

Planning Sub-Committee B

Tuesday 10 July 2012

7.00 pm

Conference Room G02a, 160 Tooley Street, London, SE1 2QH

Membership

Councillor Darren Merrill (Chair)
Councillor Nick Stanton (Vice-Chair)
Councillor Neil Coyle
Councillor Nick Dolezal
Councillor Mark Gettleson
Councillor Richard Livingstone
Councillor Wilma Nelson

Reserves

Councillor James Barber
Councillor Sunil Chopra
Councillor Poddy Clark
Councillor Patrick Diamond
Councillor Helen Hayes

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Contact

Gerald Gohler, Constitutional Officer, on 020 7525 7420 or email: gerald.gohler@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Acting Chief Executive

Date: 2 July 2012



Planning Sub-Committee B

Tuesday 10 July 2012
7.00 pm
Conference Room G02a, 160 Tooley Street, London, SE1 2QH

Order of Business

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| 1. | INTRODUCTION AND WELCOME | |
| 2. | APOLOGIES | |
| 3. | CONFIRMATION OF VOTING MEMBERS | |
| | A representative of each political group will confirm the voting members of the committee. | |
| 4. | 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. | |
| 5. | 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. | |
| 6. | DEVELOPMENT MANAGEMENT ITEMS | 1 - 6 |
| | 6.1. 82 TOWER BRIDGE ROAD, LONDON SE1 4TP | 7 - 33 |
| | 6.2. CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON SE15 6LA | 34 - 54 |
| | 6.3. 9 COLLEGE ROAD, LONDON SE21 7BQ | 55 - 67 |
| | 6.4. 43 TURNEY ROAD, LONDON SE21 7JA | 68 - 78 |

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Gerald Gohler, Constitutional Officer Tel: 020 7525 7420 or email: gerald.gohler@southwark.gov.uk
Website: www.southwark.gov.uk

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DEPUTATIONS

Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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please telephone 020 7525 7420.**



PLANNING SUB-COMMITTEE

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.

(b) The applicant or applicant's agent.

(c) One representative for any supporters (who live within 100 metres of the development site).

(d) Ward councillor (spokesperson) from where the proposal is located.

(e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

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

Contacts: The Head of Development Manager
Planning Section, Regeneration Dept
Tel: 020 7525 5437; or

Planning Sub-Committee Clerk, Constitutional Team
Communities Law & Governance
Tel: 020 7525 7420

| | | | |
|------------------------------------|--------------------------------|------------------------------|--|
| Item No. 6. | Classification: Open | Date: 10 July 2012 | Meeting Name: Planning Sub-Committee B |
| Report title: | | Development Management | |
| Ward(s) or groups affected: | | All | |
| 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 of the constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees A and B exercising planning functions are described in parts 3F 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 & 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 decision-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 30 January 2008 and Council Assembly Agenda 23 May 2009 | Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 5LX | 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, Strategic Director of Communities, Law & Governance | |
| Report Author | Principal Planning Lawyer Kenny Uzodike, Constitutional Officer | |
| Version | Final | |
| Dated | 7 February 2012 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments sought | Comments included |
| Strategic Director of Communities, Law & Governance | Yes | Yes |
| Deputy Chief Executive | No | No |
| Head of Development Management | No | No |

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B**on Tuesday 10 July 2012**

Appl. Type Full Planning Permission
Site 82 TOWER BRIDGE ROAD, LONDON, SE1 4TP

Reg. No. 11-AP-3808
TP No. TP/165-82
Ward Grange
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Proposal

Change of use of ground floor from amusement arcade (Sui Generis) to financial and professional services (Class A2)

Item 6.1

Appl. Type Full Planning Permission
Site CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON, SE15 6LA

Reg. No. 11-AP-3481
TP No. TP/2386-1A
Ward Peckham
Officer Fennel Mason

Recommendation GRANT PERMISSION

Proposal

Use of premises as a place of worship (Class D1)

Item 6.2

Appl. Type Full Planning Permission
Site 9 COLLEGE ROAD, LONDON, SE21 7BQ

Reg. No. 11-AP-4229
TP No. TP/2084-9
Ward Village
Officer Sonia Watson

Recommendation GRANT PERMISSION

Proposal

First floor extension over existing garage, a single storey rear extension; extended conservatory and terrace at second floor level with new small terrace at first floor. Installation of solar PV and thermal panels on the roof.

Item 6.3

Appl. Type Full Planning Permission
Site 43 TURNEY ROAD, LONDON, SE21 7JA

Reg. No. 12-AP-0875
TP No. TP/2546-43
Ward Village
Officer Anna Clare

Recommendation GRANT PERMISSION

Proposal

Extension of existing basement to create additional residential accommodation, with installation of dormer extensions to the rear roof slope and over the rear outrigger, two new rooflights, dropped kerb to access front garden, and external alterations to rear of property, including replacement of ground floor rear elevation doors and new rooflight to existing side infill extension.

Item 6.4

82 TOWER BRIDGE ROAD, BERMONDSEY, LONDON, SE1 4TP

Ordnance Survey

Date 21/3/2012



Agenda Item 6.1

| | | | |
|--|--|--|--------------------------|
| Item No. | Classification: | Date: | Meeting Name: |
| 6.1 | OPEN | 10 July 2012 | Planning Sub-Committee B |
| Report title: | Development Management planning application: Application 11-AP-3808 for: Full Planning Permission Address: 82 TOWER BRIDGE ROAD, LONDON, SE1 4TP Proposal: Change of use of ground floor from amusement arcade (Sui Generis) to financial and professional services (Class A2) | | |
| Ward(s) or groups affected: | Grange | | |
| From: | Head of Development Management | | |
| Application Start Date 21 November 2011 | | Application Expiry Date 16 January 2012 | |

Recommendation

- 1 To consider additional information which has been submitted by the applicant in support of the application.

Background

- 2 This application was presented to Members at Bermondsey Community Council on 16 April 2012 with a recommendation that planning permission be granted, and the original report is attached at Appendix 1. Members resolved to refuse planning permission in light of the National Planning Policy Framework (NPPF) and on the basis that use would not amount to a sustainable form of development and would be detrimental to the creation of a thriving retail area. The formal issuing of the decision was deferred however, to enable officers to formulate a reason for refusal which was to be agreed at the following meeting. In the meantime the applicant has submitted additional information in support of the application which officers have reviewed and believe has a bearing on this application, and which Members are now asked to consider.
- 3 82 Tower Bridge Road is a vacant amusement arcade with residential above, and planning permission is sought for change of use of the ground floor to an A2 use 'Financial and professional services'. The unit would be occupied by the Money Shop which offers services including cheque cashing, money transfer, foreign currency exchange, cash loans and pawnbroking and Members were concerned about the impact this would have on the retail function of the area.
- 4 The applicant has subsequently submitted two appeal decisions which grant permission for change of use from retail (Use Class A1) to a money shop (Use Class A2) and these are attached at Appendices 3 and 4. Although these appeal sites are not located in the borough, both relate to the provision of the Money Shop within protected shopping frontages and both appeals were determined after the NPPF came into force. As such, officers consider that the provision of a Money Shop in a protected shopping frontage has already been tested against the NPPF, and in both instances was found to be acceptable. It should also be noted that the applicant

successfully applied for costs in relation to one of these appeals, and the costs decision is included at Appendix 4.

- 5 Officers consider that these appeal decisions represent new information which Members should take into account when considering the application at 82 Tower Bridge Road. These appeal decisions demonstrate that the NPPF has already been tested with regard to a money shop within protected shopping frontages and has been found to be acceptable. Paragraph 12 of the NPPF states that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The Council has an up-to-date development plan in place which the development would comply with, and it would comply with the provisions of the NPPF which is a material consideration.
- 6 Officers consider that the proposal would constitute a sustainable form of development in that it would bring a vacant unit back into active use, it would not result in any loss of retail because the lawful use of the site is currently an amusement arcade (sui generis), and it would create employment and generate activity on the street which could support the other uses in the frontage. It is noted that this view accords with the findings of the Planning Inspectors in determining the appeals. Officers therefore remain of the view that permission should be granted. If however, having considered the appeal decisions Members remain of the view that planning permission should be refused, the following reason is suggested which reflects that which was put forward by Bermondsey Community Council on 16 April 2012:

Reason for Refusal

Owing to the pressure on commercially viable retail space, the proposed A2 'Financial and professional' use would not amount to a sustainable form of development, and would be to the detriment of creating a thriving retail area which would better serve the needs of the local population. As such the proposal is considered to be contrary to the provisions of the National Planning Policy Framework which seeks to encourage sustainable development which meets the needs of local communities.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|---|---|
| Site history file: TP/165-82 Application file: 11-AP-3808 Southwark Local Development Framework and Development Plan Documents | Deputy Chief Executive's 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 5410 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Previous report |
| Appendix 2 | Previous draft recommendation |
| Appendix 3 | Appeal decision – 28 Lumley Road, Skegness |
| Appendix 4 | Appeal decision – 78 Terminus Road, Eastbourne |
| Appendix 5 | Cost decision – 78 Terminus Road, Eastbourne |
| Appendix 6 | Recommendation |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Victoria Lewis, Senior Planning Officer | |
| Version | Final | |
| Dated | 6 June 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 |
| Strategic Director of Planning | Yes | Yes |
| Strategic Director of Environment and Leisure | No | No |
| Date final report sent to Constitutional Team | | 28 June 2012 |

| | | | |
|---|--|----------------------------|--|
| Item No. | Classification: OPEN | Date: 16.04.2012 | Meeting Name: Bermondsey Community Council |
| Report title: | Development Management planning application: Application 11-AP-3808 for: Full Planning Permission Address: 82 TOWER BRIDGE ROAD, LONDON, SE1 4TP Proposal: Change of use of ground floor from amusement arcade (Sui Generis) to financial and professional services (Class A2) | | |
| Ward(s) or groups affected: | Grange | | |
| From: | Head of Development Management | | |
| Application Start Date 21/11/2011 | Application Expiry Date 16/01/2012 | | |

RECOMMENDATION

- 1 That planning permission be granted.

The application is being reported to Community Council due to the number of objections received.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is a mid-terrace property located on the eastern side of Tower Bridge Road. The ground floor of the building is a vacant amusement arcade (sui generis) and there is a maisonette on the upper floors. It is understood that the premises have been vacant for over a year.
- 3 The site forms part of protected shopping frontage 14, and is located within an air quality management area, the urban density zone, an archaeological priority zone, the Bermondsey Street Conservation Area and the Central Activities Zone.

Details of proposal

- 4 Planning permission is sought to change the use of the ground floor from an amusement arcade (sui generis) to financial and professional services (Use Class A2). The applicant wishes to use the premises as a money shop, offering services including cheque cashing, money transfer, foreign currency exchange, cash loans and pawnbroking.
- 5 On average, 100 daily transactions are anticipated. Friday is likely to be the busiest day with up to 250 transactions expected, or possibly up to 300 on the last Friday of

every month. It is anticipated that there would be 3-4 full-time employees and 1-2 part-time employees, and the proposed opening hours are 09:00-18:00 Monday to Saturday.

- 6 No external alterations are proposed.

Planning history

- 7 There is no recent planning history for the site. Use of the ground floor as an amusement arcade at 82-84 Tower Bridge Road was granted in 1982 (reference: TP/165-82-FB).

Planning history of adjoining sites

84 Tower Bridge Road

- 8 03-AP-0049 - Change of use of ground floor from an amusement centre to a radio control mini-cab office. Planning permission was GRANTED in March 2003.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) land use;
- b) amenity;
- c) transport.

Planning policy

Core Strategy 2011

- 10 Strategic policy 1 - Sustainable development
Strategic policy 2 - Sustainable transport
Strategic policy 3 - Shopping, leisure and entertainment
Strategic policy 10 - Jobs and businesses
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 11 1.9 - Change of use within protected shopping frontages
3.2 - Protection of amenity
3.14 - Designing out crime
5.2 - Transport impacts
5.6 - Car parking

London Plan 2011

- 12 Policy 2.12 Central Activities Zone – predominantly local activities
Policy 4.7 Retail and town centre development
Policy 6.13 Parking

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

- 13 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.
- 14 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).

Land use considerations and principle of development

- 15 A number of local residents have raised objections regarding the type of service that the business would offer, with particular concerns that it would be used by vulnerable people or those on low incomes, who in turn would be charged very high rates of interest for the loans and services offered. Objectors consider that this would not benefit the community and could lead to crime and social unrest in the area if people are unable to pay back their loans and fall into further financial difficulties.
- 16 Concerns have also been raised that the proposal would be contrary to strategic policy 10 of the Core Strategy which seeks to increase the number of jobs in Southwark and create an environment in which businesses can thrive, including the protection of existing business space and supporting the provision of new business space.

- 17 The use of the premises, when it was occupied, was as an amusement arcade and this is not classified as a business or B class use. It is identified in the Town and Country Planning (Use Classes) Order (1987) as being a sui generis use, which means that it does not fall into any particular use class. As the existing use is not classed as a business use, the proposal would not conflict with strategic policy 10 of the Core Strategy. Furthermore, given that the existing use is not B class, saved policy 1.4 of the Southwark Plan which seeks to protect such uses does not apply. Saved policy 1.9 does not apply either, because this policy relates to changes of use within protected shopping frontages from Class A1 retail uses to other classes. As such, there are no policies to protect against the loss of the existing sui generis amusement arcade.

- 18 The provision of a new Class A2 use, which is defined as financial and professional services within the Use Classes Order, would be appropriate within this retail parade and these uses are a common feature of shopping streets. Financial and professional services include banks, building societies, estate agents and employment agencies. The proposal would return a vacant unit back into active use and would generate activity which would contribute to the vitality and viability of the parade, which the two vacant units at 82 and 84 Tower Bridge Road currently detract from. The concerns raised with regard to the type of businesses operated in terms of interest rates for loans are duly noted, but this is not a planning matter and cannot be taken into account. How such money lending uses are controlled is dealt with under separate financial regulatory legislation.

Whilst there is clearly a level of local concern about the proposed use, the matters raised are not material considerations. Members should assess this as an application for a financial and professional use, which, in terms of land use planning policy, is considered acceptable in this location.

Impact of proposed development on amenity of adjoining occupiers and

surrounding area

- 19 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 20 The proposed use would operate between the hours of 09:00-18:00 Monday to Saturday and given the location of the site within an established shopping parade and fronting a busy main road, these hours are considered to be appropriate; a condition to secure these hours is recommended.
- 21 On its busiest day, the last Friday of every month, it is anticipated that there would be 300 customers to the premises, which would equate to approximately 33 customers per hour, although there could be peaks during lunch time hours, for example. Again, given the location of the site in a shopping parade and fronting a busy main road it is not considered that this level of activity would be harmful to the amenity of neighbouring occupiers, most notably the flat on the upper floors of the application site. Background noise levels and levels of activity in the area are already fairly high and it is not considered that the proposal would significantly add to this.
- 22 Concerns have been raised that the proposal could contribute to increased levels of crime and social unrest in the area, if people are unable to pay back their loans. Again whilst this is noted, the rates of interest charged is a matter for financial regulation and is not a planning matter. The premises would be fully staffed and would not be open beyond 18:00, and it is not considered that crime levels in the area would be increased as a result of the proposal.

Traffic issues

- 23 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
- 24 Concerns have been raised that the proposed development would result in an increased demand for parking in the area and would cause harm to highway safety, particularly given the proximity of the site to a bus stop on Tower Bridge Road.
- 25 The site has a public transport accessibility level (PTAL) of 4 (medium), reflecting a good level of public transport via busses along Tower Bridge Road. As with many of the shops in this area, it is considered likely that the proposal would have a fairly local catchment, with people travelling to and from the site either on foot or by public transport. As such, there are not considered to be any issues with regard to impact on parking or harm to highway safety. Only blue badge holders could park outside the site and any breach of this would be enforced by Transport for London as the highway authority. It is noted that the surrounding streets are within controlled parking zones.

Other matters

- 26 There are no other matters arising from the application.

Conclusion on planning issues

- 27 The existing use of the premises as an amusement arcade is sui generis, therefore there would be no loss of B class floorspace as a result of the proposal. The introduction of an A2 use into the premises would be appropriate given the location of the site within a protected shopping frontage. Concerns have been raised regarding the impact on vulnerable people as a result of rates of interest charged on loans and whilst this is noted, this is not a planning matter and would fall under financial regulation. No loss of amenity would occur and given that the use is likely to have a

local catchment and the site is well located for public transport, no adverse impacts upon parking levels or highway safety are anticipated. In light of this it is recommended that planning permission be granted.

Community impact statement

28 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

29 11 representations have been received objecting to the application on the following grounds:

- The proposal would encourage people on low incomes to borrow money at high rates of interest;
- Damaging to local communities;
- It is the responsibility of the planning department to ensure that businesses in the area are beneficial to local residents;
- Possible increase in crime and social unrest;
- MPs are campaigning about this type of operation;
- Contrary to strategic policy 10 of the Core Strategy;
- Keeping the premises as B2 would allow some form of other business to use the premises - response - the existing use as an amusement arcade is Sui Generis not B2 (general industrial);
- The proposal would not serve the community, loans are available from Southwark Credit Union which has premises in Bermondsey;
- The area has independent retailers and a unique character and this could be harmed;
- Impact on parking and an adjacent bus stop;
- A main shopping street in Walthamstow has been blighted by outlets offering loans, concerns that the same could happen on Tower Bridge Road which is the only nearby street offering a wide variety of shops selling every day merchandise.

Human rights implications

- 30 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.
- 31 This application has the legitimate aim of providing a financial and professional use. 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.

REASONS FOR LATENESS

N/A.

REASONS FOR URGENCY

N/A.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|--|
| Site history file: TP/165-82 Application file: 11-AP-3808 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 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, Senior Planning Officer | |
| Version | Final | |
| Dated | 9th 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 |
| Strategic Director of Regeneration and Neighbourhoods | No | No |
| Strategic Director of Environment and Housing | No | No |
| Date final report sent to Constitutional / Community Council / Scrutiny Team | | |

Consultation undertaken

32 **Site notice date:** 28/11/2011

Press notice date: 19/01/2012

Case officer site visit date: 28/11/2011

Neighbour consultation letters sent: 01/12/2011

Internal services consulted:

Transport Planning

Statutory and non-statutory organisations consulted:

Transport for London

Neighbours and local groups consulted:

01/12/2011 78-80 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 96A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 98 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 94 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 70 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 90A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 86B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 100 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 72 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 SECOND FLOOR FLAT 98 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 FIRST FLOOR FLAT 98 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 96 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 74-76 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 FIRST FLOOR AND SECOND FLOOR FLAT 102 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 94A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 96B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 88A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 102 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 84A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 86 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 84 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 90 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 88 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 66 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 66A TOWER BRIDGE ROAD LONDON SE1 4TR
 01/12/2011 92A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 78B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 76B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 82A TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 80B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 74B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 66B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 92 TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 72B TOWER BRIDGE ROAD LONDON SE1 4TP
 01/12/2011 70B TOWER BRIDGE ROAD LONDON SE1 4TP

Re-consultation: Not required.

Consultation responses received

Internal services

Transport Planning

- 33 Given the increasing level of availability of services of this type, the catchment area is likely to be relatively small. Together with the reasonable level of public transport accessibility by local bus, it is considered unlikely that a high proportion of customers will arrive by car. Tower Bridge Road is subject to Red Route "no stopping" controls generally, enforced by Transport for London, with a bus stop and a parking/loading bay adjacent to the site. The parking/loading bay is available from 10am to 4pm (Monday to Saturday) for loading and for parking by disabled "blue badge" holders. While there may be some "fly parking" by customers in this bay, this cannot be considered to constitute a road safety hazard. Away from Tower Bridge Road the nearby streets are within Southwark's Controlled Parking Zones. There are shared use parking bays in Webb Street, Leroy Street and Alice Street which will provide a convenient paid-for parking facility for any customers who do drive, but the small numbers expected are unlikely to noticeably affect the availability residents' parking.

Statutory and non-statutory organisations

Transport for London

- 34 No response received at the time of writing.

Councillor Claire Hickson (Chaucer Ward)

- 35 Object to the application on the following grounds:
- 36 The use as a payday loan shop has changed on the website from B2/sui generis to just sui generis and clarification is sought as to why this is the case.
- 37 The Southwark Plan and Core Strategy stipulate that we should promote business use (B class), particularly in the north of the borough and for small, local businesses. The change to A2 use would be contrary to this;
- 38 Our general policies are to promote business use and support small local businesses (Core Strategy strategic policy 10).
- 39 Tower Bridge Road is home to a large number of small, independent businesses, we should protect this. The applicant is a national chain, and allowing more national chains could push small businesses out;
- 40 The proposal is contrary to the Core Strategy of reducing inequalities. MPs from all political parties have been campaigning against the practices of payday loan companies which apply huge interest rates, and this business has been criticised in Parliament for such practices.
- 41 Loss of amenity. The applicant states that an average of 100 transactions a day are anticipated with up to 250 on Fridays and 300 customers on the last Friday of the month. This raises the question of parking outside the premises, particularly near a large bus stop. Congestion on this part of Tower Bridge Road can already be very bad which causes problems for residents and those using the road. There are already

problems with parking on this stretch of road which I am trying to resolve with officers.

(Note: There has been a query that the existing amusement arcade use was initially described as some sort of business activity. However, this has been investigated and the information relating to the application has consistently described the existing use as sui generis, which is correct).

Neighbours and local groups

42 11 Objections have been received from the following properties:

- The Jam Factory;
- 12 Devonshire House, Bath Terrace;
- 26 Reverdy Road;
- 8 Burwash House, Weston Street;
- 148 Cherry Garden Street;
- 28 Trocette Mansions;
- Trocette Mansions;
- 10 Bacon Grove;
- 3 Hestia House, City Walk;
- 2 objections with no address provided.

43 The grounds for objecting are as follows:

- The proposal would encourage people on low incomes to borrow money at high rates of interest;
- Proposal encourages irresponsible borrowing;
- Damaging to local communities;
- It is the responsibility of the planning department to ensure that businesses in the area are beneficial to local residents;
- Adverse social and community impact;
- Possible increase in crime and social unrest;
- MPs are campaigning about this type of operation;
- Contrary to strategic policy 10 of the Core Strategy;
- Keeping the premises as B2 would some form of other business to use the premises - response - the existing use as an amusement arcade is Sui Generis;
- The proposal would not serve the community, loans are available from Southwark Credit Union which has premises in Bermondsey;
- The area has independent retailers and a unique character and this could be harmed;
- Impact on parking and an adjacent bus stop;
- A main shopping street in Walthamstow has been blighted by outlets offering loans, concerns that the same could happen on Tower Bridge Road which is the only nearby street offering a wide variety of shops selling every day merchandise.

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 | Instant Cash Loans Ltd | Reg. Number | 11-AP-3808 |
| Application Type | Full Planning Permission | Case | TP/165-82 |
| Recommendation | Grant permission | Number | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of ground floor from amusement arcade (Sui Generis) to financial and professional services (Class A2)

At: 82 TOWER BRIDGE ROAD, LONDON, SE1 4TP

In accordance with application received on 14/11/2011

and Applicant's Drawing Nos. Site location plan, covering letter from Jenny Barker dated 10th November 2011.

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 10 – Jobs and businesses: States that development should contribute to an environment in which businesses can thrive, and where local people can benefit from opportunities which are generated by development.

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

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

3.14 Designing Out Crime (requires developments to incorporate design measures that discourage crime)

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;

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

Policies of the London Plan 2011

Policy 2.12 Central Activities Zone – predominantly local activities
Policy 4.7 Retail and town centre development

APPENDIX 2 – previous draft recommendation

Policy 6.13 Parking

Particular regard was had to impact upon amenity, but subject to a condition limiting opening hours and given the location of the site in a busy shopping parade, it was found that no loss of amenity would occur. The development is an acceptable use of land in this protected retail parade given that it does not displace a retail use, and would cause no harm to highway safety. 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:

Site location plan.

Reason:

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

- 3 The use hereby permitted shall not be carried on outside of the hours of 09:00-18:00 Mondays to Saturdays.

Reason

To protect the amenity of neighbouring residential premises from loss of amenity by reason of noise and disturbance, in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

Appeal Decision

Site visit made on 4 April 2012

by **Wendy J Burden BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 April 2012

Appeal Ref: APP/D2510/A/11/2167845

28 Lumley Road, Skegness, PE25 3NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Instant Cash Loans Ltd against the decision of East Lindsey District Council.
 - The application Ref S/153/01943/11, dated 13 10 11, was refused by notice dated 20 12 11.
 - The development proposed is change of use from Use Class A1 (Retail) to A2 (Financial Services).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from Use Class A1 (Retail) to A2 (Financial Services) at 28 Lumley Road, Skegness, PE25 3NG in accordance with the terms of the application, Ref S/153/01943/11, dated 13 10 11, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1:2500 scale plan.
 - 3) A shop type display shall be maintained in the windows of the ground floor principal elevation of the premises at all times.

Application for costs

2. An application for costs was made by Instant Cash Loans Ltd against East Lindsey District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed change of use on the vitality and viability of Skegness town centre.

Reasons

4. Since the appeal was submitted, the National Planning Policy Framework has been adopted and Planning Policy Statement 4 has been withdrawn. The new Framework carries forward the objectives of PPS4 in terms of the promotion of competitive, vital and viable town centres. In this case the appeal site is located within the Protected Shopping Frontage in the East Lindsey Local Plan Alterations 1999. Policy S4 of the Plan deals with this notation and states that

in such areas the Council will not permit new development or a change of use which results in the loss of a shopping use.

5. The Council argues that the Framework is implicitly supportive of Policy S4 since it encourages local planning authorities to define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations. However, the Framework states under paragraph 23 that it is important that needs for retail, leisure, office and other town centre uses are met in full. The explanatory text to Policy S4 states that only where special advantages could accrue to the vitality or viability of the town centre as a direct result of a change from shopping use would an exception to the policy be considered. However, there is no clarification of what might constitute a "special advantage" and the prohibition on the loss of retail uses in the protected shopping frontages does not reflect the recognition in national policy that uses other than retail are suitable for town centre locations and can contribute to their vitality and viability.
6. Skegness is a seaside resort and although my visit was out of the main holiday season, there was a high level of pedestrian activity within the shopping centre. I have no doubt that the centre becomes busier at other times of the year. However, within the 145 units which form the Protected Shopping Frontage, there is a vacancy rate of 8% (12 units), which is relatively high for a main shopping location. Furthermore, 4 units are in use as charity shops, and 6 other occupied units are being marketed. Thus in addition to the 12 vacant units a further 10 have insecure tenancies and could become vacant at any time.
7. Although the appeal site is currently in use as a furniture retailer, the appellant points out that is a temporary use by the landlord's family to keep the shop open to cover the cost of rates and utilities. Prior to that use the unit had been vacant. It has been marketed since March 2010 with no sustained interest from any retail occupier. The appellant would take a 10 year lease and invest in the refurbishment of the unit.
8. The frontage to the appeal site is of limited width, and the unit has A1 uses to either side. It would be used to provide a financial service direct to shoppers including cheque cashing services, money transfer and foreign currency exchange. From experience with similar units in other towns, the appellant estimates that store footfall on a daily basis would be in the region of 620 visits per day. As a result, rather than provide a dead frontage, the proposed use would attract visitors to this part of the shopping centre, and help support the vitality and viability of other units within the frontage.
9. Even with the change of use of the appeal site, the dominant use within the Protected Shopping Frontage, (some 68% of units) would remain as A1 retail. I understand the Council's wish to secure the availability of smaller retail units to rent which are more affordable for local retail businesses. However, in view of the high level of vacancies in this frontage, and the availability of other units for rental, I consider that the use of the appeal premises by an occupier which would attract footfall along this part of Lumley Road, and provide a secure tenancy for 10 years would be of positive benefit to the health of the Protected Shopping Frontage.

10. The Council put forward conditions to be imposed on any planning permission. Condition 2 in the list seeks a restriction to use by the appellant and no other use within Class A2. Circular 11/95 states that such conditions should not be imposed unless there is clear evidence that the uses excluded would have serious effects on amenity or the environment, and serve a clear planning purpose. In this case I am not convinced that there is sufficient evidence of harm from an unrestricted A2 use to justify such a condition. Condition 3 requires details of a shop window display to be submitted. Whilst I agree that the maintenance of an active shop frontage is important in this location, this type of use is likely to wish to change its display on a regular basis so I prefer the wording put forward on behalf of the appellant. The other two conditions proposed by the Council would be appropriate.
11. For the reasons set out above, I conclude that the proposed change of use would make a positive contribution to the promotion of Skegness as a competitive town centre in accordance with national planning policy.

Wendy Burden

INSPECTOR



Appeal Decision

Site visit made on 25 April 2012

by John Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 May 2012

Appeal Ref: APP/T1410/A/12/2170342
78 Terminus Road, Eastbourne BN21 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Instant Cash Loans Ltd against the decision of Eastbourne Borough Council.
 - The application Ref EB/2011/0733(FP), dated 18 November 2011, was refused by notice dated 13 January 2012.
 - The development proposed is change of use of ground floor from Class A1 (Retail) to A2 (Financial and Professional Services).
-

Decision

1. I allow the appeal and grant planning permission for change of use of ground floor from Class A1 (Retail) to A2 (Financial and Professional Services) at 78 Terminus Road, Eastbourne BN21 3LX in accordance with the terms of the application, Ref EB/2011/0733(FP), dated 18 November 2011, subject to the following conditions;
 - 1) The use hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The premises shall be used for the purposes of the business trading as 'The Money Shop' as set out in the application, and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Application for Costs

2. An application for costs was made by Instant Cash Loans Ltd against Eastbourne Borough Council. This application is the subject of a separate Decision.

Main Issue

3. This is the effect of the proposed change of use on the vitality and viability of Eastbourne Town Centre

Reasons

4. Local Plan Policy TC6 concerns the mix of uses within both primary shopping areas and the secondary shopping areas and the appeal premises lie within the secondary shopping area. The policy is permissive in both areas regarding change of use from A1 to A2 (and A3) subject to considerations of; a) the

- location and prominence of the premises within the frontage; b) the floorspace and frontage of the premises; c) the number, distribution and proximity of other ground floor premises in use as, or with planning permission, for class A2 and A3 uses; d) the particular nature and character of the use proposed, including the level of activity associated with it; and e) whether the proposed use on its own, or cumulatively with other such uses in the area, would give rise to unacceptable noise or disturbance, including disorder.
5. The supporting text states that in interpreting Policy TC6 the Council will have regard to the proportion of non-A1 frontages in the specified areas as set out in an accompanying table. This identifies the frontage 46 – 94 Terminus Road as Secondary Shopping Area 9 where no more than 35% should be non-A1 uses as it is considered that this area is a transitional area between the primary retail area and other secondary areas and should support a reasonable proportion of A1 uses. Other secondary areas are permitted the same or higher, up to 75% having regard to the established balance of A1 to non-A1 uses. The corporate aims set out in the heading to the Town Centre policy section includes the aim to develop a strong and sustainable local economy, encouraging business and investment into Eastbourne, and one of the corporate objectives is to develop a vibrant and successful town centre. Policy objectives include the maintenance and encouragement of the development of retail uses so that the town centre remains a major shopping destination and the encouragement and development of diversity of social and leisure facilities in the town centre to augment the town centre role as a primary destination.
 6. There appears to be some disagreement over the result of the proposals, with an internal response to the Council citing this to be 56.63% whilst the appellant says 46% by frontage length, the measure required under the policy table, and 35% by unit. There is reasonable agreement over the baseline figure of about 40%. The effect of all vacant units being in A1 use is stated by the appellant to be a figure of 59%, indicating 41% in non-A1 uses. Be that as it may, the policy wording contains the various matters set out previously and each will now be considered;-
 - *a) the location and prominence of the premises within the frontage;* The frontage contains some prominent wider units, not all in A1 use and is visually contained by the prominence of the bank on the east end and the public house on the west. The appeal unit is among a number of less prominent units and is located well within the group as opposed to being at the corner plots. The character of this area is presently adversely affected by the noise, fumes and movement at the bus stops.
 - *B) the floorspace and frontage of the premises;* both these aspects are relatively small but in line with many in the group. The frontage is among the smaller units.
 - *c) the number, distribution and proximity of other ground floor premises in use as, or with planning permission, for class A2 and A3 uses;* The immediate group has, in addition to the prominent bank and public house at the ends, a large and prominent bar and cafe, and two narrower banks or building societies with their traditional frontage and display. The numbers and hence percentage have been addressed, but there is no harmful proximity of these uses at present and they are distributed reasonably along the frontage. The appeal proposal would result in two together as the neighbouring unit is a bank. However, two consecutive non-A1 frontages at

ground floor level is permitted in the primary frontage according to the supporting text, so this proximity/distribution within a secondary frontage is unlikely to be harmful.

- *d) the particular nature and character of the use proposed, including the level of activity associated with it;* It appears that this type of use is not yet common in the town centre as a whole, and there is a view expressed in other appeal decisions that the nature of the use could be beneficial to footfall in the vicinity and visitor numbers in the wider town centre. The operator provides a service that could assist in providing cash funds for shopping soon after the transaction and there is evidence of a higher number of people visiting who may still look to make use of other town centre services and shops having made the trip. The unit would have a character and appearance similar to a shop, as opposed to the solid, less inviting facade of the nearby traditional A2 use and an acceptable level of activity during main shopping hours.
 - *e) whether the proposed use on its own, or cumulatively with other such uses in the area, would give rise to unacceptable noise or disturbance, including disorder.* There is no evidence of this matter being relevant.
7. Turning now to the aims and objectives stated at the head of the policy section, these appear broadly consistent with the newly published National Planning Policy Framework, which replaced Planning Policy Statement 6 "*Planning for Town Centres*" with policies in Section 2. The first statement in this section concerns the need for positive policies that promote competitive town centre environments. Councils should seek to ensure the vitality of town centres and a clear definition of primary and secondary frontages in designated centres with policies which make clear which uses will be permitted. The required definition could well differentiate the two types of frontage with regard to the mix of retail and non-retail uses.
8. Another matter raised in correspondence to the Council is regarding the possible expansion of the Arndale Centre and the need to retain spare capacity for retail uses for the build period. However, here it is necessary to consider also the amount of vacant and short-let premises as set out by the appellant and seen on the site inspection. Some of the vacant premises are prominent or clustered and present a negative appearance. Charity shops in the vicinity tend to be the better known, more professionally presented ones, and do not appear as negative features. Their presence may well be an indicator of a lack of demand for retail space, but they serve a purpose ever bit as much as the stated ones of the appeal proposal and add weight to the acceptability of diversity in secondary frontages. In all, there appears to be a ready supply of premises to take account of any short term need regarding new build.
9. The overall health of the shopping centre appears good, having regard to the town's seaside economy and the general economic situation. There are more peripheral areas away from the appeal frontage that are showing signs of stress and the appellant draws attention in the photographic record to properties along Langney Road and Seaside Road, and these were visited. It is the fact that the appeal premises are in a beneficial retail use, but this is stated to be not continuing and unsuccessful efforts have been made to market the premises over a reasonable period. Investment in the premises would be welcome and the stated increase in employment counts in favour too, as does

the introduction of a new service not well provided for in the town centre and one that could complement the retail offer and increase consumer numbers.

10. In conclusion, the proposal would bring about an increase in non-A1 uses further above the threshold set out in the table to the 2003 Local Plan policy. However, this strict percentage approach should be read along with the permissive policy wording which sets out the considerations for a balanced decision. In this case that balance lies in the grant of permission having regard to the circumstances of the location, the neighbouring uses and the intended use, and the change of use would not be likely to adversely affect the vitality and viability of Eastbourne town centre.

Conditions

11. The appellant suggested a condition to ensure that the use of the premises was as described in the application to be carried on by this appellant. The appeal decision places significant weight on the circumstances of this operation as distinct from the generality of the A2 use class, and as provided for in the criteria of the Local Plan policy. To seek to restrict the detail of that use as proposed would therefore be a reasonable role for a condition and would satisfy the other tests in Circular 11/95 "*The Use of Conditions in Planning Permissions*" of being necessary, relevant to planning, relevant to the development to be permitted, enforceable and precise.

Other Considerations

12. Opportunity was provided for the parties to comment on the newly published National Planning Policy Framework and it is noted that the Council introduced additional information and detailed data. The Appellant was given the opportunity to comment on this information. However, having regard to the reasons previously stated on the nature of the proposals and the use of conditions to ensure that harmful A2 uses are not able to replace it, the information supplied does not alter the conclusions of this decision.

Conclusions

13. The detail of the use proposed is of a retail style of operation and a retail appearance and this would complement the use of the shopping centre by attracting footfall and spending. Conditions can be used to ensure that the permission is limited to this style of use. Whilst there would be a further breach of the 35% figure the proposal accords with the criteria of Policy TC6. The aims of the policy and the intent of the policy section would not be undermined and the vitality and viability of the town centre would not be jeopardised. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR



Costs Decision

Site visit made on 25 April 2012

by John Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 May 2012

Costs application in relation to Appeal Ref: APP/T1410/A/12/2170342 78 Terminus Road, Eastbourne BN21 3LX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Instant Cash Loans Ltd for a full award of costs against Eastbourne Borough Council.
 - The appeal was against the refusal of an application for planning permission for change of use of ground floor from Class A1 (Retail) to A2 (Financial and Professional Services).
-

Decision

1. I allow the application for an award of costs in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Appellant's costs application was made at the same time as their final comments on the Council's case and the Council's rebuttal was received by e-mail subsequently. The application accords with the requirement of Paragraph A12 of the Costs Circular with regard to the timing of applications.
3. The reason for refusal stated that the proposed change of use would result in more than 35% of non-retail uses in Secondary Shopping Area 9 and would therefore be contrary to Policy TC6 of the Eastbourne Borough Plan 2001 – 2011. That policy however is permissive and contains five areas for consideration. The supporting text says at paragraph 10.24 that '*in interpreting Policy TC6 the Council will have regard to the proportion of non A1 frontages...and the proportions sought are as set out in Table A over.*' It is in the table that the 35% figure is stated.
4. It is clear that the 35% figure is something to which regard is to be had, as an aid to interpreting the policy, and that the policy requires consideration of the effect and any benefits or harm. The overall aims are stated in the heading to the policy section of the town centre and the introduction of the National Planning Policy Framework during the currency of the appeal has not changed those aims with regard to the vitality and viability of town centres, and their role in the shopping hierarchy.
5. The reason for refusal results from a delegated report which, under the heading 'Appraisal' expresses the view that the Council's approved policy states that there should be no more than 35% non-retail uses, that the proposed change

of use breaches that figure and hence is contrary to the policy. The appraisal finishes with the statement that the change of use to A2 office would thus have an adverse impact on the vitality and viability of this part of the Secondary Shopping Area and that it is considered that there are no overriding circumstances that would justify any exception to policy.

6. Although the words 'no more than 35%' are used in the table, paragraph 10.24 describes the figures as being 'sought' and the policy provides for the further considerations as set out. There is no indication in the report that these have been addressed, or what the result of that addressing might have been. If the 35% figure was decisive, there would be no need in a permissive policy for any further considerations to be set out, as the policy would be a straightforward one of a proposal either complying or being contrary and this is how the Council appear to have approached their policy. Whilst little might be read into the Council's use of the word 'office' in the report, it is an indication that no further consideration was given to the nature of the use, as required under section d) of the policy wording, or to the use of conditions limiting the type of use within Class A2. In addition to these matters within policy, there is no real appraisal either of the material considerations mentioned in Section 38(6) of the 2004 Act.
7. The Council's reasons for refusal was not complete and there is no evidence presented to show that full consideration was given to the aims or wording of policy, and hence the Council acted unreasonably as set out in paragraph B16 of the Circular. There is also no evidence of consideration of the use of conditions as paragraph B25 to allow other than what the Council describe as 'an office'. The policy does allow for the exercise of judgement, as paragraph B18, but there is no evidence that this judgement was exercised in the case.
8. It is the case that in response to a request for comment on the introduction of the National Planning Policy Framework, the Council submitted further information and data, but none of this appeared in the delegated report, and whilst providing background as to why care is needed in considering applications in the town centre and why the policy is important, it does not add to the consideration of this particular use. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Eastbourne Borough Council shall pay to Instant Cash Loans Ltd, the costs of the appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Eastbourne Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

S J Papworth

INSPECTOR

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 | Instant Cash Loans Ltd | Reg. Number | 11/AP/3808 |
| Application Type | Full Planning Permission | Case | TP/165-82 |
| Recommendation | Grant permission | Number | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of ground floor from amusement arcade (Sui Generis) to financial and professional services (Class A2)

At: 82 TOWER BRIDGE ROAD, LONDON, SE1 4TP

In accordance with application received on 14/11/2011

and Applicant's Drawing Nos. Site location plan, covering letter from Jenny Barker dated 10th November 2011.

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 10 – Jobs and businesses: States that development should contribute to an environment in which businesses can thrive, and where local people can benefit from opportunities which are generated by development.

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

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

3.14 Designing Out Crime (requires developments to incorporate design measures that discourage crime)

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;

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

Policies of the London Plan 2011

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 4.7 Retail and town centre development

Policy 6.13 Parking

Particular regard was had to impact upon amenity, but subject to a condition limiting opening hours and given the location of the site in a busy shopping parade, it was found that no loss of amenity would occur. The development is an acceptable use of land in this protected retail parade given that it does not displace a retail use, and would cause no

harm to highway safety. 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:

Site location plan.

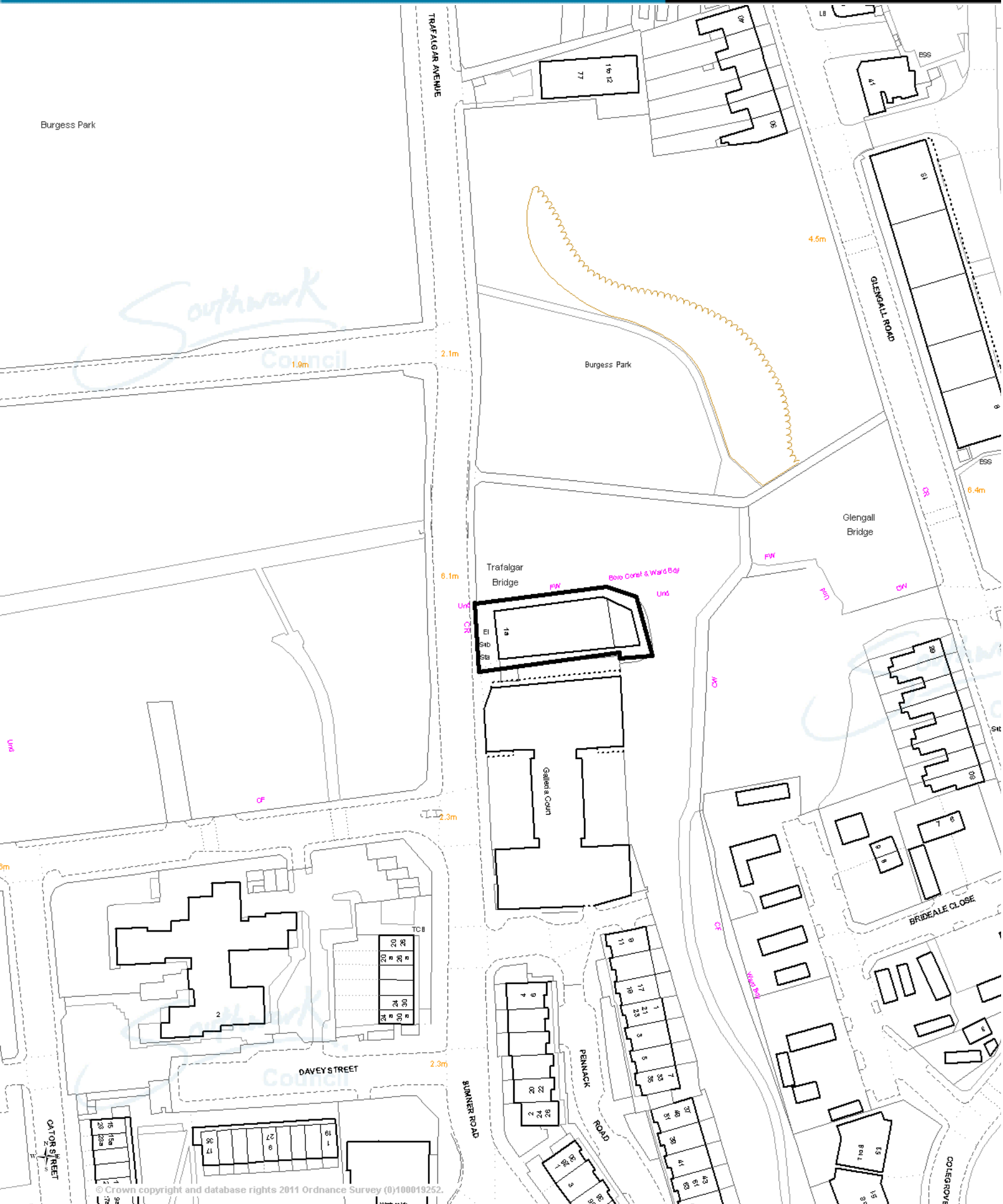
Reason:

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

- 3 The use hereby permitted shall not be carried on outside of the hours of 09:00-18:00 Mondays to Saturdays.

Reason

To protect the amenity of neighbouring residential premises from loss of amenity by reason of noise and disturbance, in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).



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| | | | |
|---|--|---|--------------------------|
| Item No. | Classification: | Date: | Meeting Name: |
| 6.2 | Open | 10 July 2012 | Planning Sub-Committee B |
| Report title: | Development Management planning application: Application 11/AP/3481 for: Full Planning Permission Address: CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON, SE15 6LA Proposal: Use of premises as a place of worship (Class D1) | | |
| Ward(s) or groups affected: | Peckham | | |
| From: | Head of Development Management | | |
| Application Start Date 14 October 2011 | | Application Expiry Date 09 December 2011 | |

RECOMMENDATION

- 1 Grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is known as 1a Sumner Road, which was originally a 1930s light industrial building formerly used as a clothes manufacturing warehouse.
- 3 It is surrounded to the north, west and east by Burgess Park and to the south by a new mixed use development, known as Galleria Court. This neighbouring development comprises a 5-10-storey building, which contains 47 small light industrial/office studios, 4 live/work units and 98 flats, together with 97 car-parking spaces.
- 4 The premises is currently occupied by the Christ Apostolic Church of Mount Zion International (CACMZI) and is used as a place of worship.
- 5 The site is located within the Peckham and Nunhead Action Area, and is not located within the setting of any listed building or within a conservation area.

Details of proposal

- 6 Planning permission is sought for the continued use of premises as a place of worship (D1), on a permanent basis.
- 7 Temporary permission (09-AP-2300) has previously been granted which expired on 19 October 2011. There has been in a delay in processing this application due to the need to undertake site visits to monitor how the use was operating.
- 8 Both internal and external alterations were undertaken in association with the limited

period permission (09-AP2300) granted at a Peckham Community Council planning meeting on 2 April 2010 and detailed in the planning history section. The previous permission included the repositioning of the main entrance to the north face of the building fronting Burgess Park with a canopy over, and covered cycle storage to the front of the building. There were no further external changes proposed.

- 9 The programme of church services being sought are in line with that previously granted. Monday to Thursday 18:00 to 21:00; Friday 18:00 to 21:30; Saturday 10:00 to 21:00; Sunday 09:30 to 16:00. There is also proposed a special new years eve service between 21:00 and 01:00.
- 10 The applicant has submitted a programme of church services which show a range of different types and sizes of meetings within the building, such as choir practice, bible study, and prayers throughout the week in addition to the main Sunday services.
- 11 The record of attendance submitted previously showed a range of congregation numbers for the main weekly services to between 82 to a maximum of 371. With this submission, the applicant has stated that the normal number of attendees is within the range of approximately 220 to 260 persons.

Planning history

- 12 Planning permission (9800089) was refused in March 1998 for a change of use from light industrial to church use for the following reasons:

The proposal would result in the unacceptable loss of existing employment floor space contrary to Policy B.1.2 'Protection Outside Employment Areas and Sites of the then Southwark Unitary Development Plan 1995.

The proposed use is likely to generate high levels of on-street parking which would prejudice the safety of pedestrians and other road users and generate noise and disturbance for local residents contrary to policy E.3.1 of the then Southwark Unitary Development Plan 1995.

- 13 The applicants appealed (T/APP/A5840/A/98/295266/P7) against this refusal of permission. At the time of the assessment of the appeal by the Planning Inspector, the nearest dwellings were located in Pennack Road some 80 metres south of the site, around the junction of Sumner Road and St George's Way some 50 metres south-west of the site and fronting Glengall Road some 70 metres to the east.
- 14 The Council and some local residents at the time, were concerned about noise and disturbance which could emanate from the appeal proposal both from the use of the building and the parking it would generate in residential streets. However, there was no dispute at the time of the assessment that any internal noise arising from the proposed use of the building could be controlled by means of a planning condition requiring provision of soundproofing measures.
- 15 Within the appeal decision notice the Planning Inspector concluded that subject to a suitable condition concerning soundproofing the existing building, the proposal would not result in any severe problems, or have an adverse effect on the living conditions of local residents in terms of noise and disturbance.
- 16 It appears that the Inspector's conclusion was based on the understanding that the main use of the building as a Church would be on Sundays when services would be held for about two hours in the morning and possibly also in the afternoon. During the rest of the week, the building would be used mainly in the evenings for about two hours for counselling, training, bible study and prayer meetings. On Saturdays, it

would probably be used during the afternoon and evening for choir practice and youth fellowship meetings.

- 17 Furthermore that the building would accommodate about 220 people on the basis of the proposed internal layout and that the services would involve the use of amplified music.
- 18 Having taken into account all the matters raised, in an appeal decision notice (T/APP/A5840/A/98/295266/P7) dated 04 November 1998, the Inspector allowed the appeal and granted planning permission for change of use from light industrial/office use to church use (from Class B1 to D1) subject to the following conditions:

The development hereby permitted shall be begun before the expiration of five years from the date of this permission;

The use hereby permitted shall not be commenced until full details of a scheme to insulate the premises against the transmission of airborne and impact sound 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 the approved details;

The premises shall be used for, or in connection with, public worship or religious instruction (including community activities) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

- 19 Planning permission (04-AP-1206) was refused on 28 July 2005 for an application to use the building for a church and day nursery for 30 children (Removal of condition 3 attached to the Planning Inspectorate's decision ref APP/A5840/A/98/295266).
- 20 The Council was first made aware of noise complaints in 2006 once Galleria Court was occupied subsequent to completion at the end of 2005. The Planning Enforcement Team were first made aware of noise and disturbances at the site in 2007, and the CACMZI was requested to submit details to discharge condition 2 of the original planning permission.
- 21 Various meetings, discussions and submissions of information (such as Acoustic Reports) took place between the Council (Environmental Protection Team and Planning Enforcement) and the applicant as a result.
- 22 All windows to the main hall on the south facade had been filled with dense masonry and an independent wall lining has been fitted to this wall. Comprehensive works have been carried out to the ceiling. A noise management policy appeared to be in place with somebody ensuring that the internal lobby doors and front door are kept closed and further comments would be made in the final report to ensure that maximum benefit is derived from the soundproofing works.
- 23 The Council remained concerned that no confirmation of the effectiveness of the works that had taken place had been provided and it was not clear whether these works would insulate 1A Sumner Road sufficiently to protect the amenity of adjoining occupiers. The applicant was requested a number of times to provide further detail, which was not forthcoming.
- 24 An Enforcement Notice (08-EN-0266) was served and took effect on 1 October 2008. The Notice was served as the Council took the view that it had exhausted its

discretion to hold planning enforcement action in abeyance pending the retrospective submission of details to discharge condition 2 of the original planning application. The Enforcement Notice required any part of the land to be stopped being used as a place of worship.

- 25 The Enforcement Notice was then subject to an appeal (APP/A5840/C/08/2086570). The Planning Inspector considered the main issues to be the effect on the living conditions of neighbouring residents with particular regard to noise and disturbance, and secondly, traffic, parking and highway safety.
- 26 The Inspector considered that construction of Galleria Court has increased the residential character of the area. Furthermore, activities at the premises now take place on all days of the week, generally in the evening and often late into the evening. The applicants also stated that their services included amplified music, and singing, clapping, drumming and various instruments.
- 27 In addition, the previous Inspector considered a maximum attendance of 220 persons, and the use had increased to about 300. The effects of the use since the previous decision had clearly intensified.
- 28 Given the dispute of levels of noise generation, the Inspector could not be certain that the adjoining residents did not suffer from noise disturbance, however no evidence was submitted by the appellant that substantiates whether or not noise impact had been adequately addressed.
- 29 Notwithstanding this, the Inspector had particular concern that the comings and goings of up to 300 people are likely to result in significant noise and disturbance. Such noise would arise not only from people congregating in the street, but also their vehicles stopping, starting and manoeuvring. Whilst noise emitted from the building could be controlled by insulation secured by condition, no such measures are possible for people in the street. As such, the Inspector found that this would result in unacceptable noise and disturbance.
- 30 With regard to transportation issues, the Inspector considered that time parking restrictions had been introduced on Sumner Road which limits the spaces available near the site. It was also considered that parked vehicles on both sides of the road still left room for others to pass.
- 31 However, the Inspector concluded that parking in Sumner Road within the vicinity of the site adversely affects the safety of highway users, however it was the opinion of the Inspector that a travel plan which included measures to control parking could overcome this objection.
- 32 The appeal was dismissed and the Enforcement Notice was upheld by a decision notice on 27 April 2009. Therefore, the D1 use as a place of worship became unauthorised.
- 33 Temporary planning permission (09-AP-2300) was granted on 19 April 2010 for the continued use of premises as a place of worship (D1) and external alterations to include the repositioning of the main entrance to the north face of the building fronting Burgess Park with a canopy over. The temporary permission was for a trial period of 18 months.
- 34 Approval of Details (10-AP-1389) was granted in May 2011 for the details of a report investigating transmission of structure borne noise to Galleria Court pursuant to condition 6 of the planning permission.

- 35 Approval of Details (10-AP-1392) was granted in December 2010 for the details of sound insulation installed pursuant to condition 10 of the planning permission.
- 36 Approval of Details (10-AP-2413) was granted in May 2011 for the Details of the facilities to be provided for the secure storage of cycles as required by condition 8 of the planning application.
- 37 The temporary permission was also subject to a S106 obligation which secured parking control measures (via the implementation of yellow lines) on the stretches of road adjacent to the premises. An exemption from the parking permit scheme in force in the area was also secured through the S106.

Planning history of adjoining sites

- 38 Planning permission (02-AP-1197) was granted on 03 July 2003 subject to a legal agreement, for the demolition of an existing industrial building at 1-27 Sumner Road and the construction of a part 5, part 6 stepping up to 10 storey building, to provide 47 small light industrial/office studios (Class B1), 4 live/work units and 98 flats (37 x 1 bed, 57 x 2 bed and 4 x 3 bed flats), together with 97 car parking spaces. This development, now completed, is now known as Galleria Court.
- 39 It was the Council's consideration at the time of assessment of this application that the separation distance of 6.6m of Galleria Court to the neighbouring building at 1a Sumner Road (which was in operation as a church) was sufficient and would not unduly impact on the use of this site, 'either currently nor in the future'.
- 40 Galleria Court was completed by the end of 2005, the first residents to move into Galleria Court did so in early 2006 and they complained about noise from CACMZI as soon as they moved in and the first petition from residents on the elevation facing CACMZI was signed in September 2006.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 41 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) the impact on the amenity of neighbouring occupiers
 - c) the impact on the function of the transportation network

Planning policy

Core Strategy 2011

- 42 Strategic Policy 1 - Sustainable Development
 Strategic Policy 2 – Sustainable transport
 Strategic Policy 4 - Places for Learning, Enjoying and Healthy Lifestyles
 Strategic Policy 12 - Design and Conservation
 Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 43 2.2 'Provision of new community facilities'

- 3.2 'Protection of amenity'
- 3.7 'Waste reduction'
- 3.12 'Quality in design'
- 3.25 'Metropolitan open land'
- 5.2 'Transport impacts'
- 5.3 'Walking and cycling'
- 5.7 'Parking standards for disabled people and the mobility impaired'

London Plan 2011

- 44 Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.4 Local character
- Policy 7.6 Architecture

National Planning Policy Framework

- 45 On 27 March, the DCLG published the National Planning Policy Framework with immediate effect. The NPPF replaces previous government guidance including all PPGs and PPSs. The relevant section of the NPPF in consideration of this application are the 'Core planning principles' (para 17), particularly the requirement to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Principle of development

- 46 The principle of using the premises as a place of worship in land use terms has already been established historically and there is not considered to have been a material change in the land use circumstances at the site or immediate vicinity, or in policy terms. The proposal is therefore considered to be acceptable in land use terms provided there is no harm to the amenity of neighbouring occupiers or impact on the functioning of the transportation network primarily.

Environmental impact assessment

- 47 Not required for a proposal of this size and nature.

Amenity

NOISE AND DISTURBANCE

- 48 Subsequent to the Appeal Decision and prior to the granting of the temporary permission, the Applicant installed insulation within the premises upon consultation with Council's Environmental Protection Officer. The application was also accompanied with an Acoustic Report which assessed the noise environment and the effectiveness of the insulation.
- 49 The EPT officer was satisfied previously that the insulation installed within the building was suitable and that it sufficiently prevented noise breakout, subject to the imposition of conditions imposed on the temporary condition.
- 50 Further to the work done previously on acoustic insulation, the Applicant has provided a Noise Management Strategy (dated October 2011) which sets out the measures that according to the applicant have been and will continue to be implemented to ensure noise generated does not adversely effect the amenity of neighbouring occupiers.
- 51 There remains concern from neighbouring residents within Galleria Court that the

place of worship causes loss of amenity due to noise and disturbance, despite the implementation of conditions and insulation measures already undertaken.

- 52 Council Officers have been out to the site on at least three occasions recently during Sunday services to witness whether there was any disturbance to neighbouring occupiers, or the functioning of the transportation network. On each occasion there were stewards in high visibility jackets and Officers witnessed them moving vehicles who had pulled up outside the premises, and on both occasions people were not congregating outside after services.
- 53 However, on one of the occasions it was apparent that during a service the internal fire door between the main hall building and the conservatory to the rear was left open. The result was barely audible from the patio area of the immediately adjoining flat within Galleria Court, although it was audible from within Burgess Park to the rear. Whilst it was audible, the level of noise was not above traffic noise.
- 54 Also, whilst neighbouring occupiers have raised concern within the consultation of this application there have been no complaints made to the Environmental Protection Team since the temporary permission was granted.
- 55 Clearly the reason for granting a temporary permission was in effect to be a trial period to allow both the Council and neighbouring occupiers to monitor the use of the premises.
- 56 Whilst it is appreciated that Council Officers do not live adjacent to the site, on each occasion an Officer visited the site and surrounds (unannounced and anonymously to the place of worship) there was no material loss of amenity to neighbouring occupiers. In addition, given that there have been no noise complaints within this temporary period, it can be concluded that there is no material loss of amenity to neighbouring occupiers.
- 57 However, should consent be granted, it is recommended to reimpose relevant conditions of the previous permission, including hours of operation, restriction of numbers of occupiers, the adherence to the Noise Management Strategy, and measures such as ensuring the fire door between the main door and the conservatory remains closed (as other external doors and windows).
- 58 The record of attendance previously submitted shows a range of congregation numbers for the main weekly services to range from 82 to a maximum of 371. A normal number of attendees is within the vicinity of approximately 220 to 260 persons according to the application documents.
- 59 The restricted hours of operation are proposed as:
- Monday to Thursday 18:00 to 21:00
 - Friday 18:00 to 21:30
 - Saturday 10:00 to 21:00
 - Sunday 09:30 to 16:00
 - There is also a special new years eve service between 21:00 and 01:00
- 60 It is important to realise that whilst the main weekly service is generally held on the Sunday, the remainder of the week is generally occupied with a range of smaller ancillary church services such as choir practice, bible study, and prayers.
- 61 It is considered that the hours of operation proposed are an improvement from the hours the church has operated in the past (prior to the temporary permission), which gave rise to a number of noise complaints. There was historically no restriction on

hours of operation, and the premises often operated until late at night apparently.

- 62 In addition, to ensure a manageable level of attendance without resulting in excessive congregation numbers, and also limiting the potential for noise and disturbance of surrounding occupiers, it is proposed that should consent be granted, that a condition is imposed to restrict the maximum number of occupiers to 300 persons (which includes a limit of no more than 100 persons after 6.30pm on Mondays to Saturdays), however, to allow for special services which may exceed this number thrice yearly (per calendar year) exceptions will be allowed.
- 63 Furthermore, in an attempt by the applicant to overcome any noise and disturbance generated by people coming and going, or congregating outside the site, the Noise Management Strategy (dated October 2011) will be conditioned to be adhered to going forward.
- 64 In addition to the soundproofing works previously undertaken within the main building, and the repositioning of the main doors, the Noise Management Strategy document proposes a number of measures which have been summarised as follows:
- Posters will be displayed within the premises requesting all members keep noise to a minimum when entering and leaving the premises, not to congregate outside, to use bus stops to the north of the site, and car users to park in the side streets to the north of the site.
 - The requests made above are also to be made orally by the Pastor during every service.
 - In order to control the movement patterns of people coming and going, and to ensure that any noise generated outside is kept to a minimum, the church will employ stewards wearing high visibility jackets before and after services. The stewards will advise members to behave courteously; to direct members that need to travel by car to park to the north of the site; to monitor arrivals by bus and to ensure that members use stops located to the north of the site.
 - The external doors and windows of the building are to be kept closed during services.
 - The church will also actively monitor these measures, and in the event that there is any complaint raised by neighbouring occupiers they are encouraged to discuss with the Pastor (or any elders), via a provided email, or by letter.
- 65 Overall it is considered that the Noise Management Strategy generally addresses the issue of noise and disturbance from people attending services. However, to ensure that the measures proposed within are substantive enough to ensure that impact on amenity will be adequately mitigated, it is proposed to include a condition to ensure the measures proposed within the Strategy are adhered to, as mentioned above.
- 66 In addition the noise insulation previously installed will be conditioned to be retained for the life of the permission and noise limits measurable at neighbouring premises will continue to be conditioned.
- 67 It is therefore considered that the measures proposed would sufficiently overcome the potential for noise and disturbance to neighbouring occupiers, and subject to the imposition of conditions, the proposed development would meet the saved policies of The Southwark Plan [UDP] 2007 and the Core Strategy 2011.

Traffic issues

- 68 Southwark Council has no parking standards for D1 uses and standards are applied flexibly, although this is an area with a low TfL PTAL rating (3), reflecting the area's adequate level of access to all forms of public transport. The proposal site is also situated in a Controlled Parking Zone (CPZ).
- 69 The applicant has submitted an updated Travel Survey (dated July 2011) and Transport Statement (dated October 2011). Given the history of this site, there has already been a significant assessment of the transport implications associated with the use of the premises as a place of worship.
- 70 The vast majority within the survey lives in Peckham (SE15) and Walworth (SE17). The transport options of these surveys indicate that most arrived by bus and foot, with those arriving by car being slightly less. A travel plan has been submitted with the application which the Transport section have confirmed they are satisfied with.
- 71 The temporary application secured an off-street car parking space and 8 covered cycle spaces to the front of the building, which have been implemented and are satisfactory. Although residents have stated that they are not used, they have been provided in accordance with saved policy 5.3 'Walking and Cycling' of the Southwark Plan 2007.
- 72 A legal agreement was also secured under the temporary permission to implement the placement of double yellow lines outside the premises, which as mentioned in the planning history section above, have now been implemented
- 71 As a result of the temporary use Yellow lines were marked on the highway on Sumner Road and the southern section of Trafalgar Avenue. The provision of the yellow lines have reduced the harm caused by parked vehicles associated with the place of worship. Previously these vehicles were parking on the immediately surrounding highway, in areas with limited visibility.
- 72 As mentioned above, officers have also witnessed the marshals moving vehicles on that try to park or 'drop off' people out side the development.
- 73 Overall, with the measures detailed above, it is considered that the development would meet the saved policies of The Southwark Plan [UDP] 2007 and strategic policies of the Core Strategy 2011.

Design issues

- 74 There will be no additional external alterations to the building or the outside areas and therefore there are no design issues.

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

- 75 None.

Waste

- 76 The applicant previously proposed to provide 2 x 360L refuse and recycling bins near the main entrance, to be positioned on the street for collection. This refuse storage has been provided and will be retained.

- 77 It is considered that the proposed development would meet the relevant saved policies of The Southwark Plan [UDP] 2007 and strategic policies of the Core Strategy 2011.

Impact on trees

- 78 None.

Planning obligations (S.106 undertaking or agreement)

- 79 There are no planning obligations required by this application, due to the size of the proposal falling under the normal thresholds, and any required mitigation measures have already been provided; ie the yellow no parking lines.

Sustainable development implications

- 80 There are no sustainable development implications, a high level of insulation has already been provided which not only helps with sound attenuation but also heat loss.

Other matters

- 81 The proposal's liability for the Mayor's Community Infrastructure Levy (CIL) and any dispensations that could be applied for, is currently being discussed with the applicants and any update on this matter will be provided in an addendum report.

Conclusion on planning issues

- 82 Overall, and for the reasons explored above, it is considered that the proposed continuation of the premises as a place of worship would not give rise to any material loss of amenity to neighbouring occupiers from noise or disturbance, and would not harm the functioning of the transportation network. The application, subject to the imposition of conditions, satisfactorily meets the saved policies of The Southwark Plan [UDP] 2007, and strategic policies of the Core Strategy 2011, and permission is recommended for these reasons.

Community impact statement

- 83 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.

The impact on local people is set out above. It is considered that due to the reimposition of conditions and the mitigation already carried out at the property that the proposal will not impact on the amenities of adjoining occupiers.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 86 A total of five letters of objection (plus one from a reconsultation) were received from the residents of:
- Apartments 5, 9, 47, 88 Galleria Court
 - No address x 2
- 87 In addition a petition signed by the residents of apartments 2, 5, 9, 12, 23, 35, 36, 47, 57, 60, 65 and 69 Galleria Court
- 88 Councillor Barrie Hargrove also objects on the basis that the church has consistently failed to meet the terms of the planning permission.
- 89 The objections are summarised as following:

TEMPORARY PERMISSION

- 90 Conditions of the initial temporary planning permission were not followed, they are also not enforceable and do not benefit the residents of Galleria Court.
- 91 There are no other mechanisms other than self-policing and goodwill of the church to ensure their implementation.
- 92 The church has breached conditions of the temporary permission on a systematic basis; including operating out of approved hours; not adhering to the Noise Management Plan; leaving the internal doors into the conservatory open during services; cars still stop on the double yellow lines; and noise continues to escape from the premises during services above approved limits.
- 93 The imposition of the conditions have failed to solve the problems.

NOISE AND DISTURBANCE

- 94 There remains significant disturbance to the amenity of neighbouring occupiers from noise and from people gathering outside after services, in particular to those occupiers facing the site, and those with patio areas adjoining. Hours of operation should be conditioned.
- 95 There is noise break out through the conservatory and this also impacts on the users of Burgess Park.
- 96 Full planning permission will likely mean a far higher level of activity at the church and with it more noise and disturbance.
- 97 There have been many records of noise disturbance since the granting of the temporary permission.
- 98 Children have thrown rocks at residents' windows leading to concerns over safety.

PARKING

- 99 Parking still remains a problem as people pull up onto the footpath to drop people off which is both a danger and a nuisance.
- 100 Whilst the cycle racks have been provided, no one ever uses them as everyone drives to the site.

HISTORY

- 101 The church has occupied the premises for over 10 years without a valid planning permission, during which time the church has ignored neighbouring residents' requests, who continue to suffer a loss of amenity.
- 102 The church has ignored previous Noise Abatement and Planning Enforcement Notices.

APPEARANCE

- 103 The church is an unsightly building which impacts on the value of the properties at Galleria Court.

Human rights implications

- 104 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.
- 105 This application has the legitimate aim of providing a community use. 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**

- 106 None.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|--|---|
| Site history file: TP/2386-1A Application file: 11/AP/3481 Southwark Local Development Framework and Development Plan Documents | Deputy Chief Executives 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 5470 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken |
| Appendix 2 | Consultation responses received |
| Appendix 3 | Recommendation |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Fennel Mason, Planning Officer | |
| Version | Final | |
| Dated | 10 May 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 |
| Department of the Deputy Chief Executive | Yes | Yes |
| Strategic Director of Environment and Leisure | No | No |
| Date final report sent to Constitutional Team | 28 June 2012 | |

Consultation undertaken**Site notice date:**

08 November 2011

Press notice date:

None

Case officer site visit date:

08 November 2011

Neighbour consultation letters sent:

08 November 2011

Internal services consulted:

Environmental Protection Team
Transportation Team

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

Attached below

Re-consultation:

10 May 2012

Consultation responses received

Internal services

Environmental Protection Team - no objections subject to conditions

Transportation Team - no objections subject to conditions

Statutory and non-statutory organisations

N/A

Neighbours and local groups

A total of five letters (plus one from a reconsultation) of objection were received from the residents of:

- Apartments 5, 9, 47, 88 Galleria Court
- No address x 2

In addition a petition signed by the residents of apartments 2, 5, 9, 12, 23, 35, 36, 47, 57, 60, 65 and 69 Galleria Court

Councillor Barrie Hargrove also objects on the basis that the church have consistently failed to meet the terms of the planning permission.

The objections are summarised as following:

TEMPORARY PERMISSION

Conditions of the initial temporary planning permission were not followed, they are also not enforceable and do not benefit the residents of Galleria Court.

There are no other mechanisms other than self-policing and goodwill of the church to ensure their implementation.

The church has breached conditions of the temporary permission on a systematic basis; including operating out of approved hours; not adhering to the Noise Management Plan; leaving the internal doors into the conservatory open during services; cars still stop on the double yellow lines; and noise continues to escape from the premises during services above approved limits.

The imposition of the conditions have failed to solve the problems.

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There remains significant disturbance to the amenity of neighbouring occupiers from noise and from people gathering outside after services, in particular to those occupiers facing the site, and those with patio areas adjoining. Hours of operation should be conditioned.

There is noise break out through the conservatory and this also impacts on the users of Burgess Park.

Full planning permission will likely mean a far higher level of activity at the church and with it more noise and disturbance.

There have been many records of noise disturbance since the granting of the temporary permission.

Children have thrown rocks at residents' windows leading to concerns over safety.

PARKING

Parking still remains a problem as people pull up onto the footpath to drop people off which is both a danger and a nuisance.

Whilst the cycle racks have been provided, no one ever uses them as everyone drives to the site.

HISTORY

The church has occupied the premises for over 10 years without a valid planning permission, during which time the church as ignored neighbouring residents requests, who continue to suffer a loss of amenity.

The church has ignored previous Noise Abatement and Planning Enforcement Notices.

APPEARANCE

The church is an unsightly building which impacts on the value of the properties at Galleria Court.

Neighbour Consultee List for Application Reg. No. 11/AP/3481

| | | | |
|------------------|--------------------------|-------------|--|
| TP No | TP/2386-1A | Site | CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON, SE15 6LA |
| App. Type | Full Planning Permission | | |

| Date Printed | Address |
|--------------|---------|
|--------------|---------|

| | |
|------------|--|
| 03/11/2011 | 21-33 (odd) PENNACK ROAD LONDON SE15 6DD |
| 03/11/2011 | 1, 3, 11, 13, 15, 17, 19 PENNACK ROAD LONDON SE15 6DD |
| 03/11/2011 | 99-127 GALLERIA COURT PENNACK ROAD/SUMNER ROAD LONDON SE15 6PW |
| 03/11/2011 | 80B GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 80A GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 6-7 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | 10 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | 9 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | 7 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | 28A SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 26A SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 24A SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 30A SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 76C GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 76B GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 76A GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 11 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | BASEMENT FLAT 68 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | BASEMENT FLAT 72 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | FLAT B 70 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | FLAT C 70 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 66B GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | GROUND FLOOR FLAT 72 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | GROUND FLOOR FLAT 68 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 13 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | 12 BRIDEALE CLOSE LONDON SE15 6NB |
| 03/11/2011 | 78A GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | FLAT A 70 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | FIRST FLOOR AND SECOND FLOOR FLAT 72 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 78B GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 22A SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 2 - 28 (even) PENNACK ROAD LONDON SE15 6DF |
| 03/11/2011 | 5, 7, 9 PENNACK ROAD LONDON SE15 6DD |
| 03/11/2011 | 35 PENNACK ROAD LONDON SE15 6DD |
| 03/11/2011 | 14, 12, 10, 4, 8,6 PENNACK ROAD LONDON SE15 6DF |
| 03/11/2011 | 30 SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 20A SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 20 SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 28 SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | 24,26 SUMNER ROAD LONDON SE15 6LA |
| 03/11/2011 | APARTMENTS 90-153 GALLERIA COURT PENNACK ROAD |
| 03/11/2011 | 74C GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | ROOM 4 78B GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | TOP FLOOR FLAT 68 GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 66C GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 74B GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 74A GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | 66A GLENGALL ROAD LONDON SE15 6NH |
| 03/11/2011 | APARTMENTS 1-150 GALLERIA COURT SUMNER ROAD |

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 | Christ Apostolic Church Mount Zion Internation (CACMZI) | Reg. Number | 11/AP/3481 |
| Application Type | Full Planning Permission | Case | TP/2386-1A |
| Recommendation | Grant permission | Number | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Use of premises as a place of worship (Class D1)

At: CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON, SE15 6LA

In accordance with application received on 14/10/2011

and Applicant's Drawing Nos. 9885/SK/1_A, 9885/SK/2_C

Planning, Design and Access Statement
Town Planning Framework
Transport Statement
Travel Plan
Noise Management Strategy
Program of Church Services
Record of Congregation Attendances
Trafalgar Avenue Waiting Restrictions (Plan)
Travel Survey

Reasons for granting permission.

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

a] Strategic policies of the Core Strategy 2011

Strategic Policy 1 - Sustainable Development

Strategic Policy 2 – Sustainable transport

Strategic Policy 4 - Places for Learning, Enjoying and Healthy Lifestyles

Strategic Policy 12 - Design and Conservation

Strategic Policy 13 - High Environmental Standards

b] Saved policies of the Southwark Plan 2007

Policy 2.2 (Provision of new community facilities) states that permission will be granted for new community facilities provided that provision is made for use by all members of the community, subject to assessment of impacts on amenity and in relation to transport impacts.

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

Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

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

Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area

Policy 5.7 (Parking Standards for Disabled People) requires development (subject to site constraints) to provide adequate car parking for disabled people and the mobility impaired.

c] Policies of the London Plan 2011

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.4 Local character

Policy 7.6 Architecture

d] National Planning Policy Framework [NPPF] 2012

Particular regard was had to the potential loss of amenity to neighbouring occupiers and impact on the transportation network that could result from the proposed development but it was considered that this would be adequately mitigated by the measures included in this proposal and the conditions imposed. The proposal will provide a suitable premises as a place of worship that has previously been considered acceptable in land use terms. It was therefore considered appropriate to grant permanent 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: 9885/SK/1_A and 9885/SK/2_C.

Reason:

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

- 3 The use hereby permitted for place of worship or any other use within Use Class D1 shall not be carried on outside of the hours Monday to Thursday 18:00 to 21:00; Friday 18:00 to 21:30; Saturday 10:00 to 21:00; Sunday 09:30 to 16:00; and a special New Years Eve service between 21:00 and 01:00, save that administrative office use ancillary to the D1 Use maybe carried out between the hours of 09:00 to 21:00 Monday to Saturday.

Reason:

To protect the amenities of the surrounding properties in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan (UDP) 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 The number of occupants within the premises shall be limited to a maximum of 100 after 6.30pm on Mondays - Saturdays and at other times is hereby restricted to a maximum of 300 persons, with an exception allowed for three days per calendar year for special services to be approved in writing by the Local Planning Authority.

Reason:

To protect the amenities of the surrounding properties in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan (UDP) 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 The approved Noise Management Strategy (dated October 2011) shall be held at the site, and the management of the premises shall use best endeavours to ensure compliance with the measures detailed within the Noise Management Strategy at all times.

Reason:

To protect the amenities of the surrounding properties in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan (UDP) 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 6 Except for access and egress, all external doors and windows shall remain closed during services and any other times that amplified sound and non-amplified singing is undertaken in the main meeting room. The door between the main meeting room and conservatory shall also remain closed and not used for access and egress except in an emergency during these times.

Reason

To ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise from amplified music and speech in accordance with saved policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 7 The refuse storage arrangements provided and shown on the approved drawings 9885/SK/2_C, shall be retained for the life of this permission 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 Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' and Policy 3.7 'Waste reduction' of The Southwark Plan 2007.

- 8 The secure cycling facilities provided and shown on approved drawing 9885/SK/2_C shall be retained, for the life of this permission.

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 Strategic Policy 2 'Sustainable transport' of the Core Strategy 2011 and Saved policy 5.3 'Walking and cycling' of The Southwark Plan 2007.

- 9 The insulation installed under condition 10 of Application No. 09-AP-2300 shall be retained for the life of this permission and the installed sound insulation shall ensure that break out noise from the premises does not exceed 29dB LAeq, 5min 1m from the façade of any noise sensitive premises.

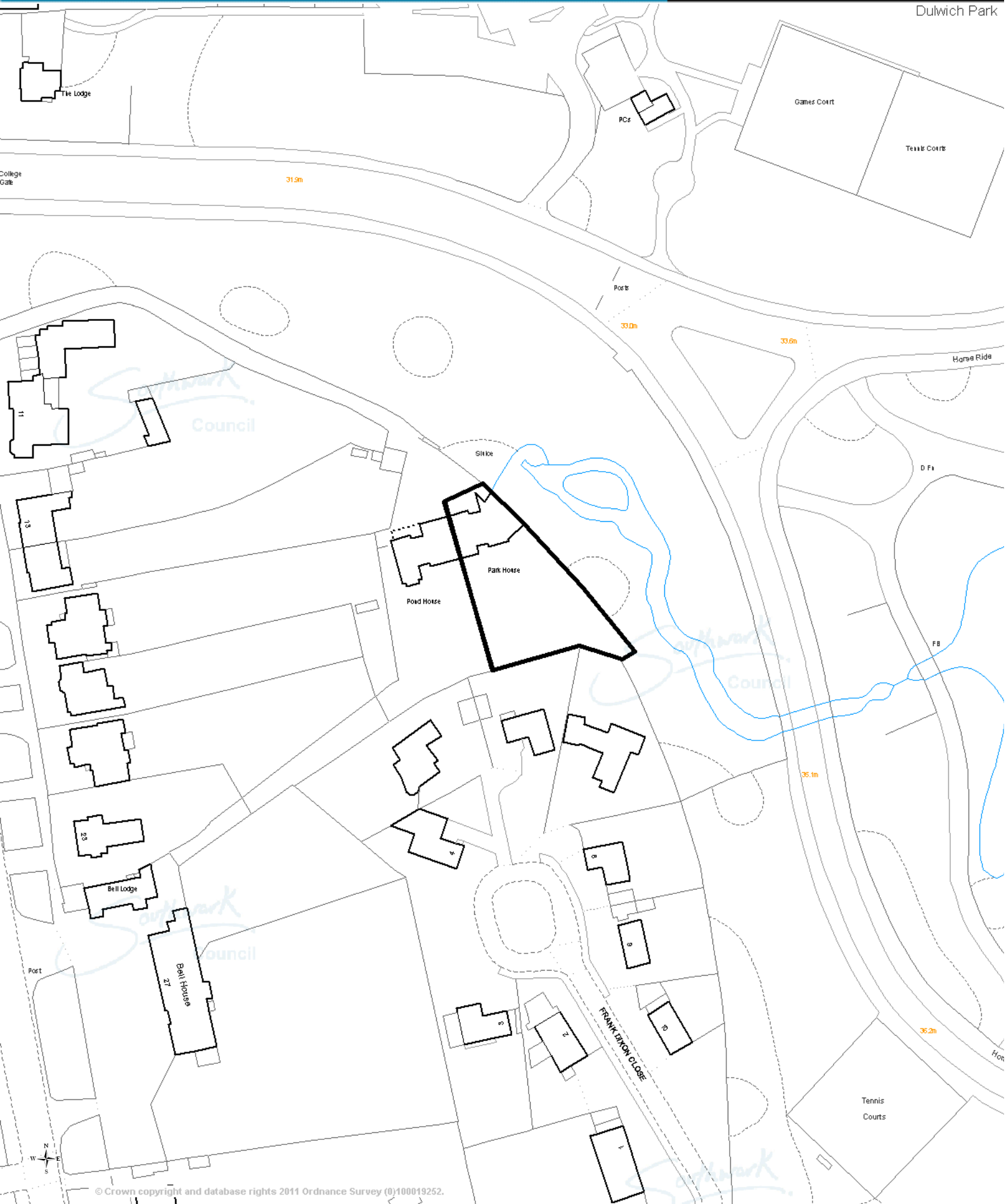
Reason:

To ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise from amplified music and speech in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

Ordnance Survey

Date 27/6/2012

Dulwich Park



| | | | |
|---|---|--|--|
| Item No. 6.3 | Classification: Open | Date: 10 July 2012 | Meeting Name: Planning Sub-Committee Sub B |
| Report title: | Development Management planning application: Application 11-AP-4229 for: Full Planning Permission Address: 9 COLLEGE ROAD, LONDON, SE21 7BQ Proposal: First floor extension over existing garage, a single storey rear extension; extended conservatory and terrace at second floor level with new small terrace at first floor. Installation of solar PV and thermal panels on the roof. | | |
| Ward(s) or groups affected: | Village | | |
| From: | Head of Development Management | | |
| Application Start Date 13 January 2012 | | Application Expiry Date 09 March 2012 | |

RECOMMENDATION

- 1 Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

- 2 This item is being brought before Members as the item has been called in to Subcommittee by two Ward Councillors and this has been agreed by the Chair of planning committee.

Site location and description

- 3 The application dwelling is a substantial property accessed from a private road off College Road. The house forms part of a pair of modern houses, Park and Pond Houses. Park House comprises a part two storey, part three storey dwelling house linked only at ground floor level with Pond House. Both houses have very distinctive atrium designs. Park House is bounded by Dulwich Park on its eastern boundary, the rear gardens of nos. 6 and 7 Frank Dixon Way to the south and Pond House and gardens to the west.
- 4 The dwelling lies within the Dulwich Wood Conservation Area and is within Metropolitan Open Land. It lies on the periphery of Dulwich Park which is designated both as a grade II registered park and garden and Metropolitan Open Land. There are a number of Grade II listed buildings close to the site including nos 11, 13 and 15 College Road that adjoin the access road leading to the property with nos 23, Bell Lodge and the Grade II* Listed Bell House which is slightly further away.

Details of proposal

- 5 Planning permission is sought to extend Park House with extensions on the ground and first floors. The ground floor extension can be read as two parts, the extension of

the garage both to the front and extending in the space to the rear. The extension to the front would not breach the existing building line and would measure 2 metres deep and 3.2 metres in width.

- 6 The single storey extension beyond the garage would measure 8.3 metres deep, 5.9 metres wide and 4 metres high. It would be located immediately behind the garage and utility room on the ground floor. This would form a new garden room in floor to ceiling glazing. The wall with the boundary of Dulwich Park would be in a dark grey painted render to match the existing boundary treatment.
- 7 The proposed first floor extension would be located above the existing garage and comprise a depth of approximately 13.5 metres on the boundary with Dulwich Park and 11 metres on the side of the original dwelling leaving a triangular terrace area to the rear overlooking the garden. The extension would infill the space between the house and the boundary.
- 8 The existing second floor conservatory would be squared off with a 2 metre x 2 metre addition to the existing roof terrace. The roof of the first floor extension would be used to provide an additional terrace area to the side of the house which would be accessed by steps from the existing second floor terrace.
- 9 The flat roof of the main house would be used to house photo-voltaic and solar thermal panels and up to 4 air source heat pump units, these will be set back up to 1.5 metres from the edge of the roof to limit their visual impact.

Planning history

- 10 Planning permission was granted 8/07/2002 02/AP/0927 for the demolition of two existing houses and the erection of two part 2 part 3 storey houses with basement.
- 11 Conservation Area Consent was granted 5/08/2002 for the demolition of all buildings on the site.

Planning history of adjoining sites

- 12 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
 - a) the impact of the proposed extensions upon the park and the Dulwich Wood Conservation Area.
 - b) the impact of the proposed development upon the residential amenity of the surrounding dwellings.
 - c) the impact of the proposal upon Metropolitan Open Land.
 - d) the impact of the proposal upon the listed buildings

Planning policy

Core Strategy 2011

- 14 Strategic Policy 12 Design and Conservation
Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 15 3.2 Protection of amenity
3.4 Energy efficiency
3.12 Quality in design
3.15 Conservation of the historic environment
3.16 Conservation areas
3.18 Setting of listed buildings, conservation areas and world historic sites
3.25 Metropolitan open land

National Planning Policy Framework

- 16 11. Conserving the natural environment
12. Conserving the historic environment

Principle of development

- 17 The property is within the Dulwich Wood Conservation Area and within designated Metropolitan Open Land (MOL). Whilst it is acceptable to extend dwellings within conservation areas, subject to amenity and design considerations, development within Metropolitan Open Land is far more restrictive. Saved Policy 3.25 states that there is a general presumption against inappropriate development on Metropolitan Open Land. Of relevance to this application is sub section iii of policy 3.25: 'Extension of or alteration to an existing dwelling', which is in principle considered to be acceptable providing that it does not result in disproportionate additions over and above the size of the original building.
- 18 The reasoning behind this policy is to protect the openness of MOL, particularly in areas of development pressure, and to protect existing open space. It is considered that the proposed extensions, whilst fairly substantial, would remain subservient to the original dwelling. Further, although the development is located on MOL land, it is part of a residential garden, not open to public use or views. The extensions to the house would not undermine the MOL policy nor harm its character and function. On balance, the proposal is considered acceptable in terms of MOL policy.

Environmental impact assessment

- 19 Not required for a scheme of this nature.

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

- 20 The extension would be within close proximity to Dulwich Park and could be viewed from within the park and from the residential properties to the rear of the site on Frank Dixon Way.
- 21 The park side the boundary is well screened with trees and thick vegetation, although it is appreciated there would be more visibility during the winter months. Dulwich Park is surrounded by dwellings along most of its boundary, but they are generally set off the boundary and do not impinge directly on the space.
- 22 The existing house already extends along the boundary with the park at ground floor level. Further extension here is not considered to impact the park as it would have limited visibility from within the park. At first floor level, the extension would sit on the

park boundary but would be well screened, and it is not considered harmful to the setting of the park. At second floor level, the conservatory is squared off but this work is of a minor nature and set off the park boundary. A framelass glass balustrade along the edge of the proposed first floor extension, creating a terrace at this level, would have little visual impact on views from the park.

- 23 The proposed works would not give rise to any loss of light, outlook or overshadowing of existing dwellings, due to the location and setting of the application property which sits within a substantial rear garden of over 30 metres in depth from the boundary with the properties on Frank Dixon Way. It is obscured by the properties on College Road by the hidden from the boundaries with

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

- 24 The use of the property will remain residential. It is acknowledged that the proposal would have an impact visually when viewed from the park, and the extension of the terrace area to the side will result in a greater degree of overlooking from first floor level into the park. It is noted that the proximity of the terrace and extension could be considered as a blight on the peaceful rural character of the park. Notwithstanding, the park is an extensive space and the impacts from the extension and terrace would be confined to an area on the periphery, close to the main gates. On balance, the impact of the residential extension is not considered to undermine the general use and enjoyment of Dulwich Park.

Design issues

- 25 The proposal would harmonise with the scale, height and materials of the original dwelling and is considered complementary to this bold contemporary design. The extensions, in particular, would remain subservient to the building and would not compromise the original design by setting back from the front elevation at first floor, and with an offset rear garden room. Generally, there does appear continuity in design, materials and detailing.
- 26 The solar panels and other plant on the roof are acceptable, as they are sufficiently set back such that should not interfere with the clean skyline and 'gull-wing' roof-form. The roof is already used for plant housing. Whilst there may be glimpses of plant from particular viewpoints this is not considered to be incongruous to the appearance of the building.

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

- 27 The proposal is considered to preserve the historic built environment on College Road and Frank Dixon Close. The scale and height of first floor would not be overtly prominent or visually detrimental given the significant distances to surrounding properties and screening by both Pond House and surrounding mature planting.
- 28 The flank of the first floor extension, whilst visible from Dulwich Park, would be partially screened by nearby trees and is not significantly more intrusive than the existing situation, other than the balustrade which may reflect sunlight in the morning drawing the eye, and blankness of this facade. Notwithstanding this, there are existing views of dwellings backing onto the park and these are not considered visually dominant or invasive. The extensions would not detract from the openness of Dulwich Park or that of Dulwich Wood Conservation Area. Accordingly the proposal is considered to preserve the historic built environment and the open greened character and appearance of Dulwich Park and Dulwich Wood conservation area.

Impact on trees

- 29 The applicant has submitted an Arboricultural Report and a Tree Protection plan which shows measures to retain trees and prevent damage that could result during construction.
- 30 Protection measures are well designed and include the installation of no-dig surfaces for plant access and hand digging for trial pits to determine the location of piles. These will allow construction to proceed with minimal risk of damage during development. The tree protection method statement follows site management processes described in BS 5837 Trees in relation to construction.
- 31 It is considered that the information submitted adequately details how trees will be protected from damage during construction and therefore no objections are raised subject to conditions.

Planning obligations (S.106 undertaking or agreement)

- 32 The proposal is below the threshold for contributions.

Sustainable development implications

- 33 The proposed works include renewable energy sources to be retrofitted to the dwelling. These would comprise photo-voltaic panels, solar thermal panels and air source heat pumps, these would be located on the existing flat roof of the building and set in on all sides by 1.5 metres to minimise its visual impact. The use of alternative energy sources to be employed within the building is welcomed.

Other matters

- 34 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
- 35 The proposed development would not be CIL liable as the amount of new floorspace created would be under the threshold of 100 sq. metres.

Conclusion on planning issues

- 36 There have been a number of objections raised around the visual impact of the proposed first floor extensions and roof terrace upon park users and neighbouring dwellings. The proposed extensions have been deliberately located to the park side so as to minimise impacts upon neighbours. The first floor element which has given rise to the most objection would not extend beyond the existing rear building line and it is not considered that this would overlook dwellings to a such degree that it would constitute harm to surrounding neighbours. The provision of plant on the roof would be set back, and whilst visible from certain points, the benefit from use of green energy is considered to offset the potential visual impacts. There are also concerns raised around the impact to users of the park. It is acknowledged that there would be an impact on views from the park at this point, however given the location of a dwelling on the periphery of the MOL designated land, it is not considered that the proposal would undermine the character or enjoyment of the park and it is considered that the work would fall within a category of appropriate development.

- 37 Having regard to the objections made, and the assessment of policy and guidance, it is recommended that planning permission be granted.

Community impact statement

- 38 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

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

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above.

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

Consultations

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

Consultation replies

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

Summary of consultation responses

- 41 Eight objections received on grounds of impact of the additional extensions and terraces on the adjoining properties through loss of privacy. Objection to the provision of plant on the roof creating a visual eyesore. Concern raised around the impact of the development through visual intrusion on park users from overlooking to the park.

One letter of support - Likes the design.

42

Human rights implications

- 43 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.

- 44 This application has the legitimate aim of providing additional residential accommodation. 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

- 45 N/A

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|---|
| Site history file: TP/2084-9 Application file: 11-AP-4229 Southwark Local Development Framework and Development Plan Documents | Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken |
| Appendix 2 | Consultation responses received |
| Appendix 3 | Recommendation |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Sonia Watson, Planning - Team Leader Team 1 East | |
| Version | Final | |
| Dated | 19 June 2012 | |
| Key Decision | Grant Planning Permission | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Communities, Law & Governance | No | No |
| Deputy Chief Executive's Dept | Yes | Yes |
| Strategic Director of Environment and Leisure | No | No |
| Date final report sent to Constitutional Team | | 28 June 2012 |

Consultation undertaken

Site notice date: 03/02/2012

Press notice date: 02.02.2012

Case officer site visit date: 03/02/2012

Neighbour consultation letters sent: 24/01/2012

Statutory and non-statutory organisations consulted:

N/A

Neighbours and local groups consulted:

7 FRANK DIXON CLOSE LONDON SE21 7BD
9A COLLEGE ROAD LONDON SE21 7BQ
5 FRANK DIXON CLOSE LONDON SE21 7BD

Dulwich Society
Friends of Dulwich Park

Re-consultation:

N/A

Consultation responses received

Internal services

Urban Forester - It is considered that the information submitted adequately details how trees will be protected from damage during construction and therefore no objections are raised subject to conditions.

Statutory and non-statutory organisations

N/A

Neighbours and local groups

9 Rollscourt Ave - Objects due to lack of consultation on park users, scheme would be very intrusive to park users and screening should be put in place. Plant on the roof would be ugly.

Via e-mail no address given - Objects to the visual intrusion into the park from roof terrace and impact on neighbouring properties.

6 Frank Dixon Way - Supports ground floor garden room, but objects to any form of window or door on the sought side of the proposed first floor bedroom and objects to the creation of a new terrace. The proposed first floor bedroom would have direct views into the kitchen and three bedrooms of our house. The proposed first floor terrace would have direct views into our garden and into three bedrooms on the north side of the property. Support the solar panels on the roof but only if not visible from within our property, support internal works to the basement.

Do not feel the design and access statement accurately depicts the relationship between the two houses.

8 Frank Dixon Way - Objects, there is currently an impeded view between 8 Frank Dixon Close and Park House at first floor level, no objections raised to the ground floor extension, but object to the proposed first floor terrace which would directly face Frank Dixon Close and lead to a loss of privacy at that level. The plant on the roof would be an eyesore out of keeping with the surroundings.

21 College Road - There should have been more consultation. The glazing combined with the aluminium cladding make the structure unpleasantly reflective in the sunshine with high levels of light pollution in the evenings. The further terraces proposed will exacerbate the intrusion of the existing building on the surroundings. In addition a conservatory at second storey height would increase levels of light pollution. The positioning of a home energy centre on the roof will detract from the present clean lines of the property, nor is there mention of noise pollution resulting from this equipment. The existing building does not harmonise with character of the area, and is of a size and scale that is visually dominate. To add an extension would exacerbate these effects both from the park and neighbours' view.

11 College Road - Objects as properties abut onto the rear of back garden and overlook the rear of the house. Any increase will intrude more on the existing rural atmosphere of the area. The houses are very visible to the surrounding area additional mass on an already substantial building will decrease the rural atmosphere of the park.

36 Calton Avenue - Objects it would be inappropriate to have further building and glass above the ground level storey, this would compromise the amenity of the park for visitors. Entertaining in the view of the park would be irritating for walkers.

57 Danecroft Road - Support, the houses at 9 College Road are of high quality and are examples of contemporary architecture at its best.

Dulwich Society - Objects to the first floor extension which would increase the mass of the original building such that it could not be construed as a subordinate addition. Further it is considered a disproportionate addition onto Metropolitan Open Land.

Visual impact upon Dulwich Park, contrary to the applicants statement the impact of the first floor extension on the park would be very noticeable, both in terms of massing and through the use of the roof terrace with people overlooking the park.

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 K. Pickering | Reg. Number | 11/AP/4229 |
| Application Type | Full Planning Permission | Case | TP/2084-9 |
| Recommendation | Grant permission | Number | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

First floor extension over existing garage, a single storey rear extension; extended conservatory and terrace at second floor level with new small terrace at first floor. Installation of solar PV and thermal panels on the roof.

At: 9 COLLEGE ROAD, LONDON, SE21 7BQ

In accordance with application received on 16/12/2011 12:00:35

and Applicant's Drawing Nos. Existing

1104 001; 1104 100; 1104 101; 1104 110; 1104 111; 1104 112; 1104 113; 1104 114; 1104 115; 1104 116; 1104 117; 1104 118;

Proposed

1104 200; 1104 201; 1104 210; 1104 211; 1104 212; 1104 213; 1104 214; 1104 215; 1104 216; 1104 217; 1104 218; 1104 219

Documents

Tree Strategy
Planning Statement
Design and Access Statement
Heritage Statement

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 11 Open Spaces and Wildlife protects important open spaces, trees and woodland from inappropriate development. Policies Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces, and conservation of heritage assets and Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

Saved policies of the Southwark Plan 2007

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity. Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design. Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments. Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance. Policy 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials. 3.28 Metropolitan Open Land advises that the Local Planning Authority will seek to protect MOL from inappropriate development.

- 11 Conserving the natural environment
- 12 Conserving the historic environment

Particular regard was had to:

- objections in relation to character and appearance and the foregoing design policies, where it is considered that the new extensions have been designed in a sensitive and sympathetic manner that integrates with the existing dwelling, and would not harm the character and appearance of the conservation area, subject to conditions of consent in particular in relation to materials and detailing.
- objections in relation to impacts on amenities and the foregoing urban design policies. The development is not considered to harm the amenities of surrounding residents, including outlook and privacy, and noise and disturbance.
- objections to the impact upon the park, and its status as a Registered Park and designation as Metropolitan Open Land, where it was considered that the proposed development would not undermine these designations or result in harm to the users of the park.
- objections to the effect of the development the character and appearance of the Dulwich Village Conservation Area where it was considered that the character and appearance would be preserved by the scheme.

Impacts of the proposed development were not considered so harmful as to justify refusing permission.

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:

1104 200; 1104 201; 1104 210; 1104 211; 1104 212; 1104 213; 1104 214; 1104 215; 1104 216; 1104 217; 1104 218; 1104 219

Reason:

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

- 3 Samples of all and external facing materials, including the clear, non-reflective glass and a 1m x 1m sample panel of the proposed brickwork to be used in the carrying out of this permission shall be presented on site and approved by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design, 3.13 Urban Design and 3.16 Conservation areas of The Southwark Plan 2007.

- 4 The tree protection methods detailed within the Tree Strategy Report submitted with the planning application shall be implemented in accordance with the details therein. Prior to the commencement of works a site meeting should be held between the developers arboricultural consultant the and Local Authority Arboriculturist to ensure that the protective tree measures have been properly erected and afford adequate protection to the root protection zones.

Reason

In order that the Local Planning Authority may be satisfied with the details of the scheme in accordance with Strategic Policy 11 Open Spaces and Wildlife of The Core Strategy 2011 and Saved Policy 3.12 'Quality in Design' and 3.2 'Protection of Amenity' of the Southwark Plan 2007



| | | | |
|---|---|--|--|
| Item No. 6.4 | Classification: Open | Date: 10 July 2012 | Meeting Name: Planning Sub-Committee B |
| Report title: | Development Management planning application: Application 12/AP/0875 for: Full Planning Permission Address: 43 TURNEY ROAD, LONDON, SE21 7JA Proposal: Proposed extension of existing basement to create additional residential accommodation, with installation of dormer extensions to the rear roof slope and over the rear outrigger, two new rooflights, dropped kerb to access front garden, and external alterations to rear of property, including replacement of ground floor rear elevation doors and new rooflight to existing side infill extension. | | |
| Ward(s) or groups affected: | Village | | |
| From: | Head of Development Management | | |
| Application Start Date 21 March 2012 | | Application Expiry Date 16 May 2012 | |

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

- 2 This item is being brought before Members as the item has been called in to Subcommittee by two Ward Councillors and this has been agreed by the Chair of planning committee.

Site location and description

- 3 The site refers to a two storey, terrace, single family dwelling house on the northern side of Turney Road. The site is situated within the Dulwich Village Conservation Area.

Details of proposal

- 4 Erection of dormer extension to the rear roof slope measuring 1900mm in height 2200mm in width and 2000mm in depth, extending over the outrigger measuring 5500mm in total length, 1700mm in height and 2800mm in width. The extension of the existing basement under the whole house with a 3m deep extension under the garden and a glazed door giving out onto a narrow lightwell to the rear which would be covered by a glazed floor within the garden, dropped kerb to the front of the property, alterations to the rear elevation including installation of replacement doors, and replacement rooflight to existing side extension.

Planning history

- 5 A planning application for the same scheme omitting the basement extension has now been approved (Ref: 12-AP-0875).

Planning history of adjoining sites

- 6 41 Turney Road – No planning history
45 Turney Road – No planning history

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 7 The main issues to be considered in respect of this application are:
- a) The impact on amenity of neighbouring residents and future occupiers.
 - b) The design and appearance of the proposed extension.

Given that the extensions, other than the basement, have now been granted permission, the consideration of the merits of the proposal will deal only with the basement.

Planning policy

Core Strategy 2011

- 8 Strategic Policy 12 – Design and conservation
Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 9 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.
- 10 Policy 3.2 Protection of amenity
Policy 3.11 Efficient use of land
Policy 3.12 Quality in Design
Policy 3.16 Conservation Areas

London Plan 2011

- 11 None relevant.

National Planning Policy Framework (NPPF)

- 12 The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in

favour of sustainable development.

Principle of development

- 13 There is no objection to the principle of extending a dwelling in this residential area provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on amenity in accordance with the Residential Design Standards SPD (2008) and the relevant saved policies of the Southwark Plan (2007).

Environmental impact assessment

- 14 Not required.

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

- 15 Objections have been raised to the basement extension based on the method of construction, impacts on adjoining properties structural integrity, and impacts on amenity of construction.
- 16 The basement extension is shown to be partly set in 600mm from the side boundaries of the house, and would project into the garden by just over 3m. At the rear would be a lightwell which is covered by glazing. None of the basement extension would have amenity impacts on neighbours.
- 17 Whilst it is appreciated that neighbours have concerns about flood risk, noise and disruption during construction, damp problems and damage to adjoining houses, these are not considered to be valid planning objections and are more properly considered as part of an application for building regulations.
- 18 This location is not within an area defined by the Environment Agency as at high risk of flooding and as such, there would be no reason to prevent basement excavation on this ground.

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

- 19 None anticipated.

Traffic issues

- 20 None.

Design issues

- 21 The proposed basement does not materially effect the external appearance of the property, the lightwell in the rear garden which is flush with ground level will not have a detrimental impact on the host building.

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

- 22 The property is situated within the Dulwich Village Conservation Area. The basement works are to the rear of the property not visible from public viewpoints, and it is therefore considered that the works will preserve the character of the host building and the conservation area.

Impact on trees

23 None.

Planning obligations (S.106 undertaking or agreement)

24 Not required.

Sustainable development implications

25 None.

Other matters

26 None.

Conclusion on planning issues

27 The roof extensions and crossover were subject to an earlier application which has subsequently been granted permission. The basement extension would not lead to amenity impacts on neighbours, does not affect the external appearance of the property and would not be harmful to the character and appearance of the Dulwich Village Conservation Area. The objections received are not considered to raise material planning considerations.

Community impact statement

28 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.

29 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

32 7 Neighbour responses received

41 Turney Road – no substantial concerns raised over the loft conversion. Concerns raised over the effect of the construction of the basement.

45 Turney Road – concerns raised of overlooking from dormer into bathroom window in side return, and impact of basement construction. The proposed plans have been amended to show the windows in the side elevation of the dormer over the outrigger to be obscurely glazed to overcome any issues of overlooking to the adjoining property.

Turney Road Residents Association – objection on grounds of flooding, and impacts of the construction works on the amenity of surrounding residents.

118 Turney Road - flooding caused by excavation, environmental damage, noise and dust caused by excavation.

178 Turney Road - Flooding caused by excavation, precedent for other properties to create basement extensions, interference during construction.

100 Turney Road - Flood risk.

1 no address supplied - reference to Camden Councils requirements with regards to basement extensions.

Human rights implications

- 33 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.
- 34 This application has the legitimate aim of providing additional residential accommodation. 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

- 35 None.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|---|---|
| Site history file: TP/2546-43 Application file: 12/AP/0875 Southwark Local Development Framework and Development Plan Documents | Deputy Chief Executive's 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 5560 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken |
| Appendix 2 | Consultation responses received |
| Appendix 3 | Recommendation |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Anna Clare, Planning Officer | |
| Version | Final | |
| Dated | 25 May 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 |
| Strategic Director of Regeneration and Neighbourhoods | Yes | Yes |
| Strategic Director of Environment and Leisure | No | No |
| Date final report sent to Constitutional Team | | 28 June 2012 |

Consultation undertaken

Site notice date: 17/05/2012

Press notice date: 05/04/12

Case officer site visit date: 17/05/12

Neighbour consultation letters sent: 30/03/12

Internal services consulted: None.

Statutory and non-statutory organisations consulted: CAAG

Neighbours and local groups consulted: See list in Acolaid.

Re-consultation: None.

Consultation responses received**Internal services**

N/A

Neighbours and local groups

7 neighbour responses received. Comments listed above.

RECOMMENDATION

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

| | | | |
|-------------------------|--------------------------|--------------------|------------|
| Applicant | Ms M. Roberts | Reg. Number | 12/AP/0875 |
| Application Type | Full Planning Permission | Case | TP/2546-43 |
| Recommendation | Grant permission | Number | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Extension of existing basement to create additional residential accommodation, with installation of dormer extensions to the rear roof slope and over the rear outrigger, two new rooflights, dropped kerb to access front garden, and external alterations to rear of property, including replacement of ground floor rear elevation doors and new rooflight to existing side infill extension.

At: 43 TURNEY ROAD, LONDON, SE21 7JA

In accordance with application received on 21/03/2012

and Applicant's Drawing Nos. 10-001, EX-101, EX-001, EX-002, EX-003, EX-004, PL-010, PL-201 Rev A, PL-202 Rev A, PL-204, PL-205 Rev A, Design & Access Statement.

Reasons for granting planning permission.

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

a] Saved Policies 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity, 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 and 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials.

b] Core Strategy 2011 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.

Particular regard was had to the impact of the proposed extensions and alterations upon the adjoining residential properties, the host building and the Dulwich Village Conservation Area. However, it was considered that there would be no harmful impacts would result. 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:

PL-010, PL-201 Rev A, PL-202 Rev A, PL-204, PL-205 Rev A.

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', 3.13 'Urban Design' and 3.16 'Conservation areas' of The Southwark Plan 2007 (July) and SP12 -Design and Conservation of the Core Strategy 2011.

—

PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2012-13

NOTE: Original held by Constitutional Team (Community Councils) all amendments/queries to Gerald Gohler Tel: 020 7525 7420

| Name | No of copies | Name | No of copies |
|---|--------------|----------------------------|--------------|
| To all Members of the Community Council | | | |
| Councillor Darren Merrill (Chair) | 1 | | |
| Councillor Nick Stanton (Vice-Chair) | 1 | | |
| Councillor Neil Coyle | 1 | | |
| Councillor Nick Dolezal | 1 | | |
| Councillor Mark Gettleson | 1 | | |
| Councillor Richard Livingstone | 1 | | |
| Councillor Wilma Nelson | 1 | | |
| Councillor James Barber | 1 | | |
| Councillor Sunil Chopra | 1 | | |
| Councillor Poddy Clark | 1 | Dated: 26 June 2012 | |
| Councillor Patrick Diamond | 1 | | |
| Councillor Helen Hayes | 1 | | |
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| External | | | |
| Libraries | 1 | | |
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| | | | |
| Members of Parliament | | | |
| Harriet Harman MP | 1 | | |
| Tessa Jowell MP | 1 | | |
| | | | |
| Officers | | | |
| Constitutional Officer (Community Councils) Hub 4 (2 nd Floor), Tooley St. | 15 | | |
| Claire Cook Planning, Hub 2 (5 th Floor) Tooley St. | 1 | | |
| Suzan Yildiz / Nick Bradbury, Legal Services Hub 2 (2 nd Floor) Tooley St. | 1 | | |
| | | | |
| Total: | 35 | | |