

## Planning Committee

Tuesday 5 March 2013

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Nick Dolezal (Chair)  
Councillor Darren Merrill (Vice-Chair)  
Councillor Kevin Ahern  
Councillor Chris Brown  
Councillor Robin Crookshank Hilton  
Councillor Mark Gettleson  
Councillor Adele Morris

### Reserves

Councillor James Barber  
Councillor Neil Coyle  
Councillor Dan Garfield  
Councillor Nick Stanton  
Councillor Mark Williams

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

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

#### Access

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#### Contact

Kenny Uzodike on 020 7525 7236 or email: [kenny.uzodike@southwark.gov.uk](mailto:kenny.uzodike@southwark.gov.uk)  
Webpage: <http://www.southwark.gov.uk>

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 25 February 2012





# Planning Committee

Tuesday 5 March 2013  
7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
	<b>PROCEDURE NOTE</b>	
<b>1.</b>	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
<b>2.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
<b>3.</b>	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
<b>4.</b>	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
<b>5.</b>	<b>MINUTES</b>	1 - 10
	To approve as a correct record the minutes of the open section of the meetings held on 29 January 2013 and 5 February 2013.	

<b>6.</b>	<b>DEVELOPMENT MANAGEMENT</b>	11 - 15
	<b>6.1. CHAMBERS WHARF, CHAMBERS STREET, LONDON SE16 4XQ</b>	16 - 28
<b>7.</b>	<b>COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE</b>	29 - 39
<b>8.</b>	<b>CAMBERWELL SUPPLEMENTARY PLANNING DOCUMENT VISION AND ISSUES PAPER</b>	40 - 45
<b>9.</b>	<b>DULWICH SUPPLEMENTARY PLANNING DOCUMENT</b>	46 - 52

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the committee 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 exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**PART B - CLOSED BUSINESS**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 25 February 2013



## PLANNING 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 committee.
3. Your role as a member of the planning 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 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 committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning 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 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 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 committee 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 Management  
Planning Section, Chief Executive's Department  
Tel: 0207 525 5437; or

Planning Committee Clerk, Constitutional Team  
Corporate Strategy, Chief Executive's Department  
Tel: 0207 525 7236



## Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 29 January 2013 at 7.00 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Nick Dolezal (Chair)  
Councillor Darren Merrill (Vice-Chair)  
Councillor Kevin Ahern  
Councillor Chris Brown  
Councillor Adele Morris  
Councillor Nicholas Stanton (Reserve)

**OFFICERS:** Simon Bevan, Interim Director of Planning  
Gary Rice, Head of Development Management  
Julie Seymour, Planning Policy  
Sonia Watson, Development Management  
Alan Blissett, Environmental Protection  
Christian Loveday, Transport Planning  
Jonathan Gorst, Legal Services  
Kenny Uzodike, Constitutional Team

### 1. APOLOGIES

Apologies of absence were received from Councillors Robin Crookshank Hilton and Mark Gettleson.

Councillor Nick Stanton (Reserve) attended on behalf of Councillor Robin Crookshank Hilton.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair informed the committee of the following additional documents circulated prior to the meeting:

- Addendum report relating to item 6, 7 and 8
- Member information pack.

#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Items 7 and 8: Councillor Adele Morris informed the committee that she was a member of the Bankside Neighbourhood Forum.

#### 5. MINUTES

##### RESOLVED:

That the minutes of the open section of the meeting held 15 January 2013 be agreed as a correct record and signed by the chair.

#### 6. DEVELOPMENT MANAGEMENT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

##### RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda 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 and draft decision notices unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

#### 6.1 HERNE HILL VELODROME, 104 BURBAGE ROAD, LONDON SE24 9HE

##### Planning application reference number 12-AP-3196

Report: See pages 11-39 of the agenda and addendum report pages 1-2.

##### PROPOSAL:

*Construction of a 250m flat junior track in the centre of the main velodrome track and an associated multi-use games area with fencing.*

Items 6.1 and 6.2 were considered together.

The committee heard an introduction to both reports from an officer and members asked questions of the officer.

Members heard a representation from objectors to the application and asked questions.

The applicant made representations to the committee and answered members' questions.

Members heard a representation from a supporter of the application and asked questions.

Councillor Toby Eckersley made representations to the committee as ward councillor.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

**RESOLVED:**

That in reference to application number 12-AP-3196, planning permission be granted subject to the following conditions:

1. The conditions as stated in the committee report and draft decision notice.
2. An informative that the applicant liaise with the council's travel plan co-ordinator in the discharge of condition 3 to ensure the timing of the surveys provide realistic scenarios.

**6.2 HERNE HILL VELODROME, 104 BURBAGE ROAD, LONDON SE24 9HE**

**Planning application reference number 12-AP-3195**

Report: See pages 40-67 of the agenda and addendum report pages 1-2.

**PROPOSAL:**

*Installation of track lighting along the perimeter of the main velodrome track.*

Items 6.1 and 6.2 were considered together (See item 6.1)

**RESOLVED:**

That in reference to application number 12-AP-3195, planning permission be granted subject to the following conditions:

1. The conditions as stated in the committee report and draft decision notice.
2. That officers be authorised to draft a performance condition specific to the prevention of light spillage.



**7. PLANNING COMMITTEE NEIGHBOURHOOD PLANNING APPLICATION FOR AN AREA AND FOR FORUM STATUS BERMONDSEY VILLAGE ACTION GROUP**

Report: See pages 67-78 of the agenda and addendum report pages 2-3.

Members heard an officer's introduction to the report and asked questions.

**RESOLVED:**

That the committee provided the following comments:

1. That comments provided are general and based on boundaries and areas rather than on the specific application.
2. That boundaries should go around estates either including or not including entire estates and that natural boundaries such as railway lines, rivers and roads be taken into account
3. That careful consideration be given to roads (shops should be included on both sides of the road), the lengths of roads, cut offs, usage of the roads and amenities along them.

**8. NEIGHBOURHOOD PLANNING - APPLICATION FOR A NEIGHBOURHOOD DEVELOPMENT AREA AND ALSO FOR QUALIFYING BODY STATUS BY BERMONDSEY NEIGHBOURHOOD FORUM**

Report: See pages 79-91 of the agenda and addendum report pages 3-5.

Members heard an officer's introduction to the report and asked questions.

**RESOLVED:**

That the committee provided the following comments:

1. That comments provided are general and based on boundaries and areas rather than on the specific applications.
2. That boundaries should go around estates either including or not including entire estates and that natural boundaries such as railway lines, rivers and roads be taken into account.
3. That careful consideration be given to roads (shops should be included on both sides of the road) the lengths of roads, cut offs, usage of the roads and amenities along them.

The meeting closed at 9.10pm.

**CHAIR:**

**DATED:**



## Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 5 February 2013 at 7.00 pm at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Nick Dolezal (Chair)  
 Councillor Darren Merrill (Vice-Chair)  
 Councillor Chris Brown  
 Councillor Robin Crookshank Hilton  
 Councillor Mark Gettleson  
 Councillor Adele Morris  
 Councillor Mark Williams

**OFFICERS:** Simon Bevan, Interim Director of Planning  
 Gary Rice, Head of Development Management  
 Bridin O'Connor, Development Management  
 Helen Goulden, Development Management  
 Rachel Gleave, Development Management  
 Michael Tsoukaris, Development Management  
 Tim Gould, Transport Planning  
 Jonathan Gorst, Legal Services  
 Kenny Uzodike, Constitutional Team

### 1. APOLOGIES

Apologies for absence were received from Councillor Kevin Ahern. Councillor Mark Williams (reserve) attended on his behalf.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair informed the committee of the following:

1. That item 5.1 had been withdrawn by the applicant.

2. A variation in the order of business, items 5.3 and 5.4 would be considered before item 5.2.
3. The following additional papers circulated prior to the meeting:
  - Member pack
  - Addendum report.

#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

Councillor Darren Merrill informed the committee that he was the ward councillor for East Walworth ward where item 5.2 was based but had not made a decision on the application.

#### 5. DEVELOPMENT MANAGEMENT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

##### RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda 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 and draft decision notices unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

##### 5.1 CHAMBERS WHARF, CHAMBERS STREET, LONDON SE16

###### Planning application reference number 12/AP/3710

Report: See pages 6-25 of the agenda.

##### PROPOSAL:

*Removal of existing demolition spoil and the erection of associated temporary structures. (Re-submission following the withdrawal of the previous application, this proposal includes a restriction on hours of working to 8.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays).*

The committee was informed that the application had been withdrawn by the applicant.

## **5.2 LAND BOUNDED BY VICTORY PLACE, BALFOUR STREET AND RODNEY ROAD, LONDON SE17**

### **Planning application reference number 12/AP/2797**

Report: See pages 26-121 of the agenda and addendum report pages 1-11 and 14-32.

#### **PROPOSAL:**

*Construction of 8 buildings ranging between 4 and 10 storeys in height (maximum building height 38.5m AOD), comprising 235 residential units, 204 sqm (GEA) of retail use (Class A1-A3), car parking beneath podium level, cycle storage, servicing, plant areas, landscaping and public realm improvements.*

The committee heard an officer's introduction to the report and Members asked questions of the officer.

At 8.15pm, due to a general disturbance, the meeting was adjourned to allow for order to be restored. The meeting was reconvened at 8.30pm.

Members heard a representation from spokespersons of the objectors to the application and asked questions.

The applicant made representations to the committee and answered members' questions.

Councillors Rebecca Lury and Martin Seaton made representations to the committee as ward councillors.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

#### **RESOLVED:**

That in reference to application number 12/AP/2797, planning permission be granted subject to the following conditions:

1. The applicant entering into a legal agreement and referral to the Mayor of London.
2. The conditions as stated in the committee report, addendum report and the amended draft decision notice which includes the revised wording for conditions set out in the attached recommendation.
3. That officers be authorised to draft an additional condition restricting the hours of operation for the retail outlets

### **5.3 2 OLD JAMAICA ROAD AND 168 ABBEY STREET, LONDON SE16 4AN**

#### **Planning application reference number 12/AP/3127**

Report: See pages 122-162 of the agenda and addendum report pages 11-12.

#### **PROPOSAL:**

*Demolition of the existing building and erection of a building of between 3 and 6 storeys in height to provide 51 residential units (16 x 1 bed, 25 x 2 bed and 10 x 3 bed) with ancillary car parking, cycle storage and landscaping. The proposal would retain the existing war memorial fronting Old Jamaica Road.*

Items 5.3 and 5.4 were considered together.

The committee heard an introduction to the report on both items 5.3 and 5.4 from an officer and Members asked questions of the officer.

The applicant made representations to the committee and answered members' questions.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

#### **RESOLVED:**

That in reference to application number 12/AP/3127, planning permission be granted subject to the following conditions:

1. The applicant first entering into an appropriate legal agreement by no later than 5 March 2013.
2. In the event that the legal agreement is not entered into by 5 March 2013, the head of development management be authorised to refuse planning permission for the reasons set out in paragraph 76 of the committee report.
3. The conditions as stated in the committee report and draft decision notice.

### **5.4 2 OLD JAMAICA ROAD AND 168 ABBEY STREET, LONDON SE16 4AN**

#### **Planning application reference number 12/AP/3218**

Report: See pages 122-162 of the agenda.

#### **PROPOSAL:**

*Temporary removal and storage of grade II listed war memorial on Old Jamaica Road, to protect it during the buildings works associated with the redevelopment of the site to*

*provide 51 residential units (full planning application reference: 12-AP-3127). The memorial would then be reinstated this in the same location with a new feature surround. The demolition and proposed redevelopment would be adjacent to the listed buildings at Neckinger Mills.*

Items 5.3 and 5.4 were considered together (see item 5.3).

**RESOLVED:**

That in reference to application number 12/AP/3218, listed building consent be granted subject to conditions as stated in the committee report and draft decision notice.

The meeting closed at 10.20pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 5 March 2013	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

## BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and 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 exercising planning functions are described in part 3F of the Southwark Council constitution.

## KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. 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.
  - b. 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.
  - c. 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.



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. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. 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 maybe substantial if the matter is dealt with at a public inquiry.
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 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 budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

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

##### **Director of Legal Services**

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 head of development management 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.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management 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 director of legal services, and which is satisfactory to the head of development management. 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 director of legal services. 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. 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).

15. 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).
16. 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.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make 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.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. 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.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Gary Rice 020 7525 5437

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Kenny Uzodike, Assistant Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	November 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	November 2012	

**ITEMS ON AGENDA OF THE PLANNING COMMITTEE**  
**on Tuesday 05 March 2013**

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**Appl. Type** Variation / discharge of legal agreement  
**Site** CHAMBERS WHARF, CHAMBERS STREET, LONDON SE16 4XQ

**Reg. No.** 13-AP-0369

**TP No.** TP/231-A

**Ward** Riverside

**Officer** David Cliff

**Recommendation** AGREE - FOR APP TYPES VLA & VNMC

## ***Item 6/1***

**Proposal**

Proposed deed of variation to the existing S106 agreement of planning permission 07/AP/1262 dated 10 October 2010 (residential development comprising 587 dwellings) to vary the terms of provision of affordable housing so that the 18 x 1-bed and 71 x 2-bed dwellings will be provided at affordable rent (circa 65% of market rent) rather than at target rent as previously permitted. The remaining affordable housing remains as previously proposed (17 x 3 bed and 13 x 4 bed affordable dwellings to be provided at target rent and 49 x 1-bed and 12 x 2-bed dwellings as shared ownership).

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100, Abchurch Lane, London EC4N 3DF, UK. Tel: 020 7463 2200  
www.iansimpsonarchitects.com

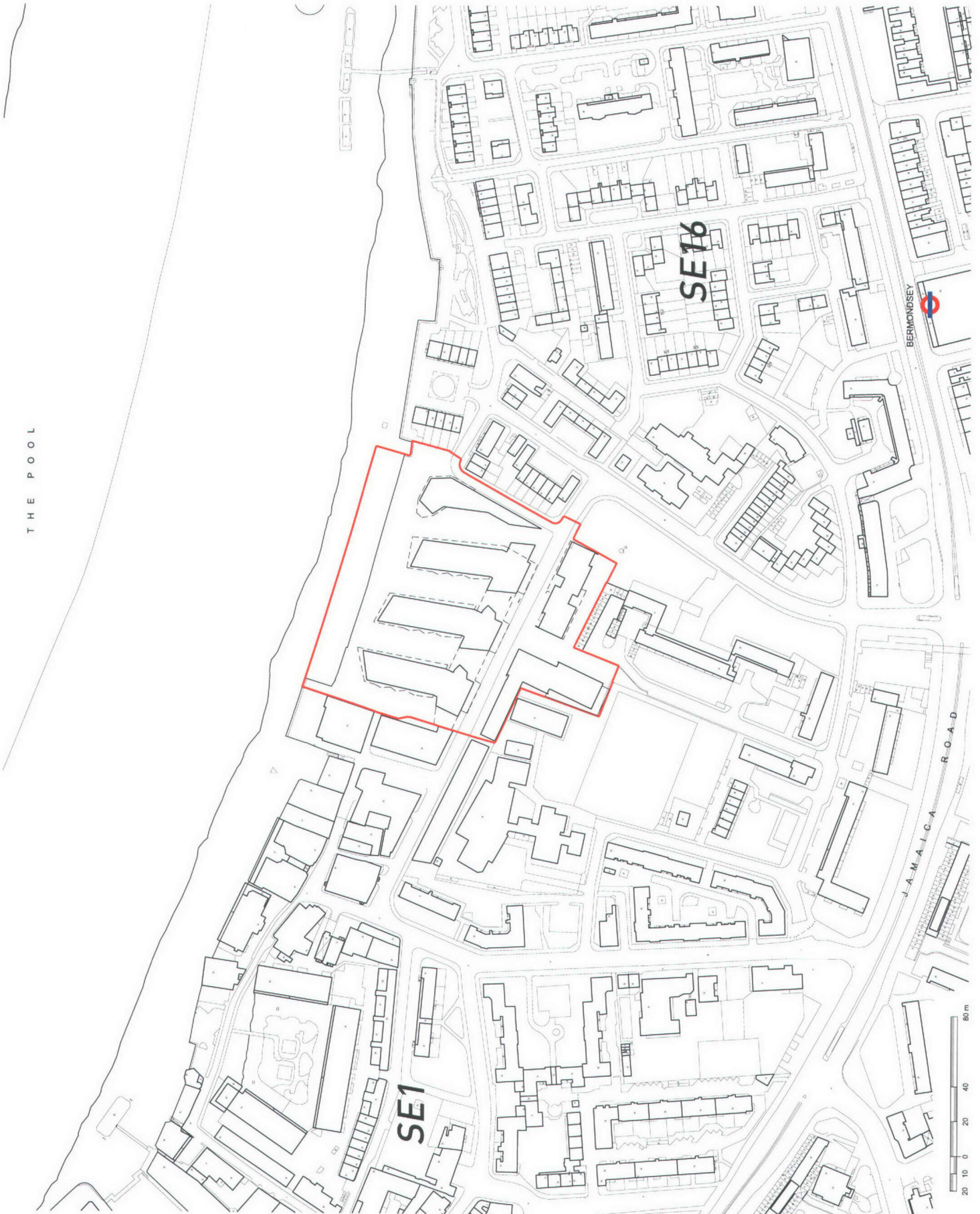
These drawings are issued for information only. All financial requirements of the Building Regulations and other statutory regulations are subject to further development.

PA	19.6.07	Amended Planning Issue - Block G
PA	4.5.07	Planning Issue
PA	26.6.07	Comments Incorporated
PA	12.4.07	Draft Issue for Planning

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Client: St Martins Property Investments Ltd. ST MARTINS  
Project Name: Chambers Wharf  
Proposed Location Plan  
Planning

Date:	12 April 2007
Scale:	1:1000 @ A1
Drawn By:	7153 AL
Checked By:	7153 AL
Project No.:	002
Issue No.:	P4



<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.1	OPEN	5 March 2013	Planning Committee
<b>Report title:</b>	<p><b>Development Management planning application:</b> Application 13/AP/0369 for: variation / discharge of legal agreement</p> <p><b>Address:</b> CHAMBERS WHARF, CHAMBERS STREET, LONDON SE16 4XQ</p> <p><b>Proposal:</b> Proposed deed of variation to the existing S106 agreement of planning permission 07/AP/1262 dated 10 October 2010 (residential development comprising 587 dwellings) to vary the terms of provision of affordable housing so that the 18 x 1-bed and 71 x 2-bed dwellings will be provided at affordable rent (circa 65% of market rent) rather than at target rent as previously permitted.</p> <p>The remaining affordable housing remains as previously proposed (17 x 3 bed and 13 x 4 bed affordable dwellings to be provided at target rent and 49 x 1-bed and 12 x 2-bed dwellings as shared ownership).</p>		
<b>Ward(s) or groups affected:</b>	Riverside		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 07/02/2013		<b>Application Expiry Date</b> 04/04/2013	

## RECOMMENDATION

- 1 That approval is given to the proposed amendments to the affordable housing provision for this development subject to the applicant entering into an appropriate deed of variation to the existing legal agreement by 4 April 2013.

In the event that the deed of variation is not completed by 4 April 2013, the head of development management be authorised to refuse the application for the reasons set out in paragraph 29 of the report.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site, located adjacent to the River Thames, measures approximately 2 hectares and comprises two parcels of land, the largest to the north and a smaller parcel to the south of Chambers Street (where the affordable housing is proposed). The site was previously occupied by warehouses and industrial buildings, with a jetty fronting the Thames. These buildings were demolished in 2010 leaving the site vacant other than for areas of spoil remaining from the demolition and an open sided structure, both of which are located on the parcel of land to the north of Chambers Street.

- 3 The northern part of the site is adjoined by existing residential development on its western and eastern boundaries. St Michael's Secondary School is located adjacent to the western boundary of the south site, residential development exists to the south and an area of open grassland is located to the east.

### **Relevant planning history**

- 4 Planning permission (07-AP-1262) was granted in 2010 for the erection of six residential buildings providing 587 residential units and 275m<sup>2</sup> of flexible Class A/B1 floor space at ground floor level along Chambers Street; 203m<sup>2</sup> of Class D1 floor space along Llewellyn Street; basement parking; service and access roads, works of hard and soft landscaping together with other works incidental to the application.
- 5 The approved development proposed 407 market units on the north site (north of Chambers Road in blocks A-G) and 180 affordable units on the south site comprising 119 socially rented units and 61 intermediate units for rent or shared ownership. The proportion of affordable housing provision amounted to 31% of the total residential development.
- 6 The s106 agreement also included total financial contributions of £4,132,096 including education, employment, health, community facilities, public open space, sports development and transport provision.
- 7 Applications have subsequently been permitted for non-material amendments to the scheme allowing:
- i) Details pursuant to conditions to be discharged in phases related to the construction phases of the overall development (requiring a variation of the original s106 agreement), and
  - ii) Amendments to the two buildings located on the portion of the site to the south of Chambers Street (buildings F and G).
- 8 Since the granting of this planning permission, the northern part of the Chambers Wharf site has been purchased by Thames Water in connection with the proposed construction of the Thames Tunnel. It is expected that the residential development permitted on the north site will not take place until at least 2021 or until Thames Water declares it surplus to requirements. The development consent application for the Thames Tunnel is expected to be made to the Planning Inspectorate on 28 February 2013.
- 9 A previous application for a deed of variation in 2012 to vary the provision of affordable housing on the site was withdrawn by the applicant following concerns raised by Officers relating to reduced overall provision of affordable housing, the submitted viability information and the proposed detailed drafting of the deed. This previous application for a variation included not only a lesser amount of affordable housing (21%) but did not include any units at social rent, proposing instead that all the rented units would be affordable rent at an average of 65% of market rent. Further details of this application are provided below.

### **Details of proposed deed of variation**

- 10 The applicant is seeking to implement the approved scheme by commencing development on the part of the site to the south of Chambers Street incorporating the affordable housing part of the scheme. When planning permission was originally



granted, the affordable housing then proposed by the applicant was based upon the availability of grant funding of approximately £20 million from the Homes and Community Agency (HCA). This funding is no longer available which has consequently affected the viability of the proposals.

- 11 Following the withdrawal of the previous application to vary the affordable housing provision, continued discussions have taken place with officers and the applicant has now submitted a revised application after entering an agreement with Peabody Trust who it is now proposed will deliver the affordable housing. Peabody has confirmed that it is able to reallocate £10million of HCA grant funding from its existing programme to deliver the proposals. Subject to the approval of the deed of variation it is intended that construction will commence towards the end of March 2013.
- 12 The application now proposes a deed of variation to the existing s106 agreement to amend the affordable housing provision. The principal change is that the 18 x 1 bed and 71 x 2 bed units will be delivered at Affordable Rent equating to circa 65% of market rent rather than at social rent (40% or less of market rent) as previously permitted.
- 13 The remaining affordable housing provided will remain as previously permitted incorporating 17 x 3 bed and 13 x 4 bed family dwellings provided as social rent, and 49 x1 bed and 12 x 2 bed provided as shared ownership in accordance with the council's affordability criteria.
- 14 The proportion of affordable housing for the whole scheme remains as 31% as previously permitted, the key change being that the 1 and 2 bedroom units will be at higher 'Affordable Rent' levels in order to allow the remaining affordable housing to be provided at the levels previously agreed. No amendments are proposed to the layout or design of the proposed accommodation.
- 15 The draft deed of variation also includes a proposed clause to recognise that the early delivery of the affordable housing on the south site will be a material consideration in the determination of any future amended application submitted for the proposals on the north site. Additional clauses are proposed to ensure that the development of the affordable housing is commenced with one year of approval and completed within 3 years of commencement.
- 16 The following table sets out the affordable housing now proposed in relation to a) that previously approved and b) that proposed in the previous application which was withdrawn by the applicant.

	<b>Permitted Scheme (2010)</b>	<b>Previous withdrawn application (2012)</b>	<b>Current proposal</b>
<b>Total units in scheme</b>	587 Units	587 Units	587 Units
<b>Total affordable units proposed</b>	180 Units	129 Units	180 Units
<b>Affordable Rented units proposed</b>	119 Socially rented (40% or less of market rent)	119 'affordable rent' (all above target rent but below average of 65% of	119 social / affordable rent (comprising 17 x 3 bed and 13 x 4 bed at target rent, and 18 x 1 bed and 71 x 2



		market rent)	bed at 65% of market rent)*
<b>Affordable Intermediate units proposed</b>	61 shared ownership	10 shared ownership	61 shared ownership
<b>% of Affordable accommodation proposed</b>	31%	22%	31%

### Planning history of adjoining sites

- 17 No relevant planning history.

### KEY ISSUES FOR CONSIDERATION

#### Summary of main issues

- 18 The main issues to be considered in respect of this application are:
- a) The acceptability of the proposed revisions to the affordable housing within the development

#### Planning policy

- 19 Core Strategy 2011

Strategic Policy 5 - Providing new homes  
 Strategic Policy 6 - Home for people on different incomes  
 Strategic Policy 7 - Family Homes

- 20 Southwark Plan 2007 (July) - saved policies

Policy 4.4 - Affordable Housing

- 21 Southwark Supplementary Planning Documents (SPD)

Southwark Affordable Housing SPD (September 2008)  
 Draft Southwark Affordable Housing SPD (June 2011)

- 22 London Plan 2011

Policy 3.3 - Increasing housing supply  
 Policy 3.8 - Housing choice  
 Policy 3.9 - Mixed and balanced communities  
 Policy 3.10 - Definition of affordable housing  
 Policy 3.11 - Affordable housing targets  
 Policy 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes

- 23 National Planning Policy Framework (NPPF)

Chapter Six - Delivering a wide choice of high quality homes.

## Planning considerations

- 24 Strategic Policy 6 (Homes for people on different incomes) of the Southwark Core Strategy (2011) states that development will provide homes including socially rented, intermediate and private for people on a wide range of incomes. Development should provide as much affordable housing as is financially viable with a minimum target of 35%.
- 25 The National Planning Policy Framework 2012 (NPPF) recognises affordable rent (requiring a rent of no more than 80% of the local market rent) as a form of affordable housing though this is not mirrored in Southwark's policies that recognise socially rented and intermediate housing as acceptable forms of social housing. The NPPF also recognises that local authorities should plan for a mix of housing which should take account of market trends and that planning policies should be sufficiently flexible to take account of changing market conditions over time. The Mayor's housing supplementary planning guidance was published in November 2012 and recognises affordable rent within the definition of affordable housing. A report to Southwark's planning committee in December 2011 noted that Southwark has previously raised concerns at the inclusion of Affordable Rent as affordable housing noting that housing at up to 80% of market rent is unlikely to be affordable to the majority of current housing applicants, particularly those requiring large family homes.
- 26 The December 2011 report set out three options that could be applied in light of the national changes introducing affordable rent along with the reduction in grant funding and changes to the welfare system.
- Developing properties at a percentage of market rent that is significantly less than 80% by use of cross subsidy
  - Providing the majority of new build (e.g. 75%) at 'affordable rent', to enable the provision of some social rented homes (e.g. 25%)
  - Concentrating on providing one and two bed homes at up to 80% market rent level on the basis of providing three bed plus homes at social rent
- 27 The variation proposed by this application follows the third of these options, whereby the 89 one and two bed units will be provided at 'affordable rent' equating to circa 65% of market rent in order to allow the 30 three and four bed family units to be provided as socially rented units at target rents as originally approved. This reflects current housing demand where there is a particularly acute shortage of affordable family units. It is also recognised that the proposal would facilitate the early delivery of 180 affordable homes, a significant and much needed contribution to the affordable housing stock in the borough.
- 28 The current proposal represents a significant improvement on the previous application for a variation to the affordable housing provision which was withdrawn following concerns raised by officers. This previous application included not only a lesser amount of affordable housing (21%) but did not include any units at social rent, proposing instead that all the rented units would be affordable rent at an average of 65% of market rent. In comparison, the current proposal maintains the quantum of affordable housing as previously approved (31%) and retains the family units at social rent (for which there is a particularly high demand) and the intermediate shared ownership units as previously agreed.

- 29 A viability summary has been submitted with the application based upon the current viability of the south site. Given the complexity of issues associated with the Thames Tunnel project, an assessment to include the north site has not been submitted. The viability summary satisfactorily demonstrates why the variation is required given the loss of approximately £10million of grant funding in relation to the situation that existed when the scheme was originally granted planning permission in 2010. In contrast to the previously withdrawn application for a variation to the affordable housing provision, the current proposal does not include private housing on the south site and there is consequently no issue in relation to the values attributed to the sale of private units – these being a particularly concern with the previous submission.
- 30 Notwithstanding that works are intended to commence in March 2013, the applicant has agreed to clauses in the deed of variation requiring that works commence within 12 months of approval of the deed and are completed within three years of the commencement date. As such, there is no requirement for a reassessment of viability provided these clauses are met.
- 31 The applicant has requested that an additional clause is inserted into the agreement that the delivery of 180 affordable homes will be acknowledged as a material consideration in the determination of any amended proposals for the remainder of development on the north site. The development of the north site is dependent on the proposed Thames Tideway Tunnel scheme meaning that the remainder of the planning permission for the residential development will not be able to be progressed for at least six years. The developer would be able to implement the proposals for the remainder of the site in accordance with the existing planning permission. However, should the developer subsequently seek an amendment to the existing permission which increases the quantum of residential development, it is reasonable that the early provision of the affordable housing on the south site would be a material consideration in the determination of such a revised application. The detailed wording of this is being discussed with Officers as it is important that the wording of the s106 does not fetter the future determination of any application which may, for example, be determined to a different policy framework to that which currently exists.
- 32 On-going discussions on the detailed drafting of the deed of variation are taking place between the applicant and officers based upon the proposals set out in this report. In the event that agreement on the final wording of the deed of variation is not reached by 4 April 2012 (the expiry date for this application) it is recommended that the head of development management be authorised to refuse the application under delegated powers as it has not been demonstrated that the amended provision of affordable housing can be secured through an appropriate legal agreement and in accordance with Strategic Policy 6 (Homes for people on different incomes) of the Southwark Core Strategy 2011, saved policy 4.4 (Affordable Housing) of the Southwark Plan 2007 and Policy 3.12 (Negotiating Affordable Housing) of the London Plan 2011.
- 33 Based on the proposed construction programme it is likely that the affordable units on the south site will be built and occupied before construction of Thames Tunnel scheme is substantially underway. Given the proximity of the residential units to the Thames Tunnel work, it will important that the Thames Tunnel proposals include appropriate mitigation to prevent adverse impacts upon the living conditions of the occupiers. The applicant is also currently reviewing design solutions to mitigate the possible noise impacts from the construction site.

#### **Environmental impact assessment**

- 34 An environmental impact assessment was submitted and assessed through the

original planning application (07-AP-1262). This current proposal to amend the s106 agreement through a deed of variation to alter the affordable housing provision does not require a further EIA.

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

- 35 The amendments to the proposed affordable housing provision do not have any adverse impacts upon the living conditions of existing properties in the vicinity of the site.

**Design issues**

- 36 No physical alterations are proposed through this application. The layout and appearance of the proposed residential accommodation remains as previously approved.

**Planning obligations (S.106 undertaking or agreement)**

- 37 Other than the revisions outlined above there are no further implications for the s106 agreement. The financial contributions remain as previously approved.

**Conclusion on planning issues**

- 38 The proposed deed of variation, amending the affordability levels of the eighty nine rented 1 and 2 bedroom units within the originally approved scheme, is required for the viability of the scheme following a reduction in approximately £10 million of funding available for the development. The overall amount of affordable housing remains as previously approved (31% of the overall residential development). The thirty 3/4 bed family units remain as socially rented units at Local Authority target rents as in the original approval, and the 6 1/2 bed shared ownership units also remain unchanged from those originally approved.

- 39 The early delivery of the 180 affordable units, in advance of the remainder of the private dwellings on the north site, represents a significant contribution towards the affordable housing provision in this part of the Borough. Subject to the completion of a satisfactorily worded deed of variation, it is concluded that the variations proposed are acceptable and in accordance with the council's current position on the delivery of affordable housing.

- 40 The proposed deed of variation is concluded to accord with the relevant planning policies, in particular with Strategic Policy 6 (Homes for people on different incomes) of the Southwark Core Strategy 2011, saved policy 4.4 (Affordable Housing) of the Southwark Plan 2007 and Policy 3.12 (Negotiating Affordable Housing) of the London Plan 2011.

**Community impact statement**

- 41 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.

### Consultation

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

### Consultation replies

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

### Human rights implications

- 43 This 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 seeking approval for variations to the existing s106 agreement. 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

- 45 **Strategic Director of Housing and Community Services**

Housing Services is supportive of the proposal and noted that the Deed of Variation needs to make clear that the revised rent levels will be in perpetuity and include the requirement to advise the council when re-basing rents on re-letting.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/231-A Application file: 13/AP/0369 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 4351 Council website: www.southwark.gov.uk

### APPENDICES

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

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	David Cliff, Team Leader, Major applications team	
<b>Version</b>	Final	
<b>Dated</b>	19 February 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Community Services	Yes	Yes
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		<b>21 February 2013</b>

**CONSULTATION UNDERTAKEN**

**Site notice date:** N/a

**Press notice date:** N/a

**Case officer site visit date:** N/a

**Neighbour consultation letters sent:** N/a

**Internal services consulted:**

- Housing Services
- Planning Policy

**Statutory and non-statutory organisations consulted:**

N/a

**Neighbours and local groups consulted:**

N/a

**Re-consultation:**

N/a

**APPENDIX 2****CONSULTATION RESPONSES RECEIVED****Internal services**

Housing Services: Support the proposals. The Deed of Variation needs to make clear that the revised rent levels will be in perpetuity and with the requirement to advise the council when rebasing rents on re-letting.

**Statutory and non-statutory organisations**

N/a

**Neighbours and local groups**

N/a



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**RECOMMENDATION  
LDD MONITORING FORM REQUIRED**

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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.

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<b>Applicant</b>	Mr S. Lewis St James Group Ltd	<b>Reg. Number</b>	13/AP/0369
<b>Application Type</b>	Variation / discharge of legal agreement	<b>Case Number</b>	TP/231-A
<b>Recommendation</b>	Agree - for app types VLA & VNMC		

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**Draft of Decision Notice**

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**Variation or discharge of the planning obligation was AGREED for the following:**

Proposed deed of variation to the existing S106 agreement of planning permission 07/AP/1262 dated 10 October 2010 (residential development comprising 587 dwellings) to vary the terms of provision of affordable housing so that the 18 x 1-bed and 71 x 2-bed dwellings will be provided at affordable rent (circa 65% of market rent) rather than at target rent as previously permitted. The remaining affordable housing remains as previously proposed (17 x 3 bed and 13 x 4 bed affordable dwellings to be provided at target rent and 49 x 1-bed and 12 x 2-bed dwellings as shared ownership).

**At:** CHAMBERS WHARF, CHAMBERS STREET, LONDON SE16 4XQ

**In accordance with application received on 07/02/2013**

**and Applicant's Drawing Nos.** Supporting statement (February 2013)  
Draft deed of variation

**Reasons for Approval**

The proposed deed of variation, amending the affordability levels of the eighty nine rented 1 and 2 bedroom units within the originally approved scheme, is required for the viability of the scheme following a reduction in approximately £10 million of funding available for the development. The overall amount of affordable housing remains as previously approved (31% of the overall residential development). The thirty 3/4 bed family units remain as socially rented units at local authority target rents as in the original approval, and the 61 1/2 bed shared ownership units also remain unchanged from those originally approved.

The early delivery of the 180 affordable units, in advance of the remainder of the private dwellings on the north site, represents a significant contribution towards the affordable housing provision in this part of the Borough. Subject to the completion of a satisfactorily worded deed of variation, it is concluded that the variations proposed are acceptable and in accordance with the council's current position on the delivery of affordable housing.

The proposed deed of variation is concluded to accord with the relevant planning policies, in particular with Strategic Policy 6 (Homes for people on different incomes) of the Southwark Core Strategy 2011, saved policy 4.4 (Affordable Housing) of the Southwark Plan 2007 and Policy 3.12 (Negotiating Affordable Housing) of the London Plan 2011.

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 5 March 2013	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Community Infrastructure Levy (CIL) Draft Charging Schedule	
<b>Wards or groups affected:</b>		All	
<b>From:</b>		Interim Director of Planning	

## RECOMMENDATION

- 1 That planning committee provides comments on the community infrastructure levy (CIL) draft charging schedule (Appendix A) and the Regulation 123 list (Appendix B), which are currently out for public consultation.

## BACKGROUND INFORMATION

- 2 The Community Infrastructure Levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want. The benefits are increased certainty for the funding and delivery of infrastructure, increased certainty for developers and increased transparency for local people.
- 3 The Planning Act 2008 provides that London borough councils are charging authorities for the purposes of the Community Infrastructure Regulations 2010. If intending to apply the levy, charging authorities must produce a document called a charging schedule which sets out the rate for their levy. These rates must be supported by an evidence base including:
  - An up-to-date development plan
  - The area's infrastructure needs
  - An overall assessment of the economic viability of new development
- 4 Once adopted, the levy is a mandatory charge levied on most new developments that involve an increase of 100sqm or more of additional floorspace or that involves the creation of a new residential unit. The charging authority can set one standard rate or it can set specific rates for different areas and types of development. In setting rates, a charging authority is required to strike a reasonable balance between the need to finance infrastructure from CIL against the impact of CIL on the economic viability of development across its area. The charging rates and zones which Southwark is proposing are set out in Appendix A.
- 5 Some developments are exempt from paying the levy. These are developments of affordable housing and developments by charities of buildings used for charitable purposes.
- 6 It should be noted that in London's case, the Mayor is also a charging authority. The Mayor has introduced a CIL to fund Crossrail. The Mayor's levy is £35 per square metre, with a limited number of exceptions. Southwark collects this levy

on behalf of the Mayor.

- 7 S106 planning obligations will continue to play a part in delivering local site specific improvements such as public realm or transport, which are needed to make the particular development acceptable in planning terms. From time to time there will be site specific considerations or particular planning policy requirements which dictate provision or re-provision as a direct result of a specific development. In these cases, mitigation will not amount to strategic infrastructure of the sort specified on the Regulation 123 list. For example, if there is a loss of a sports field or a health facility because of a particular scheme, this will require site specific mitigation and may be dealt with by 106 obligations. Affordable housing will also continue to be delivered through s106 planning obligations.
- 8 However, from April 2014 or the adoption of a CIL Charging Schedule, planning obligations will no longer be used as the basis for a tariff to fund infrastructure. Local authorities will not be able to pool more than 5 obligations to fund a single item of infrastructure. Currently, the council uses standard charges set out in its s106 Planning Obligations SPD to pool contributions for infrastructure such as new schools places, strategic transport infrastructure, open space, leisure facilities and health facilities. From April 2014, the fact that the council will not be able to pool more than 5 obligations will place restrictions on this approach. The council must bring a CIL into effect before this date if development is to continue to contribute to strategic infrastructure which is needed to promote growth and development in its area.
- 9 The council is proposing to update its s106 Planning Obligations SPD in 2013. The revised s106 Planning Obligations SPD would supersede the existing SPD and provide detailed guidance on the use of planning obligations alongside CIL.
- 10 The purpose of CIL is to help fund infrastructure which supports growth in the borough. Infrastructure is defined in the regulations to include: roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.
- 11 In conjunction with preparing a CIL charging schedule, charging authorities should also prepare an infrastructure plan setting out strategic infrastructure required to support growth over the period of the council's local plan (in Southwark's case the core strategy period of 2011-2026). Southwark's draft infrastructure plan (IP) is available on the website. The infrastructure plan is part of the evidence base needed to help justify levying a CIL. The infrastructure set out in the IP is not an exhaustive list. It is intended to be a living document which can be updated regularly. Omission of infrastructure items from the list would not preclude such items being funded in the future through CIL. Nor does the IP commit the council to spending the amounts set out in the plan.
- 12 At the point that the council adopts its CIL, it must publish a "Regulation 123 List". This list (which refers to Regulation 123 of the CIL Regulations 2010) sets out what the council intends to fund using CIL. If an infrastructure item is included on the Regulation 123 list, the council would not be able to seek s106 planning obligations for that item, once CIL has been adopted. After CIL has been adopted, the Regulation 123 List can be amended, subject to appropriate local consultation.
- 13 Because the purpose of CIL is to support growth rather than mitigate impacts of

specific developments, it can be used more strategically than s106 contributions. A protocol for governing expenditure will be prepared in due course.

- 14 Under the Localism Act, the council must identify a 'meaningful proportion' of Southwark CIL that will be spent in the local area to ensure that those people affected by development see some of the benefit. This allocation would be made using the community infrastructure project list (CIPL) which may be based on a recently revised project bank list. This would be updated every year with consultation with the community councils and planning committee to ensure it reflects local needs. The definition of a local area would also be subject to consultation. The government has recently confirmed that the "meaningful proportion" will comprise 25 percent of CIL funding in areas where there is an adopted neighbourhood plan in place and 15 percent elsewhere.
- 15 This is the second stage of preparation of the CIL charging schedule. The first stage comprised consultation on the preliminary draft charging schedule which took place between 10 July and 17 October 2012. All comments received on the preliminary draft charging schedule have been considered and taken into account in preparing the draft charging schedule. Planning committee were consulted at this stage and their comments are reported in paragraph 21.
- 16 Following consultation on the draft charging schedule, it is anticipated that the document will be submitted to the planning inspectorate for an examination in public in summer 2013. Subject to receiving a favorable report from the planning inspector, the council expects to adopt the CIL charging schedule by the end of 2013.

## **CONSULTATION**

- 17 The Community Infrastructure Levy Regulations 2010 and our Statement of Community Involvement (SCI) 2007 set out consultation requirements for planning documents.
- 18 In compliance with the SCI, the council consulted on the preliminary draft charging schedule for a period of 14 weeks, which included 6 weeks of formal consultation between 5 September and 17 October 2012. As well as making the document available on the web and in local libraries, the council notified around 3000 consultees in the planning policy database. The document was publicised at all the community councils between June and October 2012 and an event was held on 19 September 2012 with developers to raise awareness about CIL.
- 19 In preparing the preliminary draft CIL it should be noted that Southwark cooperated with a range of organisations, including the Greater London Authority (GLA) and Transport for London (TfL), particularly in preparing the Infrastructure Plan. Infrastructure items such as the improvements to the Northern Line ticket hall and Elephant and Castle northern roundabout reflect this joint working. Further details of engagement which has taken place are set out in the Consultation Report (available on the website).
- 20 In all 273 representations were made by 39 objectors. The main areas of concern are summarised below:
  - The proposed charges may make development unviable, particularly for the strategic sites within the opportunity areas and growth areas in the borough. These areas should be assessed separately.

- Zones 1, 2 and 3 should be amalgamated and the proposed charge for those areas dropped to £250 sqm. The CIL in these areas should be phased in over time.
- Canada Water should be included in zone 2 and the proposed residential charge increased to £400.
- The proposed charges may compromise the provision of affordable housing.
- The assumptions used to prepare the site viability appraisals, such as the figures used for the existing use land values, the premiums, profit margins, professional fees, sales values were questioned.
- It is unclear whether non-residential s106 planning obligations have been taken into account in undertaking the viability appraisals.
- The regulations do not allow authorities to distinguish between uses on the basis of size. Therefore the proposed charges for retail uses are not compliant with the regulations.
- Affordable retail space is not a distinguishable type of retail space. The proposed retail charges may breach state aid guidelines.
- In terms of use, there is no distinction between a private health facility and a public health facility, or a private school and a state school. The regulations do not allow authorities to vary levies on the basis of a funding mechanism.
- It is unclear whether the proposed charge for student accommodation takes into account the lower rents charged by universities. Student accommodation provided by universities should qualify for relief as development by charitable institutions.
- The proposed rate for offices and for “other uses” is not justified by evidence. Facilities provided by the police and fire brigade should be nil rated.
- It is not clear how the proposed charging zones were derived. They should be more aligned to planning policy area designations, such as the Elephant and Castle Opportunity Area and Canada Water Action Area.
- The council should set out a policy on installments and include more detail on the process for reviewing CIL.
- With regard to the supporting Infrastructure Delivery Plan (IDP) document, some respondents suggested there needed to be additional reference to specific items of infrastructure or the removal of some items, taking care that CIL is spent on genuine infrastructure projects that support the planned growth. TfL requested the inclusion of public realm improvements on Blackfriars Road.

21 The preliminary draft CIL charging schedule was reported to planning committee for comment on 9 October 2012. The committee’s comments were as follows:

- Agreed that the proposed rates strike the right balance between development overall in the borough and the need to provide infrastructure.
- Approved the indicative list of infrastructure projects identified in the infrastructure plan.
- Noted that with the introduction of community infrastructure levy (CIL), the role of section 106 agreements (s106) will be diminished and they will be needed to respond to the detailed local impacts of developments. It also noted that there will be an opportunity to comment on the revised s106 supplementary planning document (SPD) during the second round of the CIL consultation.

- Noted that there will be a second round of consultation in early 2013 on a draft charging schedule. It also notes that the CIL will be examined by an independent planning inspector and that it is anticipated that the CIL will be adopted and brought into effect in late 2013, with funding generated from late 2013 onwards.
- Noted that once set the Southwark CIL along with Mayoral CIL is fixed and it is non-negotiable. It also notes that affordable housing, design and densities will be the main areas for negotiation in the future.
- Noted that Southwark's draft CIL has been approved for consultation by cabinet and been to community councils.
- Noted that individual members may submit comments as part of wider consultation.
- Noted that individual parties may submit comments as part of a wider consultation.
- Noted that further work is anticipated in finalising the charging schedule, infrastructure plan, governance issues and considering anticipated government statutory guidance on the Localism Act 2011 relating to CIL and the council defining the "meaningful proportion" that should be allocated to infrastructure that will be of benefit to those affected by development.

22 A table of all comments received and the council's responses is provided in the consultation report (available on the website). The council is now consulting on the draft charging schedule over 4 weeks (20 February - 3 April 2013). This complies with the statutory timeframe set out in the CIL Regulations. Including consultation at preliminary draft stage, the council will have consulted for 20 weeks in all, which complies with the SCI.

#### **KEY ISSUES FOR CONSIDERATION**

- 23 The CIL regulations specify that in setting their levies charging authorities must strike a balance between the desirability of securing funding for infrastructure and the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across their areas. Levies must also take into account the requirement to pay the Mayoral CIL and should also consider impacts on planning policies, including the requirement to provide affordable housing.
- 24 The CIL levy rates and charging zones proposed by the council have been informed by an economic viability appraisal encompassing a series of viability appraisals of sites around the borough. The number of proposed zones and their locations reflect broad value ranges. Since the preliminary draft CIL was consulted on, the council has retested the viability of a number of sites to ensure that future likely s106 requirements, including the Mayor's Crossrail s106 requirement are taken into account appropriately and to ensure that impacts on hotel uses, retail uses and leisure uses have been adequately tested.
- 25 No changes have been made to the charges for residential floorspace which were previously proposed in the preliminary draft charging schedule. The three residential charges which are proposed are: £400 per square metre (p/sqm) in the north of the borough (north of Union Street, Snowfields and Jamaica Road), £250 p/sqm in areas around Elephant and Castle, Bermondsey Spa, Canada Water, Camberwell, Nunhead, East Dulwich and Dulwich and £50 p/sqm around the Aylesbury estate, Burgess Park, Peckham and Old Kent Road. The boundaries of the residential zones have been informed by post code data on

house prices which show average value bands and broad geographical breaks between areas.

- 26 The charge for zone 3, which includes Elephant and Castle is both viable and consistent with the s106 tariff level agreed in the Elephant and Castle supplementary planning document 2012 (the CIL, when brought into effect, will replace the Elephant and Castle SPD tariffs).
- 27 These CIL rates for residential development are comparable with those boroughs which have published rates. Wandsworth is proposing a rate of £250 p/sqm across the borough, with a £575 p/sqm charge in Vauxhall and Nine Elms (which has a lower affordable housing requirement), Hammersmith and Fulham is proposing charges ranging between £100 p/sqm and £400 p/sqm, Islington is proposing a charge of £300 p/sqm, Lambeth is proposing charges between £50 p/sqm and £369 p/sqm and Camden is proposing charges of between £150 p/sqm and £500 p/sqm.
- 28 In response to consultation, several objectors stated that zones 1 and 2 should be amalgamated into zone 3 and the proposed charge for those areas dropped to £250 p/sqm. Others stated that a charge of £250 p/sqm would render development unviable or place affordable housing provision at risk and that consequently CIL should be phased in over a number of years. One representation requested that Canada Water be included in the £400 p/sqm zone. The council considers that the zonal charges are justified. The average maximum viable CIL that could be charged in zones 1 and 2 was about 50% higher than could be charged at Canada Water and 80% higher than could be charged at Elephant and Castle. There is a noticeable change of values in areas around Bankside, London Bridge, Shad Thames, Riverside ward north of Jamaica Road and Rotherhithe village which are close to the River Thames and which benefit from good public transport access.
- 29 The CIL regulations do not allow authorities to phase in a CIL levy. Local authorities can review their CILs, although each review would be subject to two stages of consultation and an examination in public, which in all would take about 18-24 months. The majority of the residential developments tested were viable developments and would support the proposed CIL charges. Moreover, the proposed CIL charges are comfortably below the maximum viable charges. Those developments tested which were found to be currently unviable, would remain unviable irrespective of CIL. Inevitably in the first year or two of operation, there may be some sites where levels of affordable housing are impacted, while the market absorbs the new charge. Generally however, the outcome of the appraisals provides confidence that the proposed residential charges will not jeopardise development or impede the council's regeneration efforts.
- 30 The council is not proposing to change the charges for either student housing or for hotels. Student housing would be charged at the same rate as residential development. Student accommodation provided directly by universities and which is used for charitable purposes may qualify for relief from CIL. The charge for hotels is varied between the north of the borough (north of Union Street) and the remainder of the borough. This reflects differences in viability which in turn is borne out by the geographic concentration of hotel development in recent years.
- 31 The council has amended the charge for office space in CIL zone 1 by reducing the levy from £100 p/sqm to £70 p/sqm. This change is proposed following retesting of office sites to incorporate the tariff for the Mayor's Crossrail s106 and

a reassessment of costs and capital yields. Outside CIL zone 1, the council is not proposing to amend the nil charge which was consulted on at the preliminary draft stage. The appraisals suggested that office developments outside the CIL zone 1 are largely unviable at current values. Similarly, the appraisals suggested that industrial and warehousing developments are largely unviable and therefore a CIL levy of £0 p/sqm for these uses is justifiable.

- 32 Most boroughs have differentiated rates for office space. The charge proposed in zone 1 in Southwark is similar to the rates proposed by most other boroughs in their main office areas. These include: Islington (£150 p/sqm); Barnet (£135 p/sqm); Tower Hamlets (£125 p/sqm); Lambeth (£125 p/sqm); Croydon; (£125 p/sqm); Wandsworth (£100 p/sqm); Hammersmith and Fulham (£80 p/sqm); Camden (£45 p/sqm); Brent (£40 p/sqm); Hillingdon (£35 p/sqm); Richmond (£25 p/sqm); and Newham, Sutton, Lewisham, Harrow, Merton and Haringey (£0).
- 33 The preliminary draft schedule sought to apply three charges for retail space: £0 p/sqm for space below 280sqm, £125 p/sqm for space between 280sqm and 2,500sqm and £250 p/sqm for space larger than 2,500sqm. Several objectors noted that the CIL regulations do not allow authorities to distinguish solely by floorspace size. The council is therefore proposing to make the schedule more robust by providing a more detailed description of those uses which would attract the higher charge of £250 p/sqm, namely supermarkets and shopping centres which have on-site parking facilities. The higher charge is justified on the basis of increased viability of these types of development. All other retail space would have a charge of £125 p/sqm. Of the sites tested, all of the 17 viable developments should be able to pay this charge and on that basis, the proposed charged should not put development at risk.
- 34 It is proposed that the nil charge for affordable retail space proposed in the preliminary draft schedule is deleted on the basis while the affordability of the space affects viability, it is not in itself a distinct type of retail provision. Affordable retail space is only a requirement in large retail developments at Elephant and Castle. The testing indicated that any costs associated with affordable space should be absorbed within the overall retail element of the development and therefore this change should not put such development at risk.
- 35 No changes are proposed to the nil charge proposed for public libraries. The preliminary draft schedule sought to make distinct charges for health and education floorspace which is predominantly publically funded. Several objectors however raised an objection that the CIL Regulations 2010 only allow authorities to distinguish between uses and not on the basis of funding sources. Having considered the issue, the council is proposing to apply a nil charge to all education and health floorspace.
- 36 The preliminary draft charging schedule also sought to exempt public sports facilities. As in the case of health and education space, on reflection the council does not consider that the CIL regulations would allow this. Most other facilities, cinemas, bingo halls, sports facilities etc, replace existing space and provided the existing space had been in use, would not be CIL liable. Where some additional floorspace is provided, the appraisals suggest that a modest levy would not impact significantly on viability. To reflect this situation, the council is proposing to reduce the CIL charge for “all other uses” from £50 p/sqm to £30 p/sqm
- 37 Using the council’s development capacity assessment, it is estimated that CIL



could generate around £7m-£8m per year (at today's prices). The council has made an assessment of infrastructure required to support growth over this period. Sources of committed funding to support infrastructure have also been identified. Inevitably, there is more certainty over funding sources for projects to be delivered in the short term and much less certainty over mid and longer term projects. Following consultation, several adjustments have been made to the infrastructure plan to update it. The infrastructure plan is a living document and can be updated regularly. CIL would play an important role in contributing to the infrastructure requirement, although would not be sufficient to cover the cost entirely and the council will continue to need to explore other sources of funding to deliver all the infrastructure set out in the infrastructure plan. The CIL regulations allow up to 5% of CIL generated to be used to monitor and administer the charge. As with s106 planning obligations, once the CIL is brought into effect the council will monitor funding generated and publish regular monitoring reports on the website.

- 38 Statutory guidance issued by the government on 14 December 2012 indicates that charging authorities should also make a draft Regulation 123 List available for the examination in public. Southwark's draft list (Appendix B) contains those projects from the infrastructure plan which could be funded only by CIL and not, once CIL is adopted, by s106 planning obligations. Projects not referred to on list could be funded by either CIL or planning obligations. However, it is anticipated that s106 planning obligations would only be used to pay for site specific infrastructure, such as an access road, improvements to the public realm around the site or instances where a developer were not able to meet planning policy requirements for on-site infrastructure, such as children's play space or amenity space. The government's December 2012 CIL guidance advises that charging authorities should be as clear as possible about what will be funded by CIL to avoid a scenario where a developer is charged twice for the same piece of infrastructure, once through CIL and again through s106 obligations.
- 39 Overall it is considered that the proposed levy represent an appropriate balance between generating funding to secure provision of infrastructure and ensuring that CIL does not put development and regeneration in the borough at risk.

### **Community impact statement**

- 40 An equalities analysis was undertaken as part of the preparation of the CIL preliminary draft charging schedule. This has been updated to reflect the changes proposed in the draft schedule. The equalities analysis considered the potential impacts arising as a result of the boundaries of the charging zones and the different levels of charge that would be applicable to different types of development within these zones. In accordance with the Equality Act 2010, the analysis considers the potential impacts of the charging schedule on those groups identified within the Act as having protected characteristics. The main issues are summarised below.
- 41 The range of CIL charges proposed and the boundaries of the charging zones are considered to give rise to limited impacts on the individual groups that are identified in the Equality Act. The imposition of a CIL charge could have potential impacts on small businesses in some parts of the borough, which could impact on a range of groups including BME communities. We propose to adopt a nil charge for office floorspace in all areas except for the commercial areas adjoining the river. As well as benefitting new businesses directly, this approach will ensure that CIL does not act as a barrier to job creation or as a disincentive

to provide local services, which are important to those with reduced mobility, such as older people, disabled people and those who are pregnant or have young children.

- 42 While the nil charge for small shops is deleted, the testing of sites showed that a modest charge, which is comparable to charges in the s106 Planning Obligations SPD, would not impede such development.
- 43 There is a small risk that CIL will drive up values which will make it harder to access housing which is affordable. However, the proposed charging schedule has been informed by viability appraisals and the level of CIL reflects existing values and is not reliant on any increase in values. Moreover, we have also set the level of CIL significantly below the maximum level which could be charged which will help mitigate impacts on land values.
- 44 The proposed lower tariff in the centre of the borough acknowledges the need for new and improved infrastructure, but also aims to ensure that CIL does not hinder regeneration attempts, for instance in Peckham and at the Aylesbury Estate. Ultimately, CIL is a mechanism intended to raise money to fund infrastructure that will contribute to sustainable development in the borough. In this sense, the adoption of CIL should have an overall positive impact on the various equalities groups. More specific impacts may arise depending on the types of infrastructure that are ultimately funded through CIL, but such issues are not broached as part of the charging schedule and will be considered in due course in the context of decisions concerning expenditure.

### **Sustainability appraisal**

- 45 The Core Strategy 2011 was subject to a sustainability appraisal incorporating a strategic environmental assessment to ensure that principles of sustainable development were thoroughly considered. The Southwark CIL is an extension of the spatial vision and policies set out in the Core Strategy and should not raise additional implications for sustainable development objectives which have not been previously considered. CLG guidance on Charge setting and charging schedule procedures, 2010, states that because CILs are short financial documents, separate sustainability appraisal for CILs is not required.

### **Financial implications**

- 46 In the first year of operation a Southwark CIL it is expected to secure about £7-8m which is broadly comparable to the non-affordable housing S106 income for 2011. There is a time delay in securing either S106 or CIL actual income, but CIL will replace the majority but not all s106 income over time. We expect the CIL income to increase overtime as house prices and viability improves. The expenditure of CIL income is far less restrictive than s106 funding and allows the council to apply it for infrastructure that supports growth in the borough.
- 47 The proposed Southwark CIL is a direct response to previous changes in legalisation prevent using S106 tariffs (such as the current s106 toolkit and E&C tariff) from April 2014.
- 48 Costs associated with both managing, monitoring and establishing Southwark CIL can be recouped from up to 5% of any CIL income.

- 49 Regulation 123 lists under review. Should the charging schedule be reviewed, the charging authority must follow the same process of consultation, examination and approval as for the initial schedule.
- 50 In view of the need to keep development viability and indeed infrastructure provision up to date over the charging schedule's lifetime until 2023, it is advisable for the council to monitor and review the charging Schedule at appropriate intervals, probably as part of the authority's monitoring report.

## APPENDICES

No.	Title
Appendix A	Community infrastructure levy (CIL) draft charging schedule (circulated separately to planning committee members)
Appendix B	Draft Regulation 123 list (circulated separately to planning committee members)

## BACKGROUND DOCUMENTS

Background papers	Held at	Contact
Statement of Community Involvement 2008 (available on the council's website at <a href="http://www.southwark.gov.uk/downloads/download/1339/statement_of_community_involvement">http://www.southwark.gov.uk/downloads/download/1339/statement_of_community_involvement</a> )	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471
CIL viability study 2013 update (available on the council's website at <a href="https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule">https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule</a> )	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471
Infrastructure Plan (available on the website at <a href="https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule">https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule</a> )	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471
Equalities Analysis (available on the website at <a href="https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule">https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule</a> )	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471
Consultation Plan (available on the website at <a href="https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule">https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule</a> )	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471
Consultation Report (available on the website at <a href="https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule">https://www.southwark.gov.uk/downloads/download/3323/draft_cil_chargingschedule</a> )	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Interim Director of Planning	
<b>Report Author</b>	Tim Cutts, Team Leader, Planning Policy	
<b>Version</b>	Final	
<b>Dated</b>	15 February 2013	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	15 February 2013	

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 5 March 2013	<b>Meeting name:</b> Planning Committee
<b>Report title:</b>		Camberwell Supplementary Planning Document Vision and Issues Paper	
<b>Wards or groups affected:</b>		Brunswick Park, Camberwell Green, South Camberwell	
From:		Interim Director of Planning	

### RECOMMENDATION

1. That planning committee provide comments on the Camberwell supplementary planning document vision and issues paper.

### BACKGROUND INFORMATION

2. We are preparing a supplementary planning document (SPD) for Camberwell. Supplementary planning documents (SPDs) are one of a number of documents used to make decisions on planning applications. Our existing planning policies for Camberwell are set out in our development plan which consists of the London Plan (2011), the Core Strategy (2011) and the saved Southwark Plan (2007).
3. The Camberwell SPD will provide further guidance to these development plan policies and will replace our draft Camberwell Green supplementary planning guidance (2002). The SPD will explain and elaborate on the policies in the development plan, bringing together information specific to Camberwell. The SPD must be consistent with the development plan and cannot create new policy, only provide guidance on how to implement our existing planning policies.
4. It will be an important planning document because SPDs can provide more detail than the development plan, explaining how policies in the development plan should be applied in Camberwell. The SPD will be a material consideration in deciding planning applications. It will help ensure that the council makes decisions transparently, providing clarity for members of the public and giving more confidence to developers to invest in Camberwell.
5. The proposed SPD boundary is the whole of the Camberwell community council boundary, covering the three wards of Brunswick Park, Camberwell Green and South Camberwell.
6. This is the first stage of consultation on the SPD. By of virtue paragraph 1, Part 3P of the Constitution and in accordance with paragraph 3 of Part 3P, the Camberwell SPD vision and issues paper was agreed for consultation by the interim director of planning in consultation with the cabinet member for regeneration and corporate strategy.

### CONSULTATION

7. Our Statement of Community Involvement (SCI) (2008) sets out our requirements for consultation on planning policy documents. It requires ongoing and informal consultation to guide the overall approach to consultation on SPDs. It sets out the requirements for consulting on the draft SPD.

8. This is an additional stage of early informal consultation. It is our first stage of consultation on the SPD, looking to engage the community at the beginning of the SPD preparation to ensure the SPD reflects their views and needs. We will be carrying out two further stages of consultation:
  - Sustainability appraisal scoping report: April 2013
  - Draft SPD: September 2013
9. We are carrying out extensive informal consultation on this vision and issues paper as part of a wider council consultation for another four projects in Camberwell. More information on the consultation being carried out can be viewed on our website at: <http://www.southwark.gov.uk/camberwellregen>
10. The SPD vision and issues paper will be available to the public for comment from 21 January to 12 April 2013. We will look at all the comments we receive on this early stage of consultation in preparing both the sustainability appraisal scoping report and the draft SPD. We will also prepare an interim consultation report alongside the SPD to set out detail on the consultation we have carried out on the SPD vision and issues paper, and a summary of the responses and our officer comments to these responses.

#### **KEY ISSUES FOR CONSIDERATION**

11. This SPD vision and issues paper is the very first stage of consultation on the SPD, and offers the community a chance to get involved in the SPD preparation from a very early stage. As yet no decisions have been made in terms of the content of the SPD to be consulted on in September 2013. The SPD vision and issues paper therefore sets out the following for each of the key topics we think the SPD should cover:
  - A brief description of current situation.
  - The issues we expect the SPD to provide guidance on.
  - Questions to help focus people's responses, asking whether we have covered all the correct issues or whether there are other issues we should look at.
12. The SPD vision and issues papers covers the following topics:
13. *Explanation of the SPD vision and issues paper.* The paper sets out why we are consulting on this document, explaining that it is a very early stage of preparing the SPD.
14. *Explanation of what is a SPD.* The paper explains what a SPD is and how it fits in within the wider planning framework.
15. *The area covered by the SPD.* The paper includes a map of the proposed boundary of the SPD. We propose that the guidance in the SPD covers the whole of Camberwell community council area.
16. *A vision for Camberwell.* The paper sets out the existing Core Strategy (2011) vision for Camberwell action area. We ask whether we should update this vision to cover the whole of the community council area through our New Southwark

Plan or whether we should continue to focus on the area where most change will take place.

17. *Design and heritage:* The paper sets out design and heritage is likely to be one of the most detailed sections of the SPD as we want to maximise the opportunity to ensure development takes into account Camberwell's unique character, including its many conservation areas. We propose that the SPD will describe Camberwell's current character and set out detailed guidance to ensure good quality design and further protection of our important local heritage assets such as the conservation areas and listed buildings. Some of the types of things we will look at providing guidance for are how to improve shop fronts, whether we should restrict back land development in some parts of Camberwell, and guidance on infill development.
18. *Public realm:* This is also likely to be one of the most detailed sections in the SPD. The paper proposes that the SPD will provide greater detail and identify opportunities in Camberwell where its public squares, streets and spaces can be improved. We propose that the SPD will seek to formalise the public realm projects that are currently being carried out in Camberwell town centre into an adopted planning policy framework.
19. *Transport:* The paper sets out that the SPD will bring together information about transport projects already underway as part of the RevitaliseSE5 programme, including the streetscape and pocket places projects. The role of the SPD will be to highlight ongoing work in Camberwell, to identify priority areas for improving the town centre and access to it and to set out how new development in the community council area can contribute to improving travel choice.
20. *Shopping:* The paper sets out that the SPD will identify whether there is capacity for new shops and set out ways in which we can support existing traders by improving the retail environment. We think the SPD should focus on how we can improve the existing shops because there are very limited opportunities for additional shopping space. Through the preparation of the SPD we will also consider whether we should set limits on the number of new takeaways that we allow in the town centre.
21. *Business and employment:* The paper sets out that the SPD will identify whether there is capacity for new and improved employment floorspace in Camberwell. We think this will be focused in the town centre and the surrounding roads, which comprise the Camberwell action area.
22. *Housing:* The paper sets out that we propose that the SPD will identify a minimum housing target for new homes in Camberwell. The SPD is likely to include a map and a list of sites to show where we think most of the new housing could be developed.
23. *Community facilities:* The paper sets out that the Core Strategy and saved Southwark plan provide borough-wide policies on community facilities. The SPD is likely to bring together information on community facilities in Camberwell including providing factual information on the refurbished leisure centre and forthcoming new library.
24. *Environment: Environmental standards and open spaces:* The paper sets out that we already have many borough-wide policies on achieving high environmental standards and that we do not think the SPD needs to provide

additional guidance to these existing documents. We also set out that our Open Spaces Strategy (2012) identified that there is potential to improve linkages between open spaces. We will look at whether we can provide further guidance on this through the SPD.

25. *Implementation:* In order to be clear on what the SPD can and cannot do, the paper sets out that there are limitations of what the SPD can provide guidance on. It is important that we make it clear that the SPD does not allocate funding for projects and that many of the aspirations in the SPD will be delivered by a wide range of our partners and developers. The SPD does not directly deliver the improvement, but rather sets guidance and brings together other work to improve Camberwell. This could simply be by cross-referring to other council strategies and plans, such as our emerging work on our borough-wide community infrastructure levy (CIL), or those of partner organisations such as Transport for London. We will include detail on who is delivering particular projects, how they will be delivered and the likely timescales.
26. *The consultation and SPD preparation process:* The paper sets out the different stages of consultation and provides information on how people can comment on the SPD vision and issues paper. It also provides information on some of the consultation we are carrying out and provides a link to our website for more information.

### **Community impact statement**

27. The purpose of the SPD is to facilitate regeneration and improve Camberwell, delivering the vision of the sustainable community strategy, Southwark 2016, ensuring that community impacts are taken into account.
28. We will be preparing an equalities analysis alongside the SPD to assess the impact the SPD will have on groups with protected characteristics. We will also be preparing a sustainability appraisal to help identify the environmental, social and economic issues that the SPD needs to address. We will be consulting on the first stage of the sustainability appraisal (the scoping report) in April 2013. We will consult on the draft equalities analysis and the draft sustainability appraisal alongside the consultation on the SPD in September 2013.

### **Financial implications**

29. There are no immediate resource implications arising from this report as any additional work required to complete the work will be carried out by the relevant policy team staff and budgets without a call on additional funding.
30. However, any potential additional costs from any specific proposals emerging from the adoption of the planning document initial consultation or any queries thereof shall be submitted as separate reports for consideration and approval.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Finance and Corporate Services**

31. The departmental finance manager notes the recommendation for the planning committee to provide comments on the Camberwell supplementary planning document vision and issues paper.



32. It is also noted there are no immediate financial implications arising from the adoption of the recommendation and that any additional work necessary to complete the SPD will be contained within existing budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan 2011	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.london.gov.uk/priorities/planning/londonplan">http://www.london.gov.uk/priorities/planning/londonplan</a>	Alison Squires 020 7525 5644 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
Southwark Statement of Community Involvement 2008	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.southwark.gov.uk/info/856/planning_policy/1238/statement_of_community_involvement_sci">http://www.southwark.gov.uk/info/856/planning_policy/1238/statement_of_community_involvement_sci</a>	Alison Squires 020 7525 5644 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
Saved Southwark Plan 2007	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan">http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan</a>	Alison Squires 020 7525 5644 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
The Core Strategy 2011	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.southwark.gov.uk/info/200210/core_strategy">http://www.southwark.gov.uk/info/200210/core_strategy</a>	Alison Squires 020 7525 5644 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix A	Camberwell supplementary planning document vision and issues (Circulated separately to planning committee members)

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Interim Director of Planning	
<b>Report Author</b>	Alison Squires, Planning Policy Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	20 February 2013	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	20 February 2013	

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 5 March 2013	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Dulwich Supplementary Planning Document	
<b>Wards or groups affected:</b>		College, East Dulwich, Village and Peckham Rye wards	
<b>From:</b>		Interim Director of Planning	

## RECOMMENDATIONS

That the Planning Committee:

1. Provide comments on the draft Dulwich supplementary planning document (SPD) as set out in Appendix A.
2. Note the interim consultation report (Appendix B), the consultation plan (Appendix C), the equalities analysis (Appendix D) and the sustainability appraisal (Appendix E).

## BACKGROUND INFORMATION

3. We are preparing a supplementary planning document (SPD) for Dulwich which will form part of our planning framework. The Core Strategy (2011) and the saved Southwark Plan policies (2007) together with the London Plan form the statutory development plan for the borough. SPDs can provide additional guidance on policies in the development plan.
4. A previous version of the SPD was consulted on in 2009 however this draft document was not adopted. An earlier draft Dulwich SPD was also consulted on in 2004. An updated version of the Dulwich SPD is required to reflect recent changes in national, regional and local policy including the adoption of the Core Strategy in April 2011 and the London Plan in July 2011. This will replace the 2004 and the 2009 drafts of the Dulwich SPD.
5. The SPD will provide further guidance on the policies set out in the Core Strategy and the saved Southwark Plan. The Core Strategy is a development plan document (DPD) that provides a vision and objectives for the future development of the borough and a plan that sets out how these will be achieved. It sets out strategic planning policies for the borough and reflects the aims and objectives of Southwark: 2016, the Sustainable Community Strategy. Whilst some of the Southwark Plan policies have been 'saved' and these policies continue to apply, some of these policies have been replaced by the Core Strategy. The SPD provides a factual update on the policies which should be applied to Dulwich to provide clarity on this. It is a requirement that the Dulwich SPD is in conformity with the strategic policies in the Core Strategy, the saved Southwark Plan and the London Plan.
6. We have also previously prepared an SPG for Lordship Lane Town centre. This guidance will be replaced by the draft Dulwich SPD 2013

7. The Dulwich SPD will provide additional planning guidance for College, East Dulwich, Village and part of Peckham Rye wards.

## **CONSULTATION**

8. Consultation on the Dulwich SPD will take place from 28 January 2013 to 22 April 2013 as set out in the consultation plan (Appendix C) and in accordance with our adopted Statement of Community Involvement (2008). We will consult on the Dulwich SPD with a wide range of organisations, local groups and residents.
9. We have also previously consulted on a draft Dulwich SPG based on the emerging UDP policies from October 2004 and January 2005. Responses received during this round of consultation have been used to inform the current version of the draft Dulwich SPD.
10. As part of the consultation process, a draft sustainability appraisal scoping report has already been prepared and was consulted on from March to April 2009.
11. All consultation responses to the sustainability appraisal scoping report, including comments by members of planning committee were used to inform the 2009 draft of the SPD.
12. A draft Dulwich SPD was consulted on from May to September 2009 alongside an equalities impact assessment, a sustainability appraisal and a consultation plan. Responses received during this round of consultation have been used to inform the current version of the draft Dulwich SPD.
13. An interim consultation statement (Appendix B) explaining how the community and other stakeholders have been engaged at each stage of the preparation process has been prepared. The interim consultation statement sets out all the comments we received on the 2004 SPG and 2009 SPD drafts and the SA scoping report as well as our officer responses to these comments. The consultation statement will be updated again and reported to members along with the final version of the Dulwich SPD. This will set out a summary of the responses received on the SPD and how these have been taken into consideration in preparing the final SPD. It is anticipated that the SPD will be reported to cabinet for adoption in July 2013.

## **KEY ISSUES FOR CONSIDERATION**

14. The Dulwich SPD sets out additional planning guidance for the area to make sure that future development is carried out in the best possible way. The Dulwich SPD sets out key issues relevant to development in Dulwich that should be taken into consideration during the determination of planning applications. The additional guidance set out in the SPD provides information on how to implement the policies in the Core Strategy and the saved Southwark Plan.
15. The purpose of the SPD is to ensure that development is appropriate for Dulwich and that the Core Strategy and saved Southwark Plan policies are applied correctly to ensure that development respects the historical context and important open spaces of the area. This includes social, economic and environmental impacts. The intention of the SPD is to highlight issues that relate specifically to development in Dulwich. Setting out this additional guidance

should ensure that the impacts of development proposals are appropriately addressed.

16. The Dulwich SPD sets out our vision for the Dulwich community council area as well as part of Peckham Rye Ward. It provides a framework which will guide development over the next 15 years, ensuring that new development is appropriate to the area, respects its historical context and important open spaces.
17. Dulwich has a character which is distinct from many other parts of Southwark. It has a range of historic qualities and a strong local identity, with a large number and wide range of open spaces. In the south of Dulwich, the Dulwich Estate manages 1500 hectares of land on which there are approximately 5800 properties. As a result of the important historic environment and the high quality open space, Dulwich has a unique character that we want to enhance and maintain. This SPD will ensure that new development is appropriate for the area and that it adds to its unique attractive character.
18. This SPD provides guidance on:
  - Conserving heritage assets
  - Appropriate types of new development
  - Protecting and improving open spaces
  - Reducing traffic and parking issues
  - Protecting and improving shopping areas
  - Development opportunities
  - Section 106 planning obligations
19. The Core Strategy sets out policies for the conservation and enhancement of the historic environment. The Dulwich SPD sets out additional guidance on the type of development that will be considered appropriate in the conservation areas in Dulwich. The SPD also sets out further guidance on the location of listed buildings and how development proposals should take into consideration the impacts on the archaeology around Dulwich Village.
20. The Core Strategy sets out policies for the type and location of new development in the borough. The Dulwich SPD sets out further guidance for development in Dulwich including where the sub-division of large properties, back-land and in-fill development may not be considered acceptable in order to protect the historic pattern of development.
21. The Dulwich SPD also sets out additional guidance on the type of extensions including basement developments that may be permitted in the area. The SPD sets out guidance where proposals that exceed the 3 metre height by 3 metre depth maximum set out in the residential design standards SPD may be considered.
22. Further guidance has been included in the SPD on the protection of open spaces, sites of importance for nature conservation and geodiversity. This includes more detail of the inclusion of a number of parks as part of the South East London Green Chain walking route and the possible designation of Dulwich Mill Pond as a locally important site for geomorphology.

23. Dulwich is a well known area of bat activity and guidance has been included in the SPD on when bat surveys may be required including where development proposals affect areas with significant tree coverage. Further guidance on the retention and enhancement of trees in the area is also provided.
24. The Core Strategy and saved Southwark Plan policies set out our approach to traffic and parking in the borough. Additional guidance is provided in the SPD which sets out how we will seek to ensure new development does not have a negative impact on the transport network and parking provision in Dulwich.
25. There are two district town centres and one local centre within the area covered by the Dulwich SPD. The SPD sets out additional guidance on how development will be required to protect and improve the vitality and viability of these centres. The SPD also sets out additional guidance on where we may consider proposals for night-time and evening economy activities provided that the proposal is in a suitable location within a district town or local centre and that the location of residential neighbours, the proposed hours, activities and any potential disturbance arising is taken into account.
26. We have also set out some guidance on specific sites in Dulwich, including the Herne Hill Velodrome and the East Dulwich Hospital site. It should be noted that there is an adopted planning brief for the East Dulwich Hospital site. The draft SPD cross refers to the adopted brief and the council does not propose to reconsult on issues covered in the brief.
27. The Dulwich SPD will be part of our framework of planning documents. It will be a material planning consideration in deciding planning applications in the area. It will help ensure that the council makes decisions transparently and provides clarity for members of the public and developers.
28. The 2013 version of the SPD will replace the 2002 Lordship Lane Town Centre SPG, the 2004 draft Dulwich SPG and the 2009 draft Dulwich SPD. Alongside general updates to reflect the new Core Strategy, the main changes from the 2009 version of the SPD, include:
  - Additional guidance on in-fill development setting out where in-fill development may be considered acceptable. The SPD also states that mews developments are not considered appropriate in the area.
  - Additional guidance on extensions including roof extensions especially in conservation areas. The SPD states that excessive extension to properties will be resisted.
  - Additional guidance on subterranean development. The SPD states that proposals for subterranean development may require a structural engineering report to be submitted.
  - Additional guidance on development on school sites where land is protected open space. The SPD states that proposals on school sites should be of an exceptional design standard, and include public access.
  - An additional section on working with neighbouring boroughs has been added to highlight the importance of a joined up approach, especially for areas such as Herne Hill.

### **Community impact statement**

29. An Equalities Analysis (Appendix D) scoping of the draft SPD has been prepared to identify how the Dulwich SPD will affect people with protected characteristics.

Protected characteristics are sexual orientation, sex, religion or belief, race, pregnancy and maternity, marriage and civil partnership, gender reassignment, disability and age. As the Dulwich SPD does not set new policy the document itself it only has a limited impact on equality issues in the borough.

30. The SPD will, on the whole, have positive implications for the community. In particular it will help to protect and enhance the natural and historic environment in Dulwich, which will have benefits to the community in terms of:
- Improved access to open spaces for health, leisure and recreation.
  - Increased social well-being through strengthening the local identity and sense of place, this may in turn have a positive impact on safety and crime in the area.
  - Providing for more family housing where there is an identified need and enabling more young families to stay in the area.
31. However some possible negative impacts of the draft SPD were recognised, specifically the limited opportunity for new development from the conservation areas and protected open spaces may mean that some people cannot afford to live in the existing housing or the existing housing is not suitable for their needs and therefore some people, especially young families may have to move away from the area. Controls to alterations and extensions to buildings may impact on the ability for existing properties to be converted to meet the needs of disabled people.
32. The public consultation carried out on the draft SPD will provide the opportunity for all members of the community to contribute to the preparation of the document.

### **Sustainability considerations**

33. Officers have prepared a sustainability appraisal (Appendix E) and an appropriate assessment (Appendix F) to assess and inform the draft SPD. The sustainability appraisal has been carried out as a further iteration to the version that was published alongside the Dulwich SPD 2009.
34. The SPD performs well against environmental objectives in the appraisal. In particular the SPD scores well against objectives relating to the protection of open space, increasing levels of biodiversity and reducing the impacts of climate change. The SPD scored more negatively against the objectives of providing more housing and a wider mix of housing types.
35. The SPD will result in better development than if there was no SPD and if the council relied only on the policy and information in the Core Strategy (2011) and the saved Southwark Plan (2007).

### **Resource/Financial implications**

36. There are no immediate financial implications arising from the adoption of the recommendation. The planning committee is at this stage being asked to simply note the Dulwich supplementary planning document (SPD) for consultation and note the related appendices to the report.
37. Any additional work required to complete the SPD will be carried out by the relevant policy team staff resources without a call on additional funding.

38. Any specific financial implications arising from the adoption of the final Dulwich supplementary planning document (SPD) will be included in subsequent reports for consideration and approval.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Strategic Director of Finance and Corporate Services

39. The departmental finance manager notes the recommendations in the report.
40. It is also noted that there are no resource implications from the adoption of the report and the cost of the consultation will be contained within existing revenue budgets.

## BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Core Strategy (2011)	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.southwark.gov.uk/info/200210/core_strategy">http://www.southwark.gov.uk/info/200210/core_strategy</a>	Kate Johnson 020 7525 5345
Draft Dulwich SPD (2009)	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>	Kate Johnson 020 7525 5345
Saved Southwark Plan (2007)	Chief Executive's Department 160 Tooley Street, SE1 2QH <a href="http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan">http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan</a>	Kate Johnson 020 7525 5345

## APPENDICES

No.	Title
Appendix A	Draft Dulwich SPD (Circulated separately to planning committee members)
Appendix B	Consultation statement <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>
Appendix C	Consultation plan <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>
Appendix D	Equalities Analysis <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>
Appendix E	Sustainability appraisal <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>



**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Interim Director of Planning	
<b>Report Author</b>	Kate Johnson, Senior Planner	
<b>Version</b>	Final	
<b>Dated</b>	20 February 2013	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	22 February 2013	

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**MUNICIPAL YEAR 2012/13**

**COMMITTEE:**

**PLANNING COMMITTEE**

**NOTE:**

Original held in Constitutional Team; all amendments/queries to Kenny Uzodike, Constitutional Team,  
Tel: 020 7525 7236.

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