



**COMMUNITY COUNCILS**  
A voice for your community



## **Nunhead and Peckham Rye Community Council**

### **Planning Agenda**

<b>DATE: Wednesday May 2 2007</b>	<b>TIME: 7.00pm</b>
<b>PLACE: Room A3 Southwark Town Hall, Peckham Rd, SE5 8UB</b>	

- 1. Welcome and introductions**
- 2. Apologies**
- 3. Notification of any items which the Chair deems urgent**
- 4. Disclosure of Members' interests and dispensations**
- 5. Matters from the previous meeting**  
Minutes from the April 16 2007 (Planning) Community Council meeting, to be agreed.

#### **6. Planning Application for Decision:**

##### **Item1/1**

91 LYNDHURST GROVE, LONDON SE15 5AW (06-AP-2084) – Full Planning Permission

#### **7. Closing comments by Chair**

## **ADDITIONAL INFORMATION**

### **Nunhead and Peckham Rye Community Council Membership**

Councillor Mark Glover *Chair*

Councillor Evirm Laws *Vice Chair*

Councillor Fiona Colley

Councillor Aubyn Graham

Councillor Susan Jones

Councillor Gordon Nardell

Councillor Robert Smeath

Councillor Althea Smith

Councillor Dominic Thorncroft

### **Carers' Allowances**

If you are a Southwark resident and have paid someone to look after your children, or an elderly dependant or a dependant with disabilities, so that you can attend this meeting, you may claim an allowance from the Council. Please collect a claim form from the clerk at the meeting.

### **Deputations**

For information on deputations please ask the clerk for the relevant handout.

### **Exclusion of Press and Public**

The following motion should be moved, seconded and approved if the Community Council wishes to exclude the press and public to deal with reports revealing exempt information.

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

### **Transport Assistance for Disabled Members of the Public**

Members of the public with a disability who wish to attend Community Council meetings and who require transport assistance in order to access the meeting, are requested to call the meeting clerk at the number below to give his/her contact and address details. The clerk will arrange for a driver to collect the person and provide return transport after the meeting. There will be no charge to the person collected. Please note that it is necessary to call the clerk as far in advance as possible, at least three working days before the meeting.

### **Wheelchair access**

Southwark Town Hall is wheelchair accessible.

For further information, please contact the Nunhead and Peckham Rye Community Council clerk:

Rachael Bannerman

Phone: 0207 525 1022

E-mail: [rachael.bannerman@southwark.gov.uk](mailto:rachael.bannerman@southwark.gov.uk)

Council Website: [www.southwark.gov.uk](http://www.southwark.gov.uk)

### **Language Needs**

If you want information on the Community Councils translated into your language please telephone 020 7525 57514. To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 0207 525 7514

আপনি যদি আপনার ভাষায় কমিউনিটি কাউন্সিল সম্বন্ধে তথ্য চান তাহলে অনুগ্রহ করে 020 7525 0640 নম্বরে টেলিফোন করুন

কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা অনুবাদক/ইন্টারপ্রেটার তাহলে 020 7525 0640 নম্বরে টেলিফোন করুন

**Bengali**

Kendi dilinizde Toplum meclisleri hakkõnda bilgi almak için 020 7525 7514'nolu telefonu arayõnõz.  
Özel gereksinimlerinizi bize bildirmek için 020 7525 7514'nolu telefonu çeviriniz.

**Turkish**

Haddii aad doonayso warbixin ku saabsan qoraalka Kawnsalkada Bulshada oo ku turjuman af Soomaali fadlan tilifoon u dir 020 7525 7514  
Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7514

**Somali**

如果你需要有關社區委員會的訊息翻譯成中文，請致電提出要求，號碼：020 7525 0640

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**Chinese**

Se voce quiser informações nos conselhos comunitários traduzidas em sua □nautho por favor ligue para 020 7525 7514  
Para-nos informar de quaisquer necessidades especiais ou requisitos , tipo trasporte, linguagem dos sinais/ intérprete, por favor ligue para 020 7525 7514.

**Portuguese**

Si vous □nautho avoir l'information sur les Conseils de la Communauté (Community Councils) traduite en votre langue téléphonez SVP au 020 7525 7514  
Pour nous informer de tout besoin ou condition spéciale, telles que le transport ou le signataire / interprète, téléphonez SVP au 020 7525 7514

**French**

Si precisa información traducida a su idioma, sobre los concejos del Comunidad (Community Councils) por favor llame al número de teléfono 020 7525 7514 Si tiene necesidades o requisitos específicos, como es el transporte especial o un intérprete, por favor llame al número de teléfono 020 7525 7514

**Spanish**

Lati bẽre fun itumõ irohin nipa Council agbegbe re (Community Council) ni ede abini re, jowõ pe telifoonu 020 7525 7514.  
Lati je ki a mõ nipa iranlõwõ tabi idi pato, gegebi okõ (mõto) tabi olutumõ, jowõ pe telifoonu 020 7525 7514.

**Yoruba**

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b>	<b>Meeting Name:</b> Nunhead and Peckham Rye Community Council
<b>Report title:</b>		Development Control	
<b>Ward(s) or groups affected:</b>		All within Nunhead and Peckham Rye Community Council	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

## 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 Community Council Planning business detailed in Article 10 under Role and Functions of Community Councils were agreed by the Constitutional Meeting of the Council on 31 May 2006. The Matters Reserved to the Planning Committee and Community Councils Exercising Planning Functions are described in Part 3F of the Southwark Council Constitution 2006/07. These functions were delegated to the Planning Committee and Community Councils.

## KEY ISSUES FOR CONSIDERATION

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
6. 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. The draft decision notice will detail the reasons for any approval or refusal.
7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.
8. The sanctioning of enforcement action can also involve costs such as process serving, Court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
10. All legal/Counsel fees and costs as well as awards of costs against the Council are borne by the Regeneration budget.

## **EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED**

11. **Equal opportunities considerations are contained within each item.**

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Borough Solicitor & Secretary**

12. 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 Community Council.
13. 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 Borough Solicitor and Secretary, 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 Borough Solicitor and Secretary. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 54A of the Town and Country Planning Act 1990 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 the Southwark Unitary Development Plan adopted by the Council in July 1995 together with the London Plan adopted by the Mayor of London in February 2004. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004). Once adopted, the Southwark Plan (UDP) 2007 will replace the Southwark UDP July 1995, and until it is adopted it will be a material consideration to be afforded significant weight in the determination of planning applications.

15. Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
1. restrict the development or use of the land;
  2. require operations or activities to be carried out in, on, under or over the land;

3. require the land to be used in any specified way; or
4. require payments to be made to the local planning authority on a specified date or dates or periodically.

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

16. 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 obligations must also be such as a reasonable planning authority, duly appreciating its statutory duties, can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement Members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda 25 <sup>th</sup> March 2005	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Lesley John 020 7525 7228
Each application has a separate planning case file	Council Offices ChilternPortland Street London SE27 3ES	The named case Officer as listed or Phil Chambers 020 7525 5447

## APPENDIX 1

### Audit Trail

<b><u>Lead Officer</u></b>	Glen Egan, Acting Borough Solicitor & Secretary	
<b>Report Author</b>	Ellen FitzGerald, Acting Senior Planning Legal Officer [relevant officer], Constitutional Support Officer (Executive)	
<b>Version</b>	Final	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	Comments included
Borough Solicitor & Secretary	Yes	Yes
Paul Evans Strategic Director of Regeneration	No	No
Phil Chambers, Acting Development & Building Control Manager	No	No

**DISTRIBUTION LIST****MUNICIPAL YEAR 2007/08****COUNCIL: NUNHEAD AND PECKHAM RYE COMMUNITY COUNCIL****NOTE: Original held by Peckham Programme; amendments to Liza Morshead (Tel: 020 7525 1018)**

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Councillor Robert Smeath	1	Elephant & Castle	
Councillor Fiona Colley	1	SE1 6TE	
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Southwark	1	323 Borough High Street	
Evening Standard	1	London SE1 1JL	
South London Press	1		
African Voice	1	Valerie Shawcross	1
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