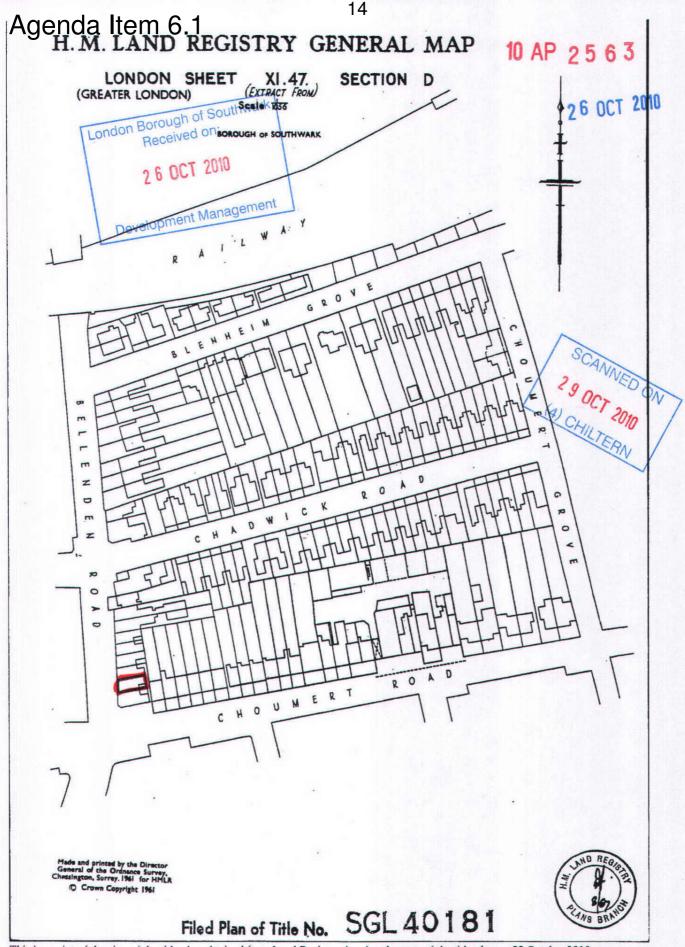
Appl. Type	Full Planning Permission	Reg. No.	10-AP-2563
Site 129 BELLENDEN ROAD, LONDON, SE15 4QY		TP No.	TP/2655-129
		Ward	The Lane
		Officer	Victoria Lewis
Recommendation Proposal	GRANT PERMISSION	Ite	m 6.1
1	e of use of ground floor and basement from a florists (Use Cla	ass A1) to an estate agents (Use Class A2).
Appl. Type	Full Planning Permission	Reg. No.	10-AP-2688

Appl. Type	Full Planning Permission	Reg. No.	10-AP-2688
Site CABRINI HOU	ISE, 2 HONOR OAK RISE, LONDON, SE23 3QY	TP No.	TP/2341-G
		Ward	Peckham Rye
		Officer	Andre Verster

Recommendation GRANT PERMISSION Proposal

Item 6.2

Retrospective application to vary the approved scheme appeal ref. App/A5840/05/1189974 (LBS ref. no. 05-AP-0722) to: create a 3 bedroom residential unit over the lower ground and upper ground levels of the coach house and change the height, design, massing and width of the coach house; retain the existing basement and use this space and the additional basement structure / space to the new three storey extension to Cabrini House as storage space; retaining wall to the north and east of the coach house and to the east of the new three storey extension to Cabrini House and revised hard and soft landscaping (including car parking spaces), refuse storage facilities, cycle parking and means of enclosure.



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 22 October 2010 at 16:18:17. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - Title Plans.

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Item No.	Classification:	Date:		Meeting Name:
item NO.	Classification.	Date.		Meeting Mane.
6.1	OPEN	11 April 20 ²	2	Nunhead and Peckham Rye
				Community Council
Report title:	Development Management planning application: Application 10-AP-2563 for: Full Planning Permission Address: 129 BELLENDEN ROAD, LONDON, SE15 4QY			
	Proposal: Retrospective change of use of ground floor and basement from a florists (Use Class A1) to an estate agents (Use Class A2) (retrospective).			
Ward(s) or groups affected:	The Lane			
From:	Victoria Lewis			
Application St	tion Start Date 26/10/2010 Application Expiry Date 21/12/2010			

RECOMMENDATION

1 That planning permission be granted.

BACKGROUND INFORMATION

Site location and description

- 2 This application is referred to Nunhead and Peckham Rye Community Council because it is contrary to saved policy 1.9 'Change of use within protected shopping frontages' of the Southwark Plan (2007)The application relates to a 3-storey plus basement mid terrace property located on the eastern side of Bellenden Road, the ground floor and basement of which are being used as an estate agents (Use Class A2) and have been since January 2007.
- 3 The site forms part of the Holly Grove Conservation Area, protected shopping frontage 28, the urban density zone, an air quality management area and the Peckham and Nunhead Action Area.

Details of proposal

4 Retrospective planning permission is sought for change of use from A1 retail (the ground floor and basement of the building were formerly used as a florists) to A2 (financial and professional services), to enable the use as an estate agents to continue.

Planning history

5 9900580 - Installation of new shopfront. Planning permission was GRANTED in June 1999.

Planning history of adjoining sites

6 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

7 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) amenity;

c) transport.

Planning policy

Core Strategy (2011)

8 Strategic policy 1 - Sustainable development
 Strategic policy 2 - Sustainable transport
 Strategic policy 3 - Shopping, leisure and entertainment
 Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 9 1.9 Change of use within protected shopping frontages 3.2 Protection of amenity
 - 5.2 Transport impacts
 - 5.3 Walking and cycling
 - 5.6 Car parking

London Plan (2011)

10 Policy 4.9 Small shops

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

- 11 PPS4: Planning for sustainable economic growth
- ¹² The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 13 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Principle of development

14 Saved policy 1.9 of the Southwark Plan states that planning permission for a change

of use from A1 Use Class within protected shopping frontages will be granted provided that the following criteria are met:

i) The proportion of units within any protected shopping frontage in A1 Use Class does not fall below 50% and:

ii) The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a 2 year period; and

iii) The proposal would not result in a material loss of amenity for surrounding occupiers; and

iv) The proposed use provides a service involving visits to the premises by members of the public;

- 15 The protected shopping frontage spans 113-161 and 168-196 Bellenden Road and contains 52 units in total. At present 20 of these units are in retail use, which equates to 38.4%, well below the 50% threshold. It is noted that if the application site reverted to its lawful A1 use, 40% of the units would be in A1 use. It has not been possible to establish the use of 172 Bellenden Road and it is noted that the protected shopping frontage includes a number of residential properties, numbers 115, 135, 146-166 and 153 Bellenden Road. These appear to have been included in the frontage in spite of their residential use, which has the effect of lowering the overall percentage of retail units.
- 16 A valuation report submitted with the application states that the premises was vacant at the time of an inspection on 9th October 2006, and the applicant has advised that he purchased the property in January 2007. There have been difficulties in obtaining information relating to the former A1 use because the property was vacant when the applicant purchased it. He has however, made contact with the previous owners who ran 'Bellenden Flowers' from the premises from February 2002 until April 2004, and which employed two people; the shop was open four days a week plus Saturdays. The person who owned the shop has advised the applicant that it did not make a profit and they closed the shop after a bus stop was erected in front of the shop window which concealed the premises from passing traffic and removed some on-street parking. Following this the premises was empty for just over a year before a florist called Sweet Pea moved in from mid 2005 until mid 2006, at which point the premises was closed owing to poor trade and the business is understood to have relocated to East Dulwich.
- 17 The proposal is contrary to part i of saved policy 1.9 on the grounds that the proportion of units in A1 use is below 50%. It is noted however, that it is already well below 50% and that this has not been as a result of the proposal. The application is also contrary to part ii of the policy in that no information has been submitted with regard to profits or marketing, given that the premises was already vacant when it was purchased by the applicant. From the information that the applicant has managed to obtain however, it appears that two former A1 uses on the site, both florists, were unable to sustain a viable business from the premises and closed down.
- 18 The A2 use has brought a vacant unit back into use, offering a service to the public with an active frontage which maintains the viability and vitality of the parade. It currently employs 5 full-time members of staff on the site, two full-time maintenance men and three part-time gas and electric engineers and operates 6 days a week, 09:00-18:00 Monday to Friday and 10:00-17:00 on Saturdays, and this in itself is likely to contribute to the success of the shopping frontage as employees are likely to use the nearby shops and services. Other specialist firms are also employed when required, including for pest control, roofing, damp and minor construction works A2 uses are commonly found within town centres and local shopping parades without causing any loss of amenity to neighbouring occupiers.

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With regard to advice contained in the draft National Planning Policy Framework, which sets out the government's commitment to a planning system which does all that it can to support sustainable economic growth and job creation, it is not considered that it would be appropriate to refuse planning permission in this instance. If permission were granted, it may well mean that enforcement action would have to be taken to close the business down, which could result in the loss of 5 full time jobs. For these reasons, it is not considered to be appropriate to refuse planning permission on the basis of saved policy 1.9.

Traffic issues

- 20 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
- 21 No objections are raised in this regard. The premises is likely to have a fairly local catchment with many people walking to and from the site. Parking is available on the surrounding streets and there is a bus stop outside the site. The site has a public transport accessibility level (PTAL) of 4 (medium).

Other matters

22 There are no other matters arising from the proposal.

Conclusion on planning issues

- 23 The proposal to retain the premises in A2 use is contrary to saved policy 1.9 of the Southwark Plan because the number of units in A1 use is below 50% and no information with regard to profits or marketing has been submitted. It is noted however, that even without factoring in the application site, the number of A1 uses in the parade is already below 50%, partly because the designation includes residential properties. In addition, the premises was vacant when purchased by the applicant thereby making it difficult to obtain information with regard to profits and marketing.
- 24 What is clear from the information it has been possible to obtain, is that two previous A1 uses at the site were not successful and consequently closed down. The estate agents now operating at the site has been doing so since January 2007 and employs 5 full-time members of staff. The use offers a service to members of the public, retains a full shopfront which contributes to the vitality of the parade, and the employees are likely to use local services. The proposal does not appear to be resulting in any loss of amenity or adverse highways conditions. In light of this, and with regard to advice contained in the draft National Planning Policy Framework which requires the planning system to do all that it can to support sustainable economic growth and job creation, it is recommended that planning permission be granted and the use allowed to continue. Each application is assessed on its own merits and it is not considered that this approach would undermine the retail function of the parade as other sites would all have their own unique circumstances.

Community impact statement

- 25 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 above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 26 One representation has been submitted objecting to the application on the following grounds:
 - The site is in a protected shopping frontage and retail uses should be protected;
 - There is already an estate agents in the parade;
 - Questions whether a temporary and personal permission could be granted;
 - Questions whether a limit to the number of estate agents in the parade could be imposed.
- 27 One representation has been received in support of the application on the following grounds:
 - This is a good, local, independent business which supports and is interested in the locality;
 - It maintains the property as a retail business and it is important to maintain Bellenden Road as a good local commercial street;
 - There are many applications to change retail / commercial premises to residential which is detrimental to local amenity therefore the application should be commended.

Human rights implications

- 28 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.
- 29 This application has the legitimate aim of continuing to provide an A2 use on the site. 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

N/A.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2655-129	Regeneration and	Planning enquiries telephone:
	Neighbourhoods	020 7525 5403
Application file: 10-AP-2563	Department	Planning enquiries email:
	160 Tooley Street	planning.enquiries@southwark.gov
Southwark Local Development	London	<u>.uk</u>
Framework and Development	SE1 2TZ	Case officer telephone:
Plan Documents		020 7525 5410
		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	Victoria Lewis, Planni	ng Officer			
Version	Final				
Dated	21 February 2012				
Key Decision	No				
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER					
Officer Title	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 Constitutional Team29 March 2012					

APPENDIX 1

Consultation undertaken

Site notice date: 09/11/2010

Press notice date: 04/11/2010

Case officer site visit date: 08/02/2012

Neighbour consultation letters sent: 05/11/2010

Internal services consulted: None.

Statutory and non-statutory organisations consulted: None.

Neighbours and local groups consulted:

05/11/2010	131 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	160 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	129 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	125 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	127 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	123 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	FIRST FLOOR AND SECOND FLOOR FLAT 127 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	117 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	166 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	113 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	162A BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	162B BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	121B BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	119A BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	GROUND FLOOR FLAT 119A BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	164A BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	119 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	121 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	115 BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	164B BELLENDEN ROAD LONDON SE15 4QY
05/11/2010	98 CHOUMERT ROAD LONDON SE15 4AX

Re-consultation: Not required.

APPENDIX 2

Consultation responses received

Internal services N/A.

Statutory and non-statutory organisations N/A.

Neighbours and local groups

Bellenden Residents' Group

- 1 Object to the application on the following grounds:
- 2 We understand that the shop frontage along this shopping parade is retail protected; The reasons for this are still valid - that this parade needs to be for retail uses and these uses need to be protected. There is already an estate agent on the parade. If planning permission had been sought for this change of use in 2007, when we first alerted the Council Planning Enforcement Team to the reports that it was being converted into non-retail use, we would have objected to that planning application then for that reason. The situation has not changed.
- 3 We realise that the estate agent's business is now in operation. If any permission is granted for the current estate agents, can it be temporary and granted on condition that it is for that estate agent's business only?

Officer response: for the reasons set out in the report the proposal is considered to be acceptable and a temporary or personal permission is not considered necessary.

4 Can a limit be imposed on the number of estate agents in that shopping area?

Officer response: It is not possible to control this through this planning application. Any applications at other premises in the parade would be assessed upon their merits.

66 Talfourd Road

5

Wish to support the change of use for the following reasons:

- The estate agent is a good local independent business which is interested in and supports the locality;
- The change of use maintains the property as a retain business. It is very important to maintain Bellenden Road as a good local commercial street;
- It appears that there are many applications to change retail / commercial properties into residential. In my opinion this is detrimental to the local amenity, so such an application should be commended.

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	Mr G. Mozley GJM Property	Reg. Number	10-AP-2563	
Application Type Recommendation	Full Planning Permission Grant permission	Case Number	TP/2655-129	
Draft of Decision Notice				

Planning Permission was GRANTED for the following development:

Retrospective change of use of ground floor and basement from a florists (Use Class A1) to an estate agents (Use Class A2).

At: 129 BELLENDEN ROAD, LONDON, SE15 4QY

In accordance with application received on 31/08/2010

and Applicant's Drawing Nos. Site location plan, ground floor and basement plan, report and valuation document.

Reasons for granting permission.

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

Strategic policies of the Core Strategy 2011

Strategic Policy 1 – Sustainable development: requires new developments to help meet the needs of a growing population in a way that respects the planet's resources and protects the environment.

Strategic Policy 2 – Sustainable transport: requires new developments to help create safe attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 3 – Shopping, leisure and entertainment: requires new development to help maintain a network of successful town centres which have a wide range of shops, services and facilities to help meet the needs of Southwark's population.

Strategic Policy 13 – High environmental standards: Requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems.

Saved policies of the Southwark Plan 2007

1.9 Change of use within protected shopping frontages (seeks to protect A1 uses within protected shopping frontages)

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

5.2 Transport Impacts (states that permission will not be granted for developments that have an adverse affect on the transport network and that there is adequate provision for servicing, circulation and access;

5.3 Walking and Cycling (seeks to ensure that there is adequate provision for cyclists in and around the site);

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

Policies of the London Plan 2011

Policy 4.9 Small shops

Planning Policy Statements [PPS] and Guidance Notes [PPG]

PPS4: Planning for sustainable economic growth

Particular regard was had to the percentage of units within A1 use within the parade and the lack of any information regarding profits or marketing, but the percentage of retail uses in the parade is already below 50% and the premises

was vacant when the occupier purchased it. The A2 use offers a service to members of the public, employs 5 members of staff who are likely to use the local shops and retains a full shopfront which contributes to the vitality of the parade. The use is not causing any loss of amenity or adverse highways conditions and supports job creation and sustainable economic growth, in accordance with the draft National Planning Policy Framework. 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:

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

ground floor and basement plan.

Reason:

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



CABRINI HOUSE, 2 HONOR OAK RISE, LONDON, SE23 3QY



Item No.	Classification:	Meeting Date:	Meeting Name:		
6.2	OPEN	11 April 2012	Nunhead and Peckham Rye Community Council		
Report title:	 Development Management planning application: Application 10-AP-2688 for: Full Planning Permission Address: CABRINI HOUSE, 2 HONOR OAK RISE, LONDON, SE23 3QY Proposal: Retrospective application to vary the approved scheme appeal ref. App/A5840/05/1189974 (LBS ref. no. 05-AP-0722) to: create a 3 bedroom residential unit over the lower ground and upper ground levels of the coach house and change the height, design, massing and width of the coach house. Retain the existing basement and use this space and the additional basement structure / space to the new three storey extension to Cabrini House as storage space; retaining wall to the north and east of the coach house and to the east of the new three storey extension to Cabrini House and revised hard and soft landscaping (including car parking spaces), refuse storage facilities, cycle parking and means of enclosure. 				
Ward(s) or groups affected:	Peckham Rye				
From:	Head of Development Management				
Application Start Date29/11/2011Application Expiry Date15/03/2012					

RECOMMENDATION

1 Grant planning permission.

BACKGROUND INFORMATION

Site location and description

- 2 This application is being reported to the Community Council due to six objections being received.
- 3 Cabrini House is a three storey locally listed extended Georgian building located on the corner of Honor Oak Rise (where the vehicular entrance is located) and Forest Hill Road. There is a large forecourt between the building and Forest Hill Road where a number of mature trees are located. The building is within the Honor Oak Rise Conservation Area.

Details of proposal

- 4 This application arises from unauthorised development on the site. A permission exists for an extension to Cabrini House, and a two storey coach house providing 2 flats; together with conversion to Cabrini House to flats. Works have been undertaken that do not accord with the approved plans. Permission is sought to retain much of what has been constructed on site, with some design modifications.
- 5 Coach house:

Planning permission was granted on appeal for a two storey coach house. An additional storey has been added without planning permission, and this application is for the retention of the unauthorised three storey coach house. The lower ground floor of the coach house is currently occupied but the upper ground and the top floors are vacant.

6 The height, width and depth of the approved two storey coach house is compared with the existing unauthorised three storey coach house in the table below:

light of room book	house	ch Two storey (appea approval)	(unauthorised)
Height at rear back of pavement to the eaves		4.5m	5.2m - 6.3m
Height to the ridge with a shallower roo pitch		5.5m	8.9m (flat roof)
	e 10m	10.5m	9.5m
Depth	12.5m	10m	10m

- 7 The roof shape is also different, being a flat roof instead of a pitched roof.
- 8 The previously approved coach house comprises 2 two bedroom flats over two floors. It is proposed to create a three bedroom residential unit over the lower ground and upper ground levels of the unauthorised three storey coach house. The lower ground floor would comprise a kitchen, dining room, living room, WC, hall, lobby and stairs leading to the upper ground floor. The upper floor would comprise three bedrooms, of which one is on-suite, a hall, bathroom, storage space and stairs.
- 9 The first floor flat would comprise two bedrooms, bathroom, a living room / kitchen and a dining room / study.
- 10 The approved scheme shows a pedestrian gate at the side of the coach house leading to Honor Oak Rise into the rear garden area of Cabrini House. Whilst this gate has been built in the correct location it appears to be located further up Honor Oak Rise. The reason for this is that the building, when viewed from the street boundary, has reduced in width - from 10.5m in the approved scheme to 9.5m. The gate is therefore in the correct location and gives access to a small area of grass which leads to and gives access to the rear garden (which is at a lower level) of Cabrini House. Due to the restricted width and slope of this part of the site it is likely that the gate would only be used to provide access for maintenance.
- 11 Cabrini House:

It is proposed to retain the existing basement and use this space and the additional unauthorised basement in the extension to Cabrini House as ancillary storage space for the sole use of the associated residential units.

- 12 It is proposed to retain the retaining wall to the north and east of the coach house and the retaining wall to the east of the new three storey extension to Cabrini House.
- 13 The hard and soft landscaping, including the extent and layout of car parking spaces differ from the approved scheme and is also unauthorised.
- 14 The current unauthorised refuse storage facilities, cycle parking and means of enclosure will also be assessed under the current application.

Planning history

- 15 In October 1990 permission was refused for the erection of a 3-storey side extension to form a 4-bedroom house and the conversion of the existing building into seven flats, together with associated external alterations. There were three grounds for refusal:
 - the scale and bulk of the extension would be out of character with the existing building, detrimental to the street scene and would neither preserve nor enhance the character or appearance of the conservation area;
 - over development of the site by virtue of the number of residential units proposed, inadequate amenity space, the siting of the proposed parking spaces and the bulk of the proposed extension;
 - and the siting of the proposed parking spaces could result in the felling of trees which would be detrimental to the character of the conservation area and would result in the loss of visual amenity.
- 16 03-AP-2209: Planning permission was granted in March 2005 for the erection of a 3 storey extension to eastern side of the main building, and part-one storey/part-two storey extensions above the existing ground floor at the rear of the building, and conversion of the enlarged building into 19 self-contained flats, with the creation of 18 off-street car parking spaces at the front of the building.
- 17 05-AP-0722: Planning permission was refused in August 2005 for erection of a three storey extension to the side and a two storey extension above the existing ground floor to rear of the main building and the demolition of a two storey building and replacement with a new two storey building to the rear of the site; conversion of enlarged modified buildings from bedsit accommodation and one self contained maisonette into 12 x two bed and 2 x three bedroom flats with associated parking.
- 18 The three reasons for refusal are:
- 19 1. The submitted drawings are inaccurate as there are inconsistencies between the floor layouts and elevations and annotations appear incorrect which has resulted in the inability of Council to make an appropriate assessment of the proposed development and determine the extent of any potential harm to the amenity of residents and the Conservation Area.
- 20 2. The proposed development would fail to provide affordable housing on a site which is capable of such provision as demonstrated by the approval of planning application ref. no. 03-AP-2209 in March 2005 for 19 flats and would thereby be contrary to Policy H.1.4 'Affordable Housing' of the Unitary Development Plan 1995 and adopted Supplementary Planning Guidance: Affordable Housing (2002).
- 3. The proposed 2-storey extension and external alterations to the existing building and proposed 3-storey side extension would detract from the appearance of the building and would detract from the character and appearance of the conservation area due to its design, scale, proportions and materials and would thereby conflict with Policies E.2.3 'Aesthetic Control' and E.4.3 'Proposals Affecting Conservation Areas' of the Southwark Unitary Development Plan 1995, and Policies 3.10 'Efficient Use of Land', 3.11 'Quality in Design', 3.13 'Urban Design', 3.15 'Conservation of the Historic Environment' and 3.16 'Development in Conservation Areas' of the Southwark Plan [Revised Draft] February 2005 and adopted Supplementary Planning Guidance No.1 'Design and Layout of Developments' (1997).
- 22 Following an appeal planning permission was granted for the above application in May 2006.

23 The appeal was subject to a number of conditions, some of which remain undischarged. However, this application should be considered afresh, given that it for a different building to that granted on appeal.

Planning history of adjoining sites

24 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

25 The main issues to be considered in respect of this application are:

a) the detailed design of the alterations and the impact of the additional bulk of the enlarged coach house on the character and appearance of this part of the conservation area;

b) amenity issues for future occupiers of the units in the coach house and neighbouring properties;

c) acceptability of additional storage associated with Cabrini House residential units

d) hard and soft landscaping (including car parking spaces), refuse storage facilities, cycle parking and means of enclosure.

Planning policy

26 Core Strategy 2011

Strategic Policy 2 Sustainable Development Strategic Policy 12 Design and Conservation Strategic Policy 13 High Environmental Standards

27 Southwark Plan 2007 (July) - saved policies

- 3.2 Protection of Amenity
- 3.12 Quality in Design
- 3.13 Urban Design
- 3.15 Conservation of the Historic Environment
- 3.16 Development in Conservation Areas
- 4.2 Quality of Residential Accommodation
- 5.3 Walking and cycling
- 5.6 Car Parking
- 5.7 Parking Standards for Disabled People

Supplementary Planning Document (SPD): Residential Design Standards 2011

28 National

National Planning Policy Framework (NPPF)

Principle of development

29 There would be no increase in the number of residential units on the site from that

approved and there is no land use objection to a 3 bedroom residential unit over the lower ground and upper ground levels of the coach house.

- 30 The increase in height, massing and width and detailed design alterations of the coach house is assessed in the design section of this report.
- 31 The National Planning Policy Framework (NPPF) sets out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 32 The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective and accordingly should attract significant weight.

Environmental impact assessment

33 The proposed development lies outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not require the submission of an environmental impact assessment. It is not considered that significant environmental effects would arise.

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

34 Saved policy 3.2 Protection of Amenity of the Southwark Plan and Core Strategy Policy 13 High Environmental Standards seek to protect neighbours from harmful amenity impacts arising from development.

Coach house:

It is considered that the altered envelope of the three storey coach house would not result in any loss of light, increased sense of enclosure or overlooking of nearby properties.

Cabrini House:

- 35 Objectors raised concerns that basement areas in Cabrini House and the extension to Cabrini House would be converted into additional flats. A site visit by the planning officer confirmed that the basements are used for basic storage and have no external openings or access to the outside.
- 36 It is proposed to retain these basement areas as storage space ancillary to the residential use. This is clearly annotated on the submitted drawings and Members should note that planning permission would be required to convert the basement of Cabrini House into additional flats. A condition limits the basements to be used only for ancillary residential purposes.

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

37 The properties in the immediate vicinity, bar the school and the nursery to the south east, are in residential use. Cabrini House has been occupied for at least two years without any known detrimental impact on occupiers from nearby uses. There is no reason to believe that nearby uses would have a detrimental impact on the occupiers and users of the flats.

Impact on amenity of future occupiers

- 38 Saved policy 4.2 Quality of Residential Accommodation of the Southwark Plan seeks to ensure that the size of rooms and units are adequate and will provide a good level of amenity for future occupiers. Guidance in the Residential Design Guide SPD sets out how new dwellings should have good outlook, ventilation and daylighting.
- 39 Coach house:

The room sizes of the three bedroom maisonette over the lower ground and upper ground floor are: Dining room: 12.6sqm - there is no standard specified in the SPD. Kitchen:15.6sqm - this is above the minimum of 8m² required in the SPD. Living room: 26.7sqm - this is above the 15m² required in the SPD. WC: 4.6sqm - this is above 3.5m² required in the SPD.

Bedroom 1 (en-suite):24.2sqm - this is above the 12m² required in the SPD. Bedroom 2: 17.5sqm - this is above the 12m² required in the SPD. Bedroom 3: 14.2 sqm - this is above the 12m² required in the SPD. Bathroom: 5sqm - this is above the 3.5m² required in the SPD. Storage: 1.4sqm - this is adequate when considered in the context of additional storage space available in the basement of Cabrini House.

The three bedroom maisonette would have a generous internal floor area of $121.8m^2$ which is in excess of the required $95m^2$.

- 40 The room sizes of the two bedroom flat on the third floor are: Dining room / study: 8.3sqm - there is no minimum floor area specified in the SPD. Living room / Kitchen: 24.2sqm - there is no minimum specified in the SPD. Bedroom 1 (en-suite):17.5sqm - this is above the 12m² required in the SPD. Bedroom 2: 14.2sqm - this is above the 12m² required in the SPD. Bathroom: 5sqm - this is above the 3.5m² required in the SPD.
- 41 The internal floor area of this unit at 69.2m² is only marginally below the 70m² required by the SPD.
- 42 It is considered that given the generous room sizes of the three bedroom flat and adequate room sizes of the two bedroom flat, future occupiers would benefit from good quality living conditions.

Coach house:

43 The lightwell to the north varies in width from 1.2m to 1.8m with a depth of 4m and has a 1m tall metal railing above. This space would not provide any outlook from the kitchen on the lower ground floor of the three bedroom maisonette. However, the Residential Design Standards SPD only requires that all bathrooms, WCs and kitchens should have adequate ventilation and there is no requirement to provide any windows or view from these rooms. It is noted that the living room on the lower ground floor would have no windows on the lightwell elevation and it is considered that the large full height window on the east elevation would provide adequate light leading to a good quality living space.

Traffic issues

- 44 Saved policy 5.3 Walking and Cycling seeks adequate pedestrian and cycling facilities in new development; saved policy 5.6 Car Parking seeks adequate car parking facilities.
- 45 The area covered by tarmac, to accommodate off-street car parking spaces, under the approved scheme is smaller than what has been put in place on site. A total of 19 off-street car parking spaces are in place on site, and 4 are reserved for visitors.

A turning area for vehicles is provided to the east of parking spaces 18 and 19.

- 46 It is noted that under approved application 05-AP-0722 the transport team advised that there are no objections to the proposal, but it was requested that the bay described as a visitor bay / disabled bay and its adjacent bay be dedicated to disabled parking only. Although the parking bay closest to the main entrance of Cabrini House is shown as a visitor / disabled bay on the approved plan 2597-PD-001 the Planning Inspector required this to be solely for the purposes of disabled parking (see wording below).
- 47 Condition 8 of application 05-AP-0722 states that "the parking areas shall be provided in accordance with the approved plans before any of the units are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles. The visitor/disabled bay indicated on drawing 2597-PD-001 shall be dedicated solely for the purposes of disabled parking."
- 48 The parking layout proposed in the current application does include the above required disabled parking bay. However, it is necessary to include a condition to ensure that it is provided in accordance with the required size standards.

The applicant failed to discharge condition 10, relating to cycle storage, of the approved scheme 05-AP-0722. Drawing 7546/09 shows 3 Sheffield type cycle parking to the north east of parking space 19. Full details of cycle parking are required by condition, but there is adequate space on site to provide it.

49 The refuse storage facilities have been built in a different location to what is shown on the approved plans. Furthermore, the applicant failed to discharge condition 11, relating to details of the refuse storage, of the approved scheme. The current application addresses this aspect of the unauthorised development by seeking retrospective planning permission for the refuse store erected to the south of the vehicular entrance. This aspect of the scheme is considered adequate.

Design issues

Coach house

50 South west / front elevation:

It is proposed to remove the existing concrete coping to the top of the parapet wall and replace it with 60mm high polyester powder coated aluminium metal flashing. The colour of the metal flashing would match the dark grey colour of the existing windows / doors on the south east elevation of the coach house.

- 51 Prior to submission of the current application the applicant agreed to extend the outer wall of the coach house horizontally by half a brick thickness (112.5mm) on both sides in order to create an increased amount of brickwork along the external boundary. Officers required this alteration in order to create a set-back in both the south west (front) elevation of the coach house and north west elevation of the boundary wall.
- 52 On this elevation, there is currently a vertical line denoting a change in facing brickwork. It is proposed to insert a new vertical half-brick recessed gap into the brickwork and finish it with dark grey powder coated aluminium metal flashing which would match the new coping above. A large scale detail on drawing 10/CBHS01/010 revB illustrates how the coping will be finished and setback in the wall with flashing.
- 53 It is proposed to remove the three existing outward opening door / window frames and to install new window frames of a similar colour to the existing. These would be the same colour as the existing windows and would be full height but would be inward

opening with fixed glazing. This would be acceptable.

54 The mortar pointing to the facing brickwork would have 3mm fully recessed joints throughout. There is no objection to this finishing.

South east / side elevation:

- 55 On this elevation it is also proposed to remove the existing concrete coping to the top of the parapet wall and replace it with 60mm high polyester powder coated aluminium metal flashing. The colour of the metal flashing would match the dark grey colour of the existing windows / doors on the south east elevation of the coach house.
- 56 It is also proposed to remove three courses of brickwork vertically to lower the overall height of the coach house from 9.1m to 8.95m. It should be noted that this would help to reduce the perceived height of the building.
- 57 Lower ground, upper ground and third storey (south east / side elevation): It is proposed to remove brickwork under the three existing small windows and reform openings to make full height windows. These windows would be more appropriate and in keeping with the larger windows in Cabrini House and on the coach house.
- 58 It is proposed to remove the six existing outward opening door / window frames and to install new window frames.
- 59 The boiler outlet flue would be moved to a position above the new full height window at second floor. There is no objection to infilling an existing hole above the new full height window at upper ground level with brickwork.
- 60 The mortar pointing to the facing brickwork would have 3mm fully recessed joints throughout. There is no objection to this finishing.

North west elevation:

- 61 It is proposed to remove the existing concrete coping and one course of brickwork to the top of the coach house external boundary wall. These would be replaced with brick-on-edge coping 102.5mm high for the full length of the coach house facade. The brickwork would match the main coach house wall as built below.
- 62 The refuse storage facilities, as erected to the south of the vehicular entrance, is acceptable as it is considered that it would be of an appropriate scale and that the use of timber would be appropriate given its use and location in this part of the site.

Cabrini House basement:

63 It is proposed to retain the existing (excavated) basement and use this space and the additional basement structure / space to the new three storey extension to Cabrini House as storage space. As this part of the scheme does not affect the external appearance of the building this element of the proposal is considered to be acceptable.

64 Retaining walls:

The retaining wall to the north of the coach house is 4m high and has facing brickwork. There is no objection to this part of the proposal.

65 The retaining wall to the north of the new three storey Cabrini House extension comprises an exposed concrete block flat recessed section with piles under. This wall abuts the rear wall of the Cabrini House extension. Following officer advice the applicant agreed to clad the exposed concrete pile and cap in facing brickwork and to square it off back to the boundary wall. Unfortunately the applicant did not submit details of this aspect of the unauthorised scheme. This aspect of the scheme could be covered by an appropriate condition.

66 The retaining wall to the east of the new three storey extension to Cabrini House currently comprises two timber fence panels stacked on top of another to a height of approximately 4m with trellis on top. There is no objection to the proposal to remove it and clad the retaining wall with bricks.

Boundary treatment:

67 The applicant failed to discharge condition 9, relating to boundary treatment, of the previously approved application 05-AP-0722.

North west elevation:

- 68 The approved scheme shows a pedestrian gate at the north side of the coach house leading to Honor Oak Rise into the rear garden area of Cabrini House. Although a brick boundary wall has been built and a black metal gate installed it appears that this gate is located approximately 3m further up Honor Oak Rise. This is however not the case as the part of the building fronting Honor Oak Rise is not as wide as the approved scheme. On the boundary wall to the north of the new building the brickwork needs some repair on the coping and will remain insubstantial and appear weak without piers either side of the gate. This issue can be dealt with by an appropriate condition to ensure that piers would be added to the walls on both sides of the gate.
- 69 It is proposed to remove the panel of boundary brickwork between the gate and the side wall of the coach house and rebuild it in bricks to match the brickwork of the coach house. This is acceptable and is covered by an appropriate condition that the work will take place and be completed within 3 months from the date that planning permission is granted.
- 70 The bulk of the existing wall on the back of pavement (Honour Oak Rise frontage) appears very similar to what is there now, except that the section of boundary wall immediately in front of the Coach House (where there is now a new brick pier). Previously this part of the boundary wall was much higher and overgrown. This wall has been reconstructed and rebuilt and is still not satisfactory. There is still a small gap of red brick between the new coach house building and the rest of the yellow brick boundary wall. This needs to be reconstructed with a yellow brick that matches as completely as possible with the adjacent bricks and without any vertical gaps in the brickwork or visible expansion joints. One of its piers also becomes thinner lower down and a section of the wall is constructed in a very poor red brick. This needs rebuilding to make the pier of regular width.
- 71 This part of the proposal is acceptable subject to a condition regarding details to be submitted for approval of the height and detailed design of this part of the wall and pier.
- 72 The boundary treatment on the southern boundary comprising a metal fence above a brick wall is acceptable as this part of the boundary has not been altered.
- 73 The south eastern boundary is stepped and is characterised by various sections of fencing. There is no objection to the use of a metal mesh fence, a wooden fence and a metal fence along this boundary.
- 74 The details of the northern eastern boundary treatment is not shown on any plans but comprises reinstated chain-link type fencing as previous. This aspect of the scheme is acceptable.

Soft landscaping:

- 75 The more extensive tarmac area has reduces the area of soft landscaping forming a buffer between the car parking area and Honor Oak Park (road). This area is currently covered by grass and 6 trees.
- 76 The area between the car parking spaces and Cabrini House and the eastern boundary comprises grass and 1 tree.
- 77 The area to the north of Cabrini House and the northern boundary comprises grass and two trees.
- 78 Landscaping along the eastern boundary is limited to two raised flower beds and grass around the refuse store.
- 79 No objection is raised with regard to the landscaping of the site.

Hard landscaping:

- 80 The most noticeable area of hard landscaping is the extensive tarmac area forming the car parking and vehicular turning area. Although the tarmac area has increased in comparison with the approved scheme it is considered acceptable and would not detract from the character and appearance of the conservation area.
- 81 There is no objection to the concrete paving slabs providing pedestrian access to Cabrini House and the coach house.

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

Coach house:

- 82 The previous coach house building on the site was of a different architectural character from Cabrini House but its materiality and scale responded more to other brick buildings in the Conservation Area. The proposal for the retention of the unauthorised three storey coach house still makes use of two different bricks and it would be preferable if only one were used, but this would require the wholesale reconstruction of the south west elevation.
- 83 The south west and south east corner where there is a change of bricks and a recess between the new brown brick and the recycled stock brick is acceptable in its form. The success of the use of aluminium flashing depends on the finishing and may not be executed as cleanly on the south west and south east elevation as the drawings suggests. Officers are therefore recommending approval subject to a condition requiring the recessed surface being in brick as well as the coping on the wall of the south west and south east elevation of the building.
- 84 The remainder of the design matters have been discussed in detail above. It is considered that as a whole, subject to the recommended conditions relating to design issues, the proposed development would not have a detrimental impact on the character and appearance of the conservation area.
- 85 Objector letters refer to the lamppost next to the entrance, which has a low brick surround in the pavement, and a similar surround which used to around the next lamppost up the hill. Although objectors request that this should be reinstated this matter is not dealt with by the current application as it lies outside of the red line of the site.

Impact on trees

86 Drawing number 7546/01 rev E shows 6 trees along the southern boundary facing Honor Oak Park (road), one tree close to the west elevation facing Honor Oak Rise (road), one tree along the eastern boundary immediately to the east of parking space 19 and two trees in the north eastern corner of the site.

87 The landscaping of the site has been considered and is acceptable. The remedial works will not impact on the trees.

Planning obligations (S.106 undertaking or agreement)

88 None relevant.

Sustainable development implications

89 The proposed development would not lead to an increase in the energy demand of the site. The limited scale of the remedial works to what has been constructed on site meant that no sustainable development implications have been identified.

Other matters

90 Cabrini House:

Prior to submission of the current planning application the applicant advised that the expanded foam joint between the existing building and the new build element would be raked back and pointed correctly on the north east / rear elevation. This does not form part of the current application but a site visit by officers confirms that this work has been completed.

91 It is noted that objectors raised subsidence as a concern. Subsidence of neighbouring properties is not a material planning consideration.

Conclusion on planning issues

92 Not all the measures proposed to address the design concerns and requirements in terms of the provision of disabled car parking and cycle parking have been satisfactory. The scheme as a whole is however to be acceptable and the aforementioned issues can be covered by appropriate conditions.

Community impact statement

- 93 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: none.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

Consultations

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

Consultation replies

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

Summary of consultation responses

96 Five letters of objection have been received from 3, 17, 19, 30, 36 and 38 Honor Oak Rise.

Objections: boundary walls are too high and ugly, development is unauthorised and should be enforced against, too much tar mac, loss of trees, gate is in the wrong place, coach house has a flat roof instead of a pitched roof, lower ground floor will flood, and creates a dark area that windows look out onto, resulting in unpleasant living conditions.

Human rights implications

- 97 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.
- 98 This application has the legitimate aim of seeking retrospective planning permission for a coach house which has three storeys as opposed to the approved two storeys. 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

99 Strategic Director of Communities, Law & Governance

N/a

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2341-G	Regeneration and	Planning enquiries telephone:
	Neighbourhoods	020 7525 5403
Application file: 10-AP-2688	Department	Planning enquiries email:
	160 Tooley Street	planning.enquiries@southwark.gov
Southwark Local Development	London	<u>.uk</u>
Framework and Development	SE1 2TZ	Case officer telephone:
Plan Documents		020 7525 5457
		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	Andre Verster, Planning Officer				
Version	Final				
Dated	28 March 2012				
Key Decision	No				
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER					
Officer Title		Comments Sought	Comments included		
Strategic Director of Communities, Law & Governance		No	No		
Head of Planning		Yes	Yes		
Strategic Director of Environment and Housing		No	No		
Date final report sent to Constitutional Team		Feam	29 March 2012		

APPENDIX 1

Consultation undertaken

Site notice date: 09/12/2011

Press notice date: 15/12/2011

Case officer site visit date: 9/12/2011

Neighbour consultation letters sent: 08/12/2011

Internal services consulted:

Transport Team Urban Forester Planning Enforcement

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

13 HONOR OAK RISE LONDON SE23 3QY PETOMI LODGE 12 HONOR OAK RISE LONDON SE23 3QY 11 HONOR OAK RISE LONDON SE23 3QY 14 HONOR OAK RISE LONDON SE23 3QY 17 HONOR OAK RISE LONDON SE23 3QY 16 HONOR OAK RISE LONDON SE23 3QY 15 HONOR OAK RISE LONDON SE23 3QY FLAT 3 BRAESIDE COURT FOREST HILL ROAD LONDON SE23 3QX FLAT 2 BRAESIDE COURT FOREST HILL ROAD LONDON SE23 3QX FLAT 1 BRAESIDE COURT FOREST HILL ROAD LONDON SE23 3QX FLAT 4 BRAESIDE COURT FOREST HILL ROAD LONDON SE23 3QX 1 HONOR OAK RISE LONDON SE23 3QY FLAT 6 BRAESIDE COURT FOREST HILL ROAD LONDON SE23 3QX FLAT 5 BRAESIDE COURT FOREST HILL ROAD LONDON SE23 3QX THE LODGE 1A OAKHILL COURT HONOR OAK PARK LONDON SE23 3LF 153B FOREST HILL ROAD LONDON SE23 3QU 153A FOREST HILL ROAD LONDON SE23 3QU ST FRANCESCA CABRINI PRIMARY SCHOOL HONOR OAK PARK LONDON SE23 3LE SACRED HEART CONVENT HONOR OAK PARK LONDON SE23 3LE 21 HONOR OAK RISE LONDON SE23 3QY CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY 19 HONOR OAK RISE LONDON SE23 3QY 3 HONOR OAK RISE FOREST HILL LONDON SE23 3QY 9 HONOR OAK RISE LONDON SE23 3QY 7 HONOR OAK RISE LONDON SE23 3QY 5 HONOR OAK RISE LONDON SE23 3QY FLAT 1 COACH HOUSE 2A HONOR OAK RISE LONDON SE23 3QY 8 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR FLAT 2 COACH HOUSE 2A HONOR OAK RISE LONDON SE23 3QY FLAT 3 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 2 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 1 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY 3 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 2 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 1 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 4 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 7 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 6 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 5 OAKLANDS HOUSE 194 HONOR OAK PARK LONDON SE23 3LR 155 FOREST HILL ROAD LONDON SE23 3QU

FLAT 12 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 11 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY 157 FOREST HILL ROAD LONDON SE23 3QU 163 FOREST HILL ROAD LONDON SE23 3QU 161 FOREST HILL ROAD LONDON SE23 3QU 159 FOREST HILL ROAD LONDON SE23 3QU FLAT 6 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 5 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 4 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 7 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 7 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 10 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 9 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 9 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 8 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 8 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 8 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY FLAT 8 CABRINI HOUSE 2 HONOR OAK RISE LONDON SE23 3QY 30 HONOR OAK RISE LONDON SE23 3RA 36 HONOR OAK RISE LONDON SE23 3RA

Re-consultation:

N/a

APPENDIX 2

Consultation responses received

Internal services

Transport Team

Do not have any reason to suggest a refusal. However the points below will need to be addressed prior to this application be determined.

- Details required regarding cycle storage.
- Details required regarding parking space allocation.

Urban Forester No comments received.

Planning Enforcement No comments received.

Statutory and non-statutory organisations

None.

Neighbours and local groups

Six letters of objection have been received from properties along Honor Oak Rise raising the following issues:

a) The addition of 1 residential unit on a site with 14 existing residential units.

b) the detailed design of the alterations and the impact of the additional bulk of the enlarger coach house on the character and appearance of this part of the conservation area;

The development as built is very different to the approved scheme and this application only token changes to the built development and does not restore it to anywhere near the approved scheme.

Coach house:

The original coach house was at least 1m lower and had a gable roof. This means the coach house appears significantly bigger than it should have done. The proposal to take three courses of brick off the top will make very little difference.

Several colours of brick have been used, none of which matches the adjacent wall. The windows are modern in design so bear no relation to those in the main house and does not integrate visually with the main property.

This is a conservation area and the ethos of the road has been compromised by the ugly square flat roofed brick monolithic block.

It has no sympathetic features that echo the original building or the main house that it is linked too.

c) amenity issues for future occupiers of the units in the coach house and neighbouring properties;

Loss of light due to additional height of the unauthorised 3 storey building.

Future occupiers (coach house):

The lowest of the three floors would impose unpleasant living conditions on future occupiers as it is completely below ground level (unlike the original planning proposal).

d) acceptability of additional storage associated with Cabrini House residential units

e) hard and soft landscaping (including car parking spaces)

Trees in the grounds, which were to be retained on the original plan, have been removed.

Virtually the whole of the area between Cabrini House and Forest Hill Road has been covered in tarmac - there has been no attempt at designing the grounds to be sympathetic in any way to the fine facade of trees.

Refuse storage facilities,

Cycle parking and

Means of enclosure.

Other matters:

Subsidence

The original plans were for a two storey building. Digging out the earth to create a basement has caused the road to subside because the piling was probably inadequate.

Consultation

It is alleged that this application has been sent for consultation on forms for a 'non-material amendment'.

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	Mr G. Mozley GJM Property	Reg. Number	Reg. Number 10-AP-2563		
Application Type Recommendation	Full Planning Permission	Case Number	TP/2655-129		
	Draft	t of Decision Notice			

Planning Permission was GRANTED for the following development:

Retrospective change of use of ground floor and basement from a florists (Use Class A1) to an estate agents (Use Class A2).

At: 129 BELLENDEN ROAD, LONDON, SE15 4QY

In accordance with application received on 31/08/2010

and Applicant's Drawing Nos. Site location plan, ground floor and basement plan, report and valuation document.

Reasons for granting permission.

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

Strategic policies of the Core Strategy 2011

Strategic Policy 1 – Sustainable development: requires new developments to help meet the needs of a growing population in a way that respects the planet's resources and protects the environment.

Strategic Policy 2 – Sustainable transport: requires new developments to help create safe attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 3 – Shopping, leisure and entertainment: requires new development to help maintain a network of successful town centres which have a wide range of shops, services and facilities to help meet the needs of Southwark's population.

Strategic Policy 13 – High environmental standards: Requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems.

Saved policies of the Southwark Plan 2007

1.9 Change of use within protected shopping frontages (seeks to protect A1 uses within protected shopping frontages)

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

5.2 Transport Impacts (states that permission will not be granted for developments that have an adverse affect on the transport network and that there is adequate provision for servicing, circulation and access;

5.3 Walking and Cycling (seeks to ensure that there is adequate provision for cyclists in and around the site);

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

Policies of the London Plan 2011

Policy 4.9 Small shops

Planning Policy Statements [PPS] and Guidance Notes [PPG]

PPS4: Planning for sustainable economic growth

Particular regard was had to the percentage of units within A1 use within the parade and the lack of any information regarding profits or marketing, but the percentage of retail uses in the parade is already below 50% and the premises

was vacant when the occupier purchased it. The A2 use offers a service to members of the public, employs 5 members of staff who are likely to use the local shops and retains a full shopfront which contributes to the vitality of the parade. The use is not causing any loss of amenity or adverse highways conditions and supports job creation and sustainable economic growth, in accordance with the draft National Planning Policy Framework. 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:

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

ground floor and basement plan.

Reason:

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

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NUNHEAD AND PECKHAM RYE COMMUNITY COUNCIL AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2011-12

Original held by Constitutional Team; all amendments/queries to NOTE: Alexa Coates Tel: 020 7525 7385

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