

---

## 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 H. Malik & Dr Shamsuddoha  
**Application Type** Full Planning Permission  
**Recommendation** Grant permission

**Reg. Number** 08-AP-0356

**Case Number** TP/2630-21

---

### Draft of Decision Notice

---

**Planning Permission was GRANTED for the following development:**

Continued use of ground floor as shop ( Use class A1).

**At:** 21 NORTH CROSS ROAD, LONDON, SE22 9ET

**In accordance with application received on** 11/02/2008

**and Applicant's Drawing Nos.** Site location plan, unnumbered drawing showing layout plan and front of the shop, letter from Andrew Wright dated 31st March 2009.

**Subject to the following condition:**

- 1 Within one month of the date of this decision, details of the arrangements for the storing of refuse associated with the retail unit shall be submitted to (2 copies) and approved in writing by the Local Planning Authority. The facilities thereby approved shall be provided within one month of the approval of the refuse storage details and shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

**Reason**

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with policies 3.2 'Protection of amenity' and 3.7 'Waste reduction' of the Southwark Plan 2007.

- 2 No open storage or display of goods shall take place in the garden at the rear of the site unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure no loss of amenity to 2 and 4 Ulverscroft Road and 1 Fellbrigg Road by virtue of odour and loss of visual amenity, in accordance with policy 3.2 of the Southwark Plan 2007.

**Reasons for granting planning permission.**

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

- a] Policies 1.8 - Location of developments for retail and other town centre uses, 3.2 - Protection of amenity, 3.7- Waste reduction, 4.6 - Loss of residential accommodation and 5.2 - Transport impacts of the Southwark Plan [July 2007].
- b] Planning Policy Statement 6: PPS6: Planning for Town Centres (March 2005).

Particular regard was had to the lack of a sequential test as required under policy 1.8 and the loss of residential floorspace, but it was considered that given the location of the site within an informal parade of shops, because the ground floor has been in retail use since at least 2006 without harming the vitality and viability of the adjacent town centre and protected shopping frontage and owing to the limited loss of residential floorspace involved, it would not be expedient for the Council to pursue enforcement action, particularly as no action was taken in September 2006. The use has not resulted in any loss of amenity or adverse highway conditions. Therefore, on balance, it was considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

