

## Planning Sub-Committee A

Tuesday 9 December 2014

7.00 pm

Room G02, 160 Tooley Street, London SE1 2QH

### Membership

Councillor Lorraine Lauder MBE (Chair)  
Councillor James Barber (Vice-Chair)  
Councillor Nick Dolezal  
Councillor Lucas Green  
Councillor Vijay Luthra  
Councillor Eliza Mann  
Councillor Sandra Rhule

### Reserves

Councillor Stephanie Cryan  
Councillor Chris Gonde  
Councillor Rebecca Lury  
Councillor David Noakes  
Councillor Rosie Shimell  
Councillor Johnson Situ

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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.

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#### Contact

Sarah Koniarski on 020 7525 5824 or email: [sarah.koniarski@southwark.gov.uk](mailto:sarah.koniarski@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 1 December 2014



## Planning Sub-Committee A

Tuesday 9 December 2014  
7.00 pm  
Room G02, 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 4
	To approve as a correct record the minutes of the meeting held on 15 October 2014.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	5 - 9
	<b>7.1. 15 EVESHAM WALK, LONDON, SE5 8SJ</b>	10 - 20

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Date: 1 December 2014



## PLANNING SUB-COMMITTEE

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

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

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

(b) The applicant or applicant's agent.

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

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

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

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

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

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

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

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

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

**Contacts:** The Head of Development Manager  
Chief Executive's Department  
Tel: 020 7525 5437; or

Planning Sub-Committee Clerk, Constitutional Team  
Corporate Strategy Division  
Tel: 020 7525 7420



## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Wednesday 15 October 2014 at 7.00 pm at Room G02, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Lorraine Lauder MBE (Chair)  
 Councillor James Barber (Vice-Chair)  
 Councillor Lucas Green  
 Councillor Eliza Mann  
 Councillor Sandra Rhule  
 Councillor Johnson Situ

**OTHER MEMBERS PRESENT:** Councillor Jon Hartley  
 Councillor Helen Hayes  
 Councillor Andy Simmons

**OFFICER SUPPORT:** Rob Bristow (Development Management)  
 Rachel McKoy (Legal Officer)  
 Gavin Blackburn (Development Management)  
 Christian Loveday (Transport Planner)  
 Gerald Gohler (Constitutional Officer)

### 1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

### 2. APOLOGIES

There were apologies for absence from Councillor Nick Dolezal.

### 3. CONFIRMATION OF VOTING MEMBERS

A representative of each political group confirmed the voting members of the committee.

### 4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

## 5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7 – development management items.

## 6. MINUTES

### RESOLVED:

That the minutes of the meeting held on the 9 September 2014 be approved as a correct record and signed by the chair.

## 7. DEVELOPMENT MANAGEMENT ITEMS

### ADDENDUM REPORT

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 the committee to be aware of late observations, consultation, responses, additional information and revisions.

### 7.1 DULWICH COLLEGE PREPARATORY SCHOOL, 42 ALLEYN PARK, LONDON SE21 7AA

#### Planning application reference number 14/AP/1133

Report: See pages 12 to 31 of the agenda pack, and pages 1 to 3 of the addendum report.

#### PROPOSAL

*Reconfiguration of existing parking and play areas to provide new parking and play space layout, and new refuse vehicle and minibus delivery area with new cycle parking, hard and soft landscaping and boundary treatment.*

The sub-committee heard an introduction to the report from a planning officer, drawing members' attention to the addendum report. The sub-committee asked questions of the officer.

There were no objectors present wishing to speak.

The applicant's agents made representations to the sub-committee and answered questions by the members of the sub-committee.

There were no supporters living within 100 metres of the development site who wished to speak.

Councillors Jon Hartley, Helen Hayes and Andy Simmons addressed the sub-committee in their capacity as ward councillors. Members of the sub-committee asked questions of the ward councillors.

Members of the sub-committee debated the application.

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

**RESOLVED:**

That planning application 14/AP/1133 be granted with the conditions set out in the report and addendum report, including the following amended conditions:

- 6a – “travel plan” to be changed to “green travel plan”. This travel plan is also to include an agreed protocol of how the school will work with the police.
- 6b - reviews of the travel plan are to be submitted after six months and after 18 months of operation, instead of “at the start of the second year”.

**7.2 60-62 HOPTON STREET, LONDON SE1 9JH**

**Planning application reference number 14/AP/2406**

Report: See pages 32 to 45 of the agenda pack.

**PROPOSAL**

*Change of use of ground floor of 60-62 Hopton Street from a cultural centre (within use Class D1) to an A1 retail shop with hours of operation between 07:00 to 19:30, 7 days per week.*

The sub-committee heard an introduction to the report from a planning officer, drawing members' attention to the addendum report. The sub-committee asked questions of the officer.

There were no objectors present wishing to speak.

The applicant made representations to the sub-committee and answered questions by the members of the sub-committee.

There were no supporters living within 100 metres of the development site or ward councillors who wished to speak.

Members of the sub-committee debated the application.

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



to be carried.

**RESOLVED:**

That planning application 14/AP/2406 be granted with the conditions set out in the report, including:

- an amended condition regarding opening hours which are to be 8:00 to 19:30, seven days a week.
- an additional condition restricting hours for servicing and deliveries to 8:00 to 18:00 Monday to Friday, and 9:00 to 18:00 on Saturdays, Sundays and Bank Holidays.

The meeting ended at 8.20 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<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 may be 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. 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. 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. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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**

<b>No.</b>	<b>Title</b>
Appendix A	Items on agenda of planning sub-committee A on 9 December 2014

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Kenny Uzodike, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development Team	
<b>Version</b>	Final	
<b>Dated</b>	29 August 2014	
<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>		23 September 2014

**ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A  
ON TUESDAY 9 DECEMBER 2014**

<b>Appl. Type</b>	S.73 Vary/remove conds/minor alterations	<b>Reg. No.</b>	14-AP-3509
<b>Site</b>	15 EVESHAM WALK, LONDON, SE5 8SJ	<b>TP No.</b>	TP/H2071
		<b>Ward</b>	Brunswick Park
		<b>Officer</b>	Justine Mahanga

**Recommendation** GRANT PERMISSION

### *Item 7.1*

**Proposal**

Variation of condition 2 (approved plans) and condition 3 (materials) of planning permission dated 14/10/2013 [application no.13/AP/2335 for the Erection of a single-storey rear extension to provide additional residential floorspace; installation of a flank wall window at ground floor level] to account for complications arising from existing inspection chamber on proposed extension site requiring amendments to building plan to build around chamber (condition 2) and to allow the use of the closest matching render not pebbledash on new extension (condition 3)

<b>Appl. Type</b>	Full Planning Permission	<b>Reg. No.</b>	14-AP-1786
<b>Site</b>	UNIT 4, 17-19 BLACKWATER STREET, LONDON, SE22 8SD	<b>TP No.</b>	TP/2312-A
		<b>Ward</b>	East Dulwich
		<b>Officer</b>	Samuel Uff

**Recommendation** GRANT PERMISSION

### *Item 7.2*

**Proposal**

The retention of the unit at an assembly and leisure facility (Use Class D2) to provide yoga and pilates classes.

<b>Appl. Type</b>	Full Planning Permission	<b>Reg. No.</b>	14-AP-1787
<b>Site</b>	UNIT 3, 17-19 BLACKWATER STREET, LONDON, SE22 8SD	<b>TP No.</b>	TP/2312-A
		<b>Ward</b>	East Dulwich
		<b>Officer</b>	Samuel Uff

**Recommendation** GRANT PERMISSION

### *Item 7.3*

**Proposal**

The retention of the ground floor as an assembly and leisure facility (Use Class D2).

<b>Appl. Type</b>	Full Planning Permission	<b>Reg. No.</b>	14-AP-0723
<b>Site</b>	96 WEBBER STREET, LONDON SE1 0QN	<b>TP No.</b>	TP/1231-96
		<b>Ward</b>	Cathedrals
		<b>Officer</b>	Neil Luxton

**Recommendation** GRANT PERMISSION

### *Item 7.4*

**Proposal**

Alterations and extensions to existing building, including construction of a mansard-style roof extension, roof terrace and the raising of part of parapet front wall on corner of Webber Street and Rushworth Street, to extend existing first floor residential unit. Retention and refurbishment of the existing ground floor workshop (Class B1), retention of the first floor live/work unit. Construction of a new detached two bedroom, two-storey building at rear to accommodate a single family dwelling (Use Class C3) at ground and first floor levels.

<b>Appl. Type</b>	Full Planning Permission	<b>Reg. No.</b>	14-AP-2092
<b>Site</b>	ALLEYNS SCHOOL, TOWNLEY ROAD, LONDON, SE22 8SU	<b>TP No.</b>	TP/2300-A
		<b>Ward</b>	Village
		<b>Officer</b>	Amy Lester

**Recommendation** GRANT PERMISSION

### *Item 7.5*

**Proposal**

Repaving and extending of hard landscaping to existing school sports facilities, to create 1 additional Netball court (thereby providing a total of 3 netball and 3 tennis courts) with associated fence alterations.

Ordnance Survey

Date 27/11/2014



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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/3509 for: S.73 vary/remove conditions / minor alterations  <b>Address:</b> 15 EVESHAM WALK, LONDON, SE5 8SJ  <b>Proposal:</b> Variation of condition 2 (approved plans) and condition 3 (materials) of planning permission dated 14/10/2013 [application no.13/AP/2335 for the erection of a single-storey rear extension to provide additional residential floorspace; installation of a flank wall window at ground floor level] to account for complications arising from existing inspection chamber on proposed extension site requiring amendments to building plan to build around chamber (condition 2) and to allow the use of the closest matching render not pebbledash on new extension (condition 3)		
<b>Ward(s) or groups affected:</b>	Brunswick Park		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 22 October 2014		<b>Application Expiry Date</b> 17 December 2014	
<b>Earliest Decision Date</b> 22 November 2014			

## RECOMMENDATION

- 1 That the application is referred to the sub-committee for consideration and that planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 The site refers to a two storey end-of-terrace dwelling house, located on the corner of Evesham Walk and Love Walk. A 10.0m deep garden is located to the rear of the property with mature trees located adjacent the rear boundary. These trees are not protected.
- 3 The property is finished in pebble dash render to all elevations, differing from the remaining properties in the terrace (no. 13 and 14 Evesham Walk) which are finished in brick.
- 4 The subject premises also differs from these adjoining properties as it is set back 1.9m from the front building line, includes a lower pitch height and a wider plot. Accordingly, it is considered that the application premises distinguishes itself from the remaining terrace and the surrounding properties on Evesham Walk, which are predominantly finished in brick.
- 5 The property is not listed or situated within a conservation area, however it is noted that the boundary of the Camberwell Grove conservation area is located adjacent the site, along Love Walk.



### Details of proposal

- 6 The applicant seeks permission for a variation to condition 2 (approved drawings) and condition 3 (materials) of planning permission 13/AP/2335, dated 14 October 2013, which granted planning permission for the erection of a single-storey rear extension to provide additional residential floorspace; installation of a flank wall window at ground floor level.
- 7 The proposed variation of the approved plans (condition 2) is sought following objections raised by Thames Water regarding the approved single storey rear extension. Specifically, the approved 3.6m deep extension was approved atop of an existing Thames Water inspection chamber, therefore blocking required access. Following discussions between the applicant and Thames Water, the design of the proposal has been amended to ensure continued access to this inspection chamber from the site. Specifically, a 1.45m deep section of the extension would now be inset 1.2m from the side boundary adjoining no. 14 Evesham Walk (north-west boundary). This area would remain to be covered by the approved roof.
- 8 A rendered brick column has been incorporated into the design of the extension to provide additional support to the north-west side of the roof, affected by the proposed amendments. The structural integrity of this feature would be subject to building approval.
- 9 As a result of these amendments, the approved second double-doors on the rear elevation have been replaced with a window and single glazed door.
- 10 The proposed variation of the approved materials (condition 3) is sought to vary the material utilised within the rear extension. Specifically, the applicant intends to construct the extension with a rendered finish, in place of the approved pebble-dash render.

### Planning history

- 11 13/AP/0103  
Application type: Certificate of Lawfulness - proposed (CLP)  
Single storey rear extension; providing additional residential accommodation for dwellinghouse.  
  
Decision date 06/03/2013 Decision: Granted (GRA)
- 12 13/AP/2335  
Application type: Full Planning Permission (FUL)  
Erection of a single-storey rear extension to provide additional residential floorspace; installation of a flank wall window at ground floor level.  
  
Decision date 14/10/2013 Decision: Granted (GRA)

### Planning history of adjoining sites

- 13 None relevant.

### KEY ISSUES FOR CONSIDERATION

#### Summary of main issues

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

- a) The principle of the development in terms of land use and conformity with strategic policies.
- b) The impact of the development on the amenity of the adjoining properties.
- c) Design quality
- d) Impact on listed building(s)/conservation area.
- e) All other relevant material planning considerations.

### **Planning policy**

#### 15 National Planning Policy Framework (NPPF)

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

London Plan July 2011 consolidated with revised early minor alterations October 2013

Policy 7.4 - Local Character

Policy 7.6 – Architecture

Core Strategy 2011

Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 - Protection of amenity

Policy 3.12 - Quality in design

Policy 3.13 - Urban design

Policy 3.16 - Conservation areas

Policy 3.17 - Listed Buildings

Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites

Policy 5.2 - Transport Impacts

Residential Design Standards SPD (2011)

### **Principle of development**

- 16 There is no objection in principle to alterations to residential properties in established residential areas provided that development is of a high standard of design, respects and enhances the character of its surroundings including any designated heritage assets and does not adversely impact upon the amenity of adjoining properties or residents in accordance with above mentioned development policies.

### **Summary of consultation responses**

- 17 One objection received from 14 Evesham Walk:

- The proposed steel hollow support and the visual panel incorporated within the amendments are unsightly, unnecessary and out of keeping with the style of the surrounding buildings. The proposed use of render is also considered to be contrary to planning policy which aims to protect and maintain the character of

conservation areas.

- Further concerns were raised regarding the unnecessary extension of the roofline and the location of the approved flue on the front elevation of the property.

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

- 18 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; Strategic Policy 13 High Environmental Standards requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems. The council's Residential Design Standards SPD 2011 also sets out the guidance for rear extensions which states that development should not unacceptably affect the amenity of neighbouring properties. This includes privacy, outlook, daylight and sunlight.
- 19 The impacts of the bulk of the proposed extension have been considered under the previous planning application. The aspect that requires consideration under this application is the proposed alteration to the footprint of the extension; that being the inset of a 1.1m deep section of the extension, adjacent to the common boundary with no. 14 Evesham Walk.
- 20 Given the location of this element, it is considered that the only neighbouring occupier potentially impacted would be no. 14 Evesham Walk. As the proposal would result in a minor section of the extension being set off the common boundary with this property, the proposed amendments would not result in any undue impact on the amenity of this adjoining occupier. Furthermore, it is noted that the roof form and overall height of the extension on the boundary with no. 14 Evesham Walk would remain unchanged from that approved within permission 13/AP/2335.
- 21 During the consultation of this application, concerns were raised regarding the proposed use of a visual panel block between the approved roof of the extension and the top of the boundary wall adjoining no,14. Neighbours considered that this panel was unnecessary, unsightly and out of keeping with the style of the surrounding buildings. Following discussions with the applicant, this aspect of the proposal has been removed from the design.

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

- 22 None.

### **Transport issues**

- 23 Saved Policy 5.2 seeks to ensure new development would not have a significant transport impacts and makes adequate provision for servicing, circulation and access to and from the site. The proposed amendments raise no significant traffic issues.

### **Design issues**

- 24 The proposed variation of condition 3 of planning permission 13/AP/2335 seeks to vary the approved material from pebble-dash render to render.
- 25 Although concerns have been received in regards to the use of render, the Local Authority consider that the use of render is sympathetic to the existing appearance of the host property and as such, it is not considered that any significant design impacts

would result.

- 26 Further concerns have been received regarding the appearance of a steel hollow section which was proposed to support the north-west section of the roof. However, following correspondence with the applicant, the proposed steel support has been replaced with a rendered brick column (25cm x 5cm). It is acknowledged that this structure would be subject to building approval. The objector has been informed of this amendment to the scheme.

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

- 27 While the property is not located within a conservation area, it is noted that the boundary of the Camberwell Grove conservation area is located adjacent to the site along Love Walk. As detailed within planning application 13/AP/2335, the approved rear extension and use of render would not have an impact on the setting of the adjoining Camberwell Grove conservation area.

#### **Impact on trees**

- 28 No trees would be impacted by the proposed works.

#### **Other matters**

- 29 Additional concerns have been received from a surrounding resident regarding the position of a proposed flue on the front elevation of the property. No amendments to the approved flue or the location of this flue has been received as part of the subject application. The location of the proposed flue would be subject to building approval.
- 30 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

#### **Relevance of existing conditions**

- 31 The proposed change is provided for through amendments to condition 2 and 3 of the approved planning application. In relation to the remaining conditions, these would still be relevant and should be retained. The proposed timeframe will be altered so that the three years with which to construct the extension expires three years after the approval date of the original application (i.e. 13/AP/2335 of which this amends).

#### **Community impact statement**

- 32 The impacts of this application have been assessed as part of the application process with regard to local people in respect of the "protected characteristics", as set out in the Equality Act 2010, the council's Community Impact Statement and Southwark council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.
- 33 In assessing this application, the council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.

- a) There are no protected characteristics or groups that will be affected by this proposal.

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

- 36 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 37 This application has the legitimate aim of providing additional residential floorspace. 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.

### **Conclusion on planning and other issues**

- 38 Planning permission is sought to amend the approved materials and footprint of the proposed single storey rear extension granted permission on 1 October 2010. The proposed alterations are not considered to compromise the original design of the extension, or cause a detrimental impact upon neighbouring properties. As detailed within this report, further amendments have been made to the scheme to ensure that neighbour concerns have been addressed. Accordingly, is therefore considered that planning permission should be granted.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/H2071 Application file: 14/AP/3509 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 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 7410 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
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>	Justine Mahanga, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 November 2014	
<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, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	27 November 2014	

**APPENDIX 1****Consultation Undertaken**

**Site notice date:** 30/10/2014

**Press notice date:** n/a

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

**Neighbour consultation letters sent:** 30/10/2014

**Internal services consulted:**

n/a

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

n/a

**Neighbour and local groups consulted:**

19 Allendale Close London SE5 8SG  
17 Allendale Close London SE5 8SG  
21 Allendale Close London SE5 8SG  
20 Allendale Close London SE5 8SG

13 Evesham Walk London SE5 8SJ  
12 Love Walk London SE5 8AD  
15 Evesham Walk London SE5 8SJ  
14 Evesham Walk London SE5 8SJ  
14 Love Walk London SE5 8AD

**Re-consultation:** n/a

**APPENDIX 2****Consultation Responses Received****Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

14 Evesham Walk London SE5 8SJ



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## RECOMMENDATION

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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>	Miss P De La Fosse	<b>Reg. Number</b>	14/AP/3509
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/H2071
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Variation of condition 2 (approved plans) and condition 3 (materials) of planning permission dated 14/10/2013 [application no.13/AP/2335 for the Erection of a single-storey rear extension to provide additional residential floorspace; installation of a flank wall window at ground floor level] to account for complications arising from existing inspection chamber on proposed extension site requiring amendments to building plan to build around chamber (condition 2) and to allow the use of the closest matching render not pebbledash on new extension (condition 3)

**At:** 15 EVESHAM WALK, LONDON, SE5 8SJ

**In accordance with application received on** 25/09/2014 08:01:25

**and Applicant's Drawing Nos.** 15EWC1A; 15EWC2B; 15EW-L-21A

**Subject to the following three conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall be begun before the end of three years from the date of the original planning permission (13/A-/2334), dated 14/10/2011.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
15EWC1A; 15EWC2B; 15EW-L-21A

Reason:

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

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

The local planning authority delivered the decision in a timely manner.

Ordnance Survey

Date 27/11/2014



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<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/1786 for: Full Planning Permission  <b>Address:</b> UNIT 4, 17-19 BLACKWATER STREET, LONDON, SE22 8SD  <b>Proposal:</b> The retention of the unit as an assembly and leisure facility (Use Class D2) to provide yoga and pilates classes.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 08 July 2014		<b>Application Expiry Date</b> 02 September 2014	
<b>Earliest Decision Date</b> 16 August 2014			

## RECOMMENDATION

- 1 That the application is referred to the sub-committee for consideration and that planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application relates to the ground floor unit, Unit 4, located to the rear of Blackwater Court, this being a cluster of commercial units at 17-19 Blackwater Street arranged around a shared car park accessed off Blackwater Street. The entrance to Blackwater Court is located approximately 30 metres from Lordship Lane and falls just outside the Lordship Lane District Town Centre.
- 3 Unit 4 is located to the rear of the site. On visiting the site, it appears as though Push Studios (the applicant) already operates from the site (hence the requirement for retrospective planning permission). Documents submitted with the application suggest that they have been running classes for up to 9 years from the front unit (Unit 3) of the application property. A previous planning application for Unit 4 which was withdrawn (see details below), makes reference to Push Studios operating from Unit 3, providing personal training, yoga, dance classes, pilates and other fitness related activities.
- 4 Formerly a builders yard, Blackwater Court is host to a joiners/furniture makers workshop, architects and floral emporium, among other activities. Uses surrounding Blackwater Court are varied with residential uses backing onto the northern (rear) and southern boundaries and also being located to the south across Blackwater Street. To the east lie the mixed use properties fronting Lordship Lane.
- 5 The application unit was formerly in use by 'Bespoke', a windows company, this being in line with the approved use was a workshop/studio/office as permitted under application ref no. 2312-A (see planning history below). While it is clear that the applicant has already begun operating from the site, the previous planning application

(13/AP/0082) made note that the property was vacant at the beginning of 2013 and had been for some time.

- 6 The building is not listed and does not lie within a conservation area. The building lies outside the Lordship Lane Town Centre boundary. The property is located within the Air Quality Management Area and the Suburban Density Zone.

### **Details of proposal**

- 7 Retrospective planning permission is sought for the change of use of Unit 4 to provide for an assembly and leisure facility (Class D2). The proposed assembly and leisure facility within Unit 4 would provide for yoga and pilates classes only with no amplified music. The unit would have a capacity of 12 people with between 2 and 4 classes per day).
- 8 Proposed hours of operations that have been agreed by the applicant are 9.00 - 21.00 Mon - Fri, 09:00 - 18:00 Saturdays and 09:00 - 13:00 Sundays and bank holidays.

### **Planning history**

- 9 2312-A  
Change of use of 17-19 Blackwater street, from a builders yard and store to small workshop/studio/office units within Class B1 of the Town and Country Planning Use Classes Order 1987, together with the erection of a two storey rear extension to the main building and refurbishment/alteration of existing buildings to be retained and alterations to vehicular access. Granted. 18/8/1987.
- 10 Change of use of part of 17-19 Blackwater Street, SE22 from offices ancillary to a yard for the storage or builders materials to use within Class A2 of the Town and Country Planning (Use Classes) Order 1987. Granted. 23/8/1988.
- 11 12/EN/0027  
Enforcement type: Breach of condition (BOC)  
Loading and unloading of vans early  
Sign-off date 21/06/2012 Sign-off reason: Final closure - breach regularised (FCBR)
- 12 13/EN/0194  
Enforcement type: Change of use (COU)  
Without planning permission, change of use of ground floor office space to an assembly and leisure facility and retail facility.  
Sign-off date 10/03/2014 Sign-off reason: Final closure - breach ceased (FCBC)
- 13 13/EN/0184  
Enforcement type: Unauthorised building works (UBW)  
Changes to elevation from brick to glass without planning permission.  
Sign-off date 12/03/2014 Sign-off reason: Final closure - miscellaneous reason (FCM)
- 14 13/AP/0082  
Change of use of ground floor office space (54 sq m) (Class B1) to an assembly and leisure facility (Class D2) and retail unit (Class A1) (flexible space) - withdrawn by applicant. Planning case officer originally recommended this application for refusal however the panel disagreed and made the following notes:

"Panel did not agree the recommendation to refuse planning permission. The Panel were minded that planning permission could be granted for an initial temporary period subject to the imposition of conditions, to control noise and activity that might be harmful to the amenity of adjoining residents. However, as the application has been

called in by ward members for decision by Planning Sub-Committee in the event of the recommendation being to grant planning permission, the application is now referred to Sub-Committee with a recommendation to grant planning permission subject to conditions.

In reaching its decision the Panel noted that;

1. There were no land use policy objections to the proposed use
2. The premises had been largely vacant since the last authorised use ceased in Oct 2011
3. The likely scale and impact of activity would be limited given the size of the premises
4. The only reason for refusal was possible noise nuisance to residents of Kent House and Park House
5. The proposal would bring back into use a vacant building and create a small start-up business
6. The proposed A1 activity was considered to be ancillary to the other activities proposed and would not be a separate use
7. No objection in principle raised to proposal by Environmental Protection Team
8. Would provide facilities of some benefit to the community.

The Panel therefore considered that issue of noise nuisance could be safeguarded by the imposition of conditions and that the proposal would not result in significant harm to adjoining occupiers. This could be tested with an initial temporary period consent. It would not be contrary to policy and would be in accordance with NPPF."

### **Planning history of adjoining sites**

- 15 Unit 3, 17-19 Blackwater Street SE22 8SD  
14/AP/1787: Retrospective application for the use of the ground floor to an assembly and leisure facility (Use Class D2) (retrospective). This application is undecided and has been made by the same applicant as this proposed (i.e. Push Studios).

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 16 The main issues to be considered in respect of this application are:
- a) The principle of the proposed change of use in land use terms;
  - b) The impacts on the amenity of neighbouring occupiers; and
  - c) Transport impacts.

#### **Planning policy**

- 17 National Planning Policy Framework (the Framework)

Section 2 - Ensuring the vitality of town centres

Section 4 - Promoting sustainable transport

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

London Plan July 2011 consolidated with revised early minor alterations October 2013

Policy 4.2 (Offices)

Policy 4.3 (Mixed use development and offices)

Policy 4.7 (Retail and town centre development)

Policy 6.3 (Assessing effects of development on transport capacity)

Policy 6.9 (Cycling)

Policy 6.10 (Walking)

Policy 6.13 (Parking)  
Policy 7.4 (Local Character)

Core Strategy 2011

Strategic policy 1 (Sustainable development)  
Strategic policy 2 (Sustainable transport)  
Strategic policy 3 (Shopping, leisure and entertainment)  
Strategic policy 4 (Places for learning, enjoyment and healthy lifestyles)  
Strategic policy 10 (Jobs and businesses)  
Strategic policy 12 (Design and conservation)  
Strategic policy 13 (High environmental standards)

Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Saved policy 1.4 (Employment sites outside of the preferred office locations and preferred industrial locations)  
Saved Policy 1.5 (Small business units)  
Saved policy 2.2 (Provision of new community facilities)  
Saved policy 3.2 (Protection of amenity)  
Saved policy 3.4 (Energy efficiency)  
Saved policy 3.7 (Waste reduction)  
Saved policy 3.11 (Efficient use of land)  
Saved policy 3.12 (Quality in design)  
Saved policy 3.13 (Urban design)  
Saved policy 3.14 (Design out crime)  
Saved policy 5.2 (Transport impacts)  
Saved policy 5.3 (Walking and cycling)

**Principle of development**

- 18 Saved policy 1.4 is the relevant policy in terms of land use in this instance as the site had an established B Class use prior to Push Studios beginning operating from the property. Saved policy 1.4 is a restrictive policy which protects against the loss of employment floor space in certain circumstances unless a prescribed set of conditions are met in which the loss may be permitted by way of an exception.
- 19 Having regard to land use the site does not front onto or have direct access to a classified road and is not in a public transport accessibility zone. Furthermore it is not in the Central Activities Zone or a Strategic Cultural area. As these criteria do not apply in this instance the council do not object to the principle of changing the use of the unit provided it would not result in adverse amenity impacts and would be in accordance with relevant land use policies of the local development plan.

Small business units

- 20 Saved policy 1.5 typically applies to much larger developments, requiring the re-provision of an equivalent level of small business space within a new development. However given the modest size of this unit, this would neither be practical or feasible. While the use of the application property as a D2 leisure facility results in the loss of the previously approved B1 office/workshop/studio space, the proposed use is

considered to provide for a small 'start up' type business with a similar level of employment as a small business unit. The applicant has indicated that they employ 15 free lance instructors on a regular basis (across both units 3 and 4). Policy 1.5 sees small business units as an important feature of a sustainable local economy as they provide employment opportunities and services for local residents. Given the level of employment provided, it is considered that the use would provide a level of employment consistent with the aims of policy 1.5 and indeed consistent with the otherwise permitted commercial use of the site. Consultation comments from the planning policy team further support the principal of the retention of this use. As such, there is no objection to the change of use given the employment provision that would be retained.

#### Impact on the adjoining town centre

- 21 Policy 4.7 of the London Plan seeks to ensure the impact of development in and around the town centre does not impact the viability of function of the town centre.
- 22 Lordship Lane is a well functioning and vibrant thoroughfare and it is not anticipated that a small D2 use on the edge of the town centre would harm its vitality or viability. The proposed use would provide a complementary service to existing facilities within the area, specifically for parents with young children. Furthermore, the applicant has indicated that the majority of people visit the site on foot, bike or by public transport. This would generally require walking through the Town Centre. In this respect, the scheme is considered likely to support the vitality and viability of the town centre and would not conflict with policy.
- 23 No information has been supplied to demonstrate the need for a D2 use at this location. In any event, the council promotes the provision of new facilities that promote healthy lifestyles and so there is no objection to provision of a health facility. Furthermore, the applicant has confirmed that they currently operate around 35-38 classes per month from the site with an average footfall of around 800 clients per month. This level of use suggests that the use of the site is indeed 'needed'. The petition and letters of support received further suggest the 'need' for such an activity within the location.
- 24 Furthermore, a small business/commercial use has already been established in this location and as is outlined above, the proposed D2 use would have similar characteristics (i.e. employment levels) to a permitted commercial use (i.e. B1 use class) in this location.
- 25 For the reasons outlined above, the principle of the scheme is acceptable in terms of land use as it is in a viable edge of centre site.

#### New community facilities/education establishments

- 26 The promotion of facilities for 'healthy communities' including new community facilities are encouraged in the borough by both local and national policy provided they would not adversely affect the standard of amenity of occupiers in the surrounding area and would not have adverse transport effects. An assessment of the travel impacts and the impact on the amenity of neighbouring occupiers is undertaken below.

#### Conclusions

- 27 Notwithstanding impacts on the amenity of neighbouring residential occupiers (see below), it is considered that the location of the proposed D2 use is acceptable as an edge of the town centre use. A small business/commercial use has already been established in this location and the proposed D2 use would have similar characteristics (i.e. employment levels) to a permitted commercial use in this location. As such, there is no objection to the principle of the proposed change of use within this location.

## **Environmental impact assessment**

- 28 Not required given the nature and scale of development.

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

#### Noise impacts

- 29 Several letters were received expressing concern that the scheme would result in unacceptable noise impacts to the detriment of standard of residential amenity. The majority of letters cited concerns that amplified music and noise from classes, and people congregating before and after classes would result in noise nuisance and noise generating activity.
- 30 The site is small and so it is not anticipated that it would attract large groups of people. This has also been demonstrated by the class numbers which provide for no more than 12 people at one time. The unit would have a maximum occupancy of 12 and this can be controlled through conditions. When visiting the site, the applicant indicated that when classes are on, doors would be closed at all times. The classes to be held within Unit 4 would be pilates and yoga only with no music (apart from some very light background music) being played. The applicant has also proposed restricted opening hours.
- 31 The council's Environmental Protection Team (EPT) have reviewed the proposal and consider that the scheme would be acceptable in terms of its noise impact subject to adequate noise mitigation and restrictions on the opening hours. The opening hours suggested by EPT are slightly less than those original proposed by the application. However EPT have confirmed that they would not object to the hours requested by the applicant provided the noise levels were controlled. The noise levels and opening hours would be controlled through a condition, as would the requirement to keep doors closed when classes are being held. It is not anticipated however, given the nature of the proposed yoga and pilates classes to be held in Unit 4, that noise levels would be an issue.
- 32 While the concerns of the neighbouring residents are noted, it is not considered that the scale of the activity is overly large and the noise impacts of the proposed activity can be effectively controlled through to imposition of conditions. A further condition is recommended for the restriction of the use to exercises classes only, thus avoiding potential detrimental impacts from other activities within the D2 use class. As such, any impacts on the amenity of neighbouring occupiers (particularly from noise generated) are considered to be acceptable.

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

- 33 It is not anticipated that the uses surrounding the application property would be detrimental to the users of the leisure facility.

#### **Transport issues**

- 34 The application property is located within an area Public Transport Accessibility Level (PTAL) of 4. This is considered to be a good level of public transport, with the site been well serviced by buses along Lordship Lane. It is also noted that the application property is located just outside the Lordship Lane Town Centre.
- 35 Given the central location of the application and the good PTAL level, it is anticipated that the majority of users would visit the site on foot or by bicycle or bus. This has



been confirmed by the applicant who has undertaken a modal survey in support of the application. This modal survey (possible as the applicant is already operating from the site), was undertaken between the 21st of August 2014 and the 11th of September 2014. This survey indicated that of the total 532 trips to the site, 23 percent were by car with the remaining 77 percent by public transport, walking or bike. To ensure that this pattern continues, a travel plan could be required through conditions. This would detail how users would be encouraged to use non car transport means to get to and from the site. A condition would also require the installation of a cycle storage rack which the applicant indicated they would do within the application documents.

- 36 In additional to this, the class numbers are considered to be reasonably small with a capacity of 12 for unit 4 and 15 for unit 3 (considered under 14/AP/1787). Furthermore, the classes would be predominantly adult biased therefore would avoid the picking up and dropping off of children during peak traffic hours.
- 37 As such, it is considered unlikely that the proposal would have a detrimental impact on parking within the area and impacts on the operation of the high way would be acceptable.

### **Design issues**

- 38 No external alterations are proposed as part of the proposal. As such, there are no design considerations relevant to the proposed activity.

### **Conclusion on planning issues**

- 39 It is considered that the location of the proposed D2 use is acceptable as an edge of the town centre use. A small business/commercial use has already been established in this location and the proposed D2 use would have similar characteristics (i.e. employment levels) to a permitted commercial use in this location.
- 40 Impacts toward the amenity of neighbouring residential occupiers are considered acceptable subject to condition requiring acoustic mitigation and controlling the operation of the site (i.e. opening hours and doors to be close during classes).
- 41 Finally, it is not anticipated that the transport impacts of the proposal would be unacceptable. It has been demonstrated that the means of transport would be predominantly non car based and a transport plan can ensure this will continue.

### **Community impact statement**

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

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

### **Consultations**

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

### **Consultation replies**

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

#### Summary of consultation responses

- 44 Seven letters of objection have been received from neighbouring residents about the proposed change of use activity. These letters of objection raised concerns about the potential traffic impacts (i.e. parking) and also the noise that would result from the proposed D2 use, both from music and from people congregating within the car park.

Officer comments: Comments are noted. The impacts on neighbouring amenity (i.e. from noise) and transport (including car parking) are addressed above.

Twenty letters of support and one petition in support of the application have also been received.

#### **Human rights implications**

- 45 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 46 This application has the legitimate aim of providing for a change of use do a D2 use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2312-A Application file: 14/AP/1786 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 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 7708 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
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>	Sam Uff, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 November 2014	
<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, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	27 November 2014	

**APPENDIX 1****Consultation undertaken****Site notice date:** 23/07/2014**Press notice date:** n/a**Case officer site visit date:** 23/07/2014**Neighbour consultation letters sent:** 24/07/2014**Internal services consulted:**

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]  
 Transport Planning Team

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

n/a

**Neighbour and local groups consulted:**

116b Lordship Lane London SE22 8HD  
 Flat 5 York House SE22 8RZ  
 Unit 1 17-19 Blackwater Street SE22 8SD  
 Unit 2 17-19 Blackwater Street SE22 8SD  
 Unit 3 17-19 Blackwater Street SE22 8SD  
 Flat 1 York House SE22 8RZ  
 Flat 5 Park House SE22 8RY  
 Flat 4 Park House SE22 8RY  
 Flat 4 York House SE22 8RZ  
 Flat 3 York House SE22 8RZ  
 Flat 2 York House SE22 8RZ  
 Unit 8 17-19 Blackwater Street SE22 8SD  
 118c Lordship Lane London SE22 8HD  
 118b Lordship Lane London SE22 8HD  
 Unit 4 17-19 Blackwater Street SE22 8SD  
 Units 5 And 6 17-19 Blackwater Street SE22 8SD  
 First Floor Flat 126 Lordship Lane SE22 8HD  
 First Floor And Second Floor Flat 122 Lordship Lane SE22 8HD  
 Flat 3 Park House SE22 8RY  
 122 Lordship Lane London SE22 8HD  
 120 Lordship Lane London SE22 8HD

118 Lordship Lane London SE22 8HD  
 13 Blackwater Street London SE22 8RS  
 126 Lordship Lane London SE22 8HD  
 124 Lordship Lane London SE22 8HD  
 First Floor Flat 15 Blackwater Street SE22 8RS  
 Second Floor Flat 120a Lordship Lane SE22 8HD  
 First Floor Flat 120a Lordship Lane SE22 8HD  
 Flat 3 2 Bassano Street SE22 8RU  
 Unit 7 17-19 Blackwater Street SE22 8SD  
 St Thomas More Hall 116a Lordship Lane SE22 8HD  
 Flat 4 Kent House SE22 8RX  
 Flat 3 Kent House SE22 8RX  
 Flat 2 Kent House SE22 8RX  
 Flat 2 Park House SE22 8RY  
 Flat 1 Park House SE22 8RY  
 Flat 5 Kent House SE22 8RX  
 Flat 1 2 Bassano Street SE22 8RU  
 10 Bassano Street London SE22 8RU  
 15 Blackwater Street London SE22 8RS  
 Flat 1 Kent House SE22 8RX  
 Flat 2 2 Bassano Street SE22 8RU  
 118a Lordship Lane London SE22 8HD

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

By Email 10 Blackwater Street SE22 8RS

Email representation

Flat 1 Kent House SE22 8RX

Flat 1 Park House SE22 8RY

Flat 3 Park House SE22 8RY

Flat 5 York House SE22 8RZ

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## RECOMMENDATION

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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.

<b>Applicant</b>	Mr A Botterill Push Studios LLP London	<b>Reg. Number</b>	14/AP/1786
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2312-A
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

The retention of the unit at an assembly and leisure facility (Use Class D2) to provide yoga and pilates classes.

**At:** UNIT 4, 17-19 BLACKWATER STREET, LONDON, SE22 8SD

**In accordance with application received on** 02/06/2014 08:00:55

**and Applicant's Drawing Nos.** Site Location Plan; Floor Plan (Unit 3 and 4); Class Timetable; Modal Surey; and Document entitled 'Further Information'.

**Subject to the following five conditions:**

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 1 Notwithstanding the provisions of Class D of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders) the use hereby permitted shall only include the proposed use as a studio for yoga and pilates classes with a maximum occupancy of 12 people.

**Reason**

In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 2 The use hereby permitted for exercise/fitness studio purposes shall not be carried on outside of the hours of 09:00 - 21:00 hours Monday to Friday; 09:00 - 18:00 hours Saturday; and 09:00 - 13:00 hours Sunday and Bank Holidays.

**Reason:**

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 3 A scheme of sound insulation shall be installed with three months of the date of approval to ensure that the LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90,5min 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8kHz.

**Reason**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 'High environmental standards' of the Core Strategy (2011) and saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 4 During the classes hereby permitted the external doors to the exercise/fitness studio be kept closed at all times.

**Reason:**

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved

Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

**Other condition(s)** - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 5 a) Within two months of the date of this permission the applicant shall submit in writing and obtain the written approval of the Local Planning Authority to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

In order that the use of non-car based travel is encouraged in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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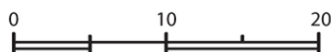
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Metres

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<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/1787 for: Full Planning Permission  <b>Address:</b> UNIT 3, 17-19 BLACKWATER STREET, LONDON, SE22 8SD  <b>Proposal:</b> The retention of the ground floor as an assembly and leisure facility (Use Class D2).		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 21 July 2014		<b>Application Expiry Date</b> 15 September 2014	
<b>Earliest Decision Date</b> 16 August 2014			

## RECOMMENDATION

- 1 That the application is referred to the sub-committee for consideration and that planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application property relates to Unit 3 at 17-19 Blackwater Street, this being a cluster of commercial units arranged around a shared car park accessed off Blackwater Street. The property is located approximately 30 metres from Lordship Lane and falls just outside the Lordship Lane District Town Centre.
- 3 Unit 3 is located fronting Blackwater Street. Push Studios (the applicant) already operates from the site however (hence the requirement for retrospective planning permission). Documents submitted with the application suggest that they have been running classes for up to 9 years from the application property. A previous planning application for Unit 4 which was withdrawn in 2013 (see details below), makes reference to Push studios operating from the site, providing personal training, yoga, dance classes, pilates and other fitness related activities.
- 4 The previous use of the application property is not known however it is assumed that the use was a workshop/studio/office as permitted under application ref no. 2312-A (see planning history below). A workshop activity operates from the first floor of Unit 3.
- 5 Formerly a builders yard, Blackwater Court is host to a joiners/furniture makers workshop, architects and floral emporium, among other activities. Uses surrounding Blackwater Court are varied with residential uses backing onto the northern (rear) and southern boundaries and also being located to the south across Blackwater Street. To the east lie the mixed use properties fronting Lordship Lane.
- 6 The building is not listed and does not lie within a conservation area. The property is

located within the Air Quality Management Area and the Suburban Density Zone.

### Details of proposal

- 7 Retrospective planning permission is sought for the use of the ground floor of Unit 3 to provide for an assembly and leisure facility (Class D2). The proposed assembly and leisure facility provides for a range of gym/exercise classes including Zumba, Piloxing (cardio fusion of standing pilates, boxing and dance) and Ballet. The unit would have a capacity of 15 people with 3-4 classes per day).

Proposed hours of operations 9.00 - 21.30 Mon - Fri, 09:00 - 18:00 Saturdays and 09:00 - 13:00 Sundays and bank holidays.

### Planning history

- 8 13/AP/0082  
Change of use of ground floor office space (54 sq m) (Class B1) to an assembly and leisure facility (Class D2) and retail unit (Class A1) (flexible space) - withdrawn by applicant. Planning case officer originally recommended this application for refusal however the panel disagreed and made the following notes:

"Panel did not agree the recommendation to refuse planning permission. The Panel were minded that planning permission could be granted for an initial temporary period subject to the imposition of conditions, to control noise and activity that might be harmful to the amenity of adjoining residents. However, as the application has been called in by ward members for decision by Planning Sub-Committee in the event of the recommendation being to grant planning permission, the application is now referred to Sub-Committee with a recommendation to grant planning permission subject to conditions.

In reaching its decision the Panel noted that;

1. there were no land use policy objections to the proposed use
2. the premises had been largely vacant since the last authorised use ceased in Oct 2011
3. the likely scale and impact of activity would be limited given the size of the premises
4. the only reason for refusal was possible noise nuisance to residents of Kent House and Park House
5. the proposal would bring back into use a vacant building and create a small start-up business
6. the proposed A1 activity was considered to be ancillary to the other activities proposed and would not be a separate use
7. no objection in principle raised to proposal by Environmental Protection Team
8. would provide facilities of some benefit to the community.

The Panel therefore considered that issue of noise nuisance could be safeguarded by the imposition of conditions and that the proposal would not result in significant harm to adjoining occupiers. This could be tested with an initial temporary period consent. It would not be contrary to policy and would be in accordance with NPPF."

- 9 2312-A  
Change of use of 17-19 Blackwater street, from a builders yard and store to small workshop/studio/office units within Class B1 of the Town and Country Planning Use Classes Order 1987, together with the erection of a two storey rear extension to the main building and refurbishment/alteration of existing buildings to be retained and alterations to vehicular access. Granted. 18/8/1987.

- 10 Change of use of part of 17-19 Blackwater Street, SE22 from offices ancillary to a yard for the storage or builders materials to use within Class A2 of the Town and Country Planning (Use Classes) Order 1987. Granted. 23/8/1988.
- 11 12/EN/0027  
Enforcement type: Breach of condition (BOC)  
Loading and unloading of vans early  
Sign-off date 21/06/2012 Sign-off reason: Final closure - breach regularised (FCBR)
- 12 13/EN/0194  
Enforcement type: Change of use (COU)  
Without planning permission, change of use of ground floor office space to an assembly and leisure facility and retail facility.  
Sign-off date 10/03/2014 Sign-off reason: Final closure - breach ceased (FCBC)
- 13 13/EN/0184  
Enforcement type: Unauthorised building works (UBW)  
Changes to elevation from brick to glass without planning permission.  
Sign-off date 12/03/2014 Sign-off reason: Final closure - miscellaneous reason (FCM)

### **Planning history of adjoining sites**

- 14 14/AP/1786  
Retrospective planning application for the change of use of Unit 4 from office space (Class B1) to an assembly and leisure facility (Class D2) to provide for yoga and pilates classes. This application is undecided and has been made by the same applicant as this proposed (i.e. Push Studios).

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 15 The main issues to be considered in respect of this application are:
- a) The principle of the proposed changes of use;
  - b) The impacts on the amenity of neighbouring occupiers; and
  - c) Transport impacts.

#### **Planning policy**

- 16 National Planning Policy Framework (the Framework)  
Section 2 - Ensuring the vitality of town centres  
Section 4 - Promoting sustainable transport  
Section 7 - Requiring good design  
Section 8 - Promoting healthy communities  
Section 10 - Meeting the challenge of climate change, flooding and coastal change  
Section 11 - Conserving and enhancing the natural environment

#### London Plan July 2011 consolidated with revised early minor alterations October 2013

- Policy 4.2 (Offices)
- Policy 4.3 (Mixed use development and offices)
- Policy 4.7 (Retail and town centre development)
- Policy 6.3 (Assessing effects of development on transport capacity)
- Policy 6.9 (Cycling)
- Policy 6.10 (Walking)
- Policy 6.13 (Parking)
- Policy 7.4 (Local Character)

Core Strategy 2011

- Strategic policy 1 (Sustainable development)
- Strategic policy 2 (Sustainable transport)
- Strategic policy 3 (Shopping, leisure and entertainment)
- Strategic policy 4 (Places for learning, enjoyment and healthy lifestyles)
- Strategic policy 10 (Jobs and businesses)
- Strategic policy 12 (Design and conservation)
- Strategic policy 13 (High environmental standards)

Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- Saved policy 1.4 (Employment sites outside of the preferred office locations and preferred industrial locations)
- Saved Policy 1.5 (Small business units)
- Saved policy 2.2 (Provision of new community facilities)
- Saved policy 3.2 (Protection of amenity)
- Saved policy 3.4 (Energy efficiency)
- Saved policy 3.7 (Waste reduction)
- Saved policy 3.11 (Efficient use of land)
- Saved policy 3.12 (Quality in design)
- Saved policy 3.13 (Urban design)
- Saved policy 3.14 (Design out crime)
- Saved policy 5.2 (Transport impacts)
- Saved policy 5.3 (Walking and cycling)

**Principle of development**

- 17 Saved policy 1.4 is the relevant policy in terms of land use in this instance as the site had an established B Class use prior to Push Studios beginning operating from the property. Saved policy 1.4 is a restrictive policy which protects against the loss of employment floor space in certain circumstances unless a prescribed set of conditions are met in which the loss may be permitted by way of an exception.
- 18 Having regard to land use the site does not front onto or have direct access to a classified road and is not in a public transport accessibility zone. Furthermore it is not in the Central Activities Zone or a Strategic Cultural area. As these criteria do not apply in this instant the council do no object to the principle of changing the use of the unit provided it would not result in adverse amenity impacts and would be in accordance with relevant land use policies of the local development plan.

Small business units

- 19 Saved policy 1.5 typically applies to much larger developments, requiring the re-provision of an equivalent level of small business space within a new development. However given the modest size of this unit, this would neither be practical or feasible. While the use of the application property as a D2 leisure facility results in the loss of the previously approved B1 office/workshop/studio space, the proposed use is considered to provide for a small 'start up' type business with a similar level of employment as a small business unit. The applicant has indicated that they employ 15

free lance instructors on a regular basis (across both units 3 and 4). Policy 1.5 sees small business units as an important feature of a sustainable local economy as they provide employment opportunities and services for local residents. Given the level of employment provided, it is considered that the use would provide a level of employment consistent with the aims of policy 1.5 and indeed consistent with the otherwise permitted commercial use of the site. Consultation comments from the planning policy team further support the principal of the retention of this use. As such, there is no objection to the change of use given the employment provision that would be retained.

#### Impact on the adjoining Town Centre

- 20 Policy 4.7 of the London Plan seeks to ensure the impact of development in and around the town centre does not impact the viability of function of the town centre. Lordship Lane is a well functioning and vibrant thoroughfare and it is not anticipated that a small D2 use on the edge of the town centre would harm its vitality or viability. The proposed use would provide a complementary service to existing facilities within the area, specifically for parents with young children. Furthermore, the applicant has indicated that the majority of people visit the site on foot, bike or by public transport. This would generally require walking through the Town Centre. In this respect, the scheme is considered likely to support the vitality and viability of the town centre and would not conflict with policy.
- 21 No information has been supplied to demonstrate the need for a D2 use at this location. In any event, the council promotes the provision of new facilities that promote healthy lifestyles and so there is no objection to provision of a health facility. Furthermore, the applicant has confirmed that they currently operate around 35-38 classes per month from the site with an average footfall of around 800 clients per month. This level of use suggests that the use of the site is indeed 'needed'. The petition and letters of support received further suggest the 'need' for such an activity within the location.
- 22 Furthermore, a small business/commercial use has already been established in this location and as is outlined above, the proposed D2 use would have similar characteristics (i.e. employment levels) to a permitted commercial use (i.e. B1 use class) in this location.
- 23 For the reasons outlined above, the principle of the scheme is acceptable in terms of land use as it is in a viable edge of centre site.

#### New community facilities/education establishments

- 24 The promotion of facilities for 'healthy communities' including new community facilities are encouraged in the borough by both local and national policy provided they would not adversely affect the standard of amenity of occupiers in the surrounding area and would not have adverse transport effects. An assessment of the travel impacts and the impact on the amenity of neighbouring occupiers is undertaken below.

#### Conclusions

- 25 Notwithstanding impacts on the amenity of neighbouring residential occupiers (see below), it is considered that the location of the proposed D2 use is acceptable as an edge of the town centre use. A small business/commercial use has already been established in this location and the proposed D2 use would have similar characteristics (i.e. employment levels) to a permitted commercial use in this location. As such, there is no objection to the principle of the proposed change of use within this location.

## **Environmental impact assessment**

- 26 Not required given the nature and scale of development.

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

#### Noise impacts

- 27 Several letters were received expressing concern that the scheme would result in unacceptable noise impacts to the detriment of standard of residential amenity. The majority of letters cited concerns that amplified music and noise from classes, and people congregating before and after classes would result in noise nuisance and noise generating activity.
- 28 The site is small and so it is not anticipated that it would attract large groups of people. The unit would have a maximum occupancy of 15 and this can be controlled through conditions. When visiting the site, the applicant indicated that when classes are on, doors would be closed at all times and that noise levels of music played in the classes is controlled through a Digital Sound Level Meter. The applicant also indicated restricted opening hours.
- 29 The council's Environmental Protection Team (EPT) have reviewed the proposal and consider that the scheme would be acceptable in terms of its noise impact subject to adequate noise mitigation and restrictions on the opening hours. The opening hours suggested by EPT are slightly less than those original proposed by the application. However EPT have confirmed that they would not object to the hours requested by the applicant provided the noise levels were controlled. The noise levels and opening hours would be controlled through a condition, as would the requirement to keep doors closed when classes were being held. Whilst the activities proposed in this unit do appear to have relatively more noise associated to them, than that of unit 4, the mitigation methods are considered to be sufficient in overcoming any noise issues.
- 30 While the concerns of the neighbouring residents are noted, it is not considered that the scale of the activity is overly large and the noise impacts of the proposed activity can be effectively controlled through to imposition of conditions. A further condition is recommended for the restriction of the use to exercises classes only, thus avoiding potential detrimental impacts from other activities within the D2 use class. As such, any impacts on the amenity of neighbouring occupiers (particularly from noise generated) are considered to be acceptable.

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

- 31 It is not anticipated that the uses surrounding the application property would be detrimental to the users of the leisure facility.

#### **Transport issues**

- 32 The application property is located within an area Public Transport Accessibility Level (PTAL) of 4. This is considered to be a good level of public transport, with the site been well serviced by buses along Lordship Lane. It is also noted that the application property is located just outside the Lordship Lane Town Centre.
- 33 Given the central location of the application and the good PTAL level, it is anticipated that the majority of users would visit the site on foot or by bicycle or bus. This has been confirmed by the applicant who has undertaken a modal survey in support of the application. This modal survey (possible as the applicant is already operating from the

site), was undertaken between the 21st of August 2014 and the 11th of September 2014. This survey indicated that of the total 532 trips to the site, 23 percent were by car with the remaining 77 percent by public transport, walking or bike. To ensure that this pattern continues, a travel plan could be required through conditions. This would detail how users would be encouraged to use non car transport means to get to and from the site. A condition would also require the installation of a cycle storage rack which the applicant indicated they would do within the application documents.

- 34 In addition to this, the class numbers are considered to be reasonably small with a capacity of 15 for unit 3 and 12 for unit 4 (considered under 14/AP/1786). Furthermore, the classes would be predominantly adult biased therefore would avoid the picking up and dropping off of children during peak traffic hours.
- 35 As such, it is considered unlikely that the proposal would have a detrimental impact on parking within the area and impacts on the operation of the high way would be acceptable.

### **Design issues**

- 36 The only external alteration proposed would be the installation of the bicycle rack on the eastern wall of Unit 3. This new element is welcomed and would not be harmful to the character and appearance of the host building or the surrounding area.

### **Conclusion on planning issues**

- 37 It is considered that the location of the proposed D2 use is acceptable as an edge of the town centre use. A small business/commercial use has already been established in this location and the proposed D2 use would have similar characteristics (i.e. employment levels) to a permitted commercial use in this location.
- 38 Impacts toward the amenity of neighbouring residential occupiers are considered acceptable subject to condition requiring acoustic mitigation and controlling the operation of the site (i.e. opening hours and doors to be close during classes).
- 39 Finally, it is not anticipated that the transport impacts of the proposal would be unacceptable. It has been demonstrated that the means of transport would be predominantly non car based and a transport plan can ensure this will continue.

### **Community impact statement**

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

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

### **Consultations**

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

### **Consultation replies**

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

#### Summary of consultation responses

- 41 Six letters of objection have been received from neighbouring residents about the proposed change of use activity. These letters of objection raised concerns about the potential traffic impacts (i.e. parking) and also the noise that would result from the proposed D2 use, both from music and from people congregating within the car park.

#### Officer comments

Comments are noted. The impacts on neighbouring amenity (i.e. from noise) and transport (including car parking) are addressed above.

Twenty-three letters of support and one petition in support of the application have also been received.

#### **Human rights implications**

- 42 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 43 This application has the legitimate aim of providing for the change of use of the application property to a D2 use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.



**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2312-A Application file: 14/AP/1787 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 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 7708 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
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>	Sam Uff, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 November 2014	
<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, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	27 November 2014	

**APPENDIX 1****Consultation undertaken****Site notice date:** 23/07/2014**Press notice date:** n/a**Case officer site visit date:** 23/07/2014**Neighbour consultation letters sent:** 24/07/2014**Internal services consulted:**

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]  
 Transport Planning Team

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

n/a

**Neighbour and local groups consulted:**

116b Lordship Lane London SE22 8HD  
 Flat 5 York House SE22 8RZ  
 Unit 1 17-19 Blackwater Street SE22 8SD  
 Unit 2 17-19 Blackwater Street SE22 8SD  
 Unit 3 17-19 Blackwater Street SE22 8SD  
 Flat 1 York House SE22 8RZ  
 Flat 5 Park House SE22 8RY  
 Flat 4 Park House SE22 8RY  
 Flat 4 York House SE22 8RZ  
 Flat 3 York House SE22 8RZ  
 Flat 2 York House SE22 8RZ  
 Unit 8 17-19 Blackwater Street SE22 8SD  
 118c Lordship Lane London SE22 8HD  
 118b Lordship Lane London SE22 8HD  
 Unit 4 17-19 Blackwater Street SE22 8SD  
 Units 5 And 6 17-19 Blackwater Street SE22 8SD  
 First Floor Flat 126 Lordship Lane SE22 8HD  
 First Floor And Second Floor Flat 122 Lordship Lane SE22 8HD  
 Flat 3 Park House SE22 8RY  
 122 Lordship Lane London SE22 8HD  
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 15 Blackwater Street London SE22 8RS  
 Flat 1 Kent House SE22 8RX  
 Flat 2 2 Bassano Street SE22 8RU  
 118a Lordship Lane London SE22 8HD  
 By Email  
 By Email

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

By Email

By Email 10 Blackwater Street SE22 8RS

Email representation

Flat 3 Park House SE22 8RY

Flat 5 York House SE22 8RZ

20a Talfourd Road London SE15 5NY

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## RECOMMENDATION

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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.

<b>Applicant</b>	Mrs A Botterill Push Studios LLP London	<b>Reg. Number</b>	14/AP/1787
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2312-A
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

The retention of the ground floor as an assembly and leisure facility (Use Class D2).

**At:** UNIT 3, 17-19 BLACKWATER STREET, LONDON, SE22 8SD

**In accordance with application received on** 02/06/2014 08:01:16

**and Applicant's Drawing Nos.** Site Location Plan; Floor Plan (Unit 3 and Unit 4); Class Timetable; Modal Surey; and Document entitled 'Further Information'.

**Subject to the following six conditions:**

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 1 Notwithstanding the provisions of Class D of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders) the use hereby permitted shall only include any use as a studio for fitness/exercise classes with a maximum occupancy of 15 people.

**Reason**

In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 2 The use hereby permitted for exercise/fitness studio purposes shall not be carried on outside of the hours of 09:00 - 21:30hours Monday to Friday; 09:00 - 18:00hours Saturday; and 09:00 - 13:00hours Sunday and Bank Holidays.

**Reason:**

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 3 The doors to the Unit 3 shall be closed and remain closed while classes are operating from the site.

**Reason:**

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 4 Within 2 months of the approval of this application, the cycle rack for 6 bicycles (as indicated within page two of the document entitled 'Further Information' shall be installed on the eastern wall of Unit 3. The cycle parking facility provided shall be retained and the space used for no other purpose.

**Reason**

In order to ensure that satisfactory cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private

car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 5 A scheme of sound insulation shall be installed with 3 months of approval of this application to ensure that the LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90,5min 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8kHz.

**Reason**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with the National Planning Policy Framework 2012, Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

**Other condition(s)** - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 6 a) Within two months of the date of this permission the applicant shall submit in writing and obtain the written approval of the Local Planning Authority to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

In order that the use of non-car based travel is encouraged in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007.

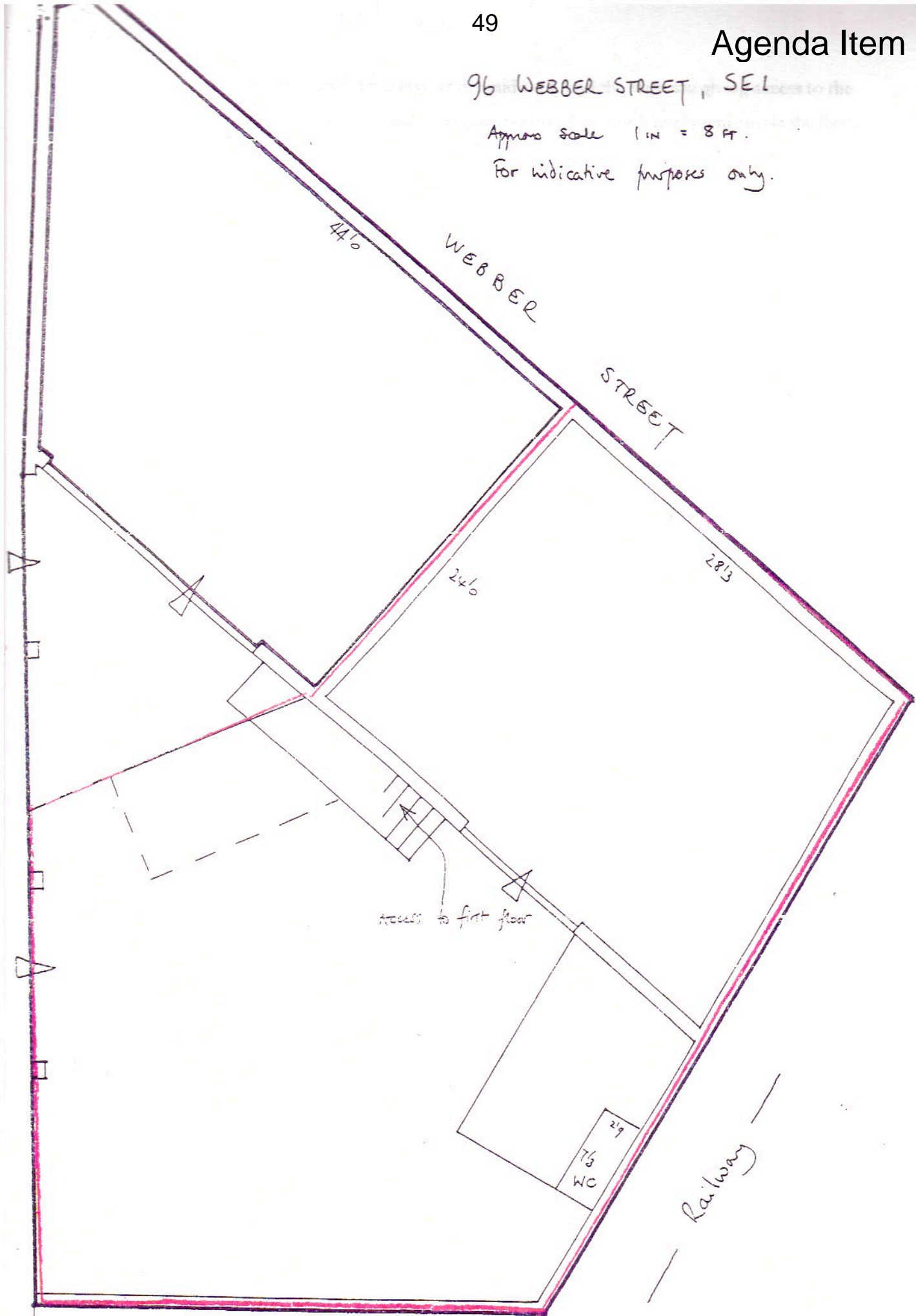
**Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

96 WEBBER STREET, SE1

Approx scale 1 in = 8 ft.

For indicative purposes only.



<b>Item No.</b> 7.4	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/0723 for: Full Planning Permission  <b>Address:</b> 96 WEBBER STREET, LONDON SE1 0QN  <b>Proposal:</b> Alterations and extensions to existing building, including construction of a mansard-style roof extension, roof terrace and the raising of part of parapet front wall on corner of Webber Street and Rushworth Street, to extend existing first floor residential unit. Retention and refurbishment of the existing ground floor workshop (Class B1), retention of the first floor live/work unit. Construction of a new detached two bedroom, two-storey building at rear to accommodate a single family dwelling (Use Class C3) at ground and first floor levels.		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 31 March 2014		<b>Application Expiry Date</b> 26 May 2014	
<b>Earliest Decision Date</b> 02 July 2014			

## RECOMMENDATION

- 1 That the application is referred to the sub-committee for consideration and that planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is an irregularly shaped parcel of land on the southern side of Webber Street at its junction with Rushworth Street. The site is occupied by a two storey buildings used as workshops/offices at ground floor, and a live work studio and residential units at first floor. Also within the site is an adjacent timber yard (sui generis use).
- 3 The area is within a Bankside and The Borough Opportunity Area, the Central Activities Zone (CAZ) and a conservation area (Kings Bench).
- 4 To the south-east of the site is a more modest parcel of land which is enclosed land providing access to the elevated railway line to the east. To the west on the opposing side of Rushworth Street looking from north to south are 94 Webber Street, (a (business use with residential above of 3 storeys), 30 Rushworth Street, (a modest 4 storey infill residential development) and no.92 Webber Street (a large, residential development ranging in height from 4 to 8 storeys).
- 5 To the north of the site, on the opposing side of Webber Street is 63 Webber Street, a two storey B1 development comprising a set of units with a yard to the east. To the

north-west is nos 24-28 Rushworth Street a 3 storey business premises. Existing residential development is located on the opposite side of Rushworth Street to the site.

- 6 Webber Street and Rushworth Street are unclassified roads.

### **Details of proposal**

- 7 It is proposed to make alterations and extensions to the existing building, including construction of a Mansard-style roof extension, roof terrace and the raising of part of parapet front wall of the existing two storey block at 96 Webber Street in order to enlarge the existing first floor residential units. It is also proposed to retain and refurbish the existing ground floor workshop/office and retain the first floor live/work unit. In addition, a new detached two bedroom, two-storey building is proposed in the southern part of the site (rear), adjacent to the existing building.
- 8 The proposal includes an 'L' shaped private garden, between the railway arches, the existing workshop building and the southern boundary of the site to serve the new detached dwelling.
- 9 The residual open, undeveloped area to the west of the new garden will serve as a service yard, to serve the two workshops.
- 10 Refuse storage will be provided in the form of a modest enclosure adjacent to the service yard

### **Planning history**

- 11 12/EQ/0181

Application type: Pre-Application Enquiry (ENQ)

Alterations and extensions to existing building to create building of three storeys with two storey workshop at rear accommodating two flats and workshop (B class use) at ground floor level, one flat at first floor level and one maisonette at first and second floor level (4 flats in total comprised of 3 x two-bed and 1 x three bed).

Officers advised that revisions were needed in terms of the roof form and materials for the new extension to the workshop building; original windows should be retained; overlooking may arise within the site between the units proposed but that in principle the scheme could be made to be acceptable subject to the council being satisfied regarding the employment uses.

#### 13-AP-3507

Alterations and extensions to existing building, including construction of a Mansard-style roof extension, roof terrace and the raising of part of parapet front wall on corner of Webber Street and Rushworth Street, to create 4 residential units (Use Class C3) and construction of a new detached two-storey building at rear to accommodate a workshop (Use Class B2) at ground floor level with ancillary office space over.

This was withdrawn at the request of the applicant as it faced possible refusal due to its failure to include a Flood Risk Assessment and to respond through further revisions to the scheme to the objections raised to the proposal.

### **Planning history of adjoining sites**

- 12 07- AP-0202

92 Webber Street, Demolition of existing building and construction of a part 4, 5, 6, 7, 8 storey building to provide a total of 75 dwellings, communal facility, communal



gardens, landscaping and basement car parking (Amendments to planning permission 04-AP-0563).

This scheme was permitted and subsequently built and is the residential development that is due west of the site.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 13 The main issues to be considered in respect of this application are:
- a) Environmental impact assessment
  - b) The principle of the development & the loss of business floorspace within the site
  - c) Design impact of the proposal on the Kings Bench Conservation Area
  - d) The standard of residential accommodation
  - e) Highways, parking and servicing issues
  - f) Impact on local amenity & residential living conditions
  - g) Sustainable implications

### **Planning policy**

- 14 National Planning Policy Framework (the Framework)
- 1) Building a strong, competitive economy
  - 6) Delivering a wide choice of high quality homes
  - 7) Requiring good design

#### London Plan July 2011 consolidated with revised early minor alterations October 2013

Policy 2.10 – Central Activities Zone – Strategic Priorities  
 Policy 2.11- Central Activities Zone – Strategic Functions  
 Policy 2.11- Central Activities Zone – Predominantly Local Activities  
 Policy 3.3 - Increasing housing supply  
 Policy 3.4 - Optimising housing potential  
 Policy 3.5 - Quality and design of housing developments  
 Policy 3.8 - Housing choice  
 Policy 6.9 - Cycling  
 Policy 6.10 - Walking  
 Policy 6.11 - Smoothing traffic flow and tackling congestion  
 Policy 7.14 – Local Character  
 Policy 8.3 - Community infrastructure levy

#### Core Strategy 2011

SP1 - Sustainable Development  
 SP2 - Sustainable transport  
 SP5 - Providing new homes  
 SP10 - Jobs and businesses  
 SP12 - Design and conservation  
 SP13 - High environmental standards

#### Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due

weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 1.4 Employment sites outside the preferred office locations and preferred industrial locations

Policy 1.5 Small Business Units

Policy 1.6 Live/work units

Policy 3.2 - Protection of amenity

Policy 3.11 - Efficient use of land

Policy 3.12 - Quality in design

Policy 3.13 - Urban design

Policy 3.14 -Designing out crime

Policy 3.16 – Conservation areas

Policy 4.2 - Quality of residential accommodation

Policy 5.2 - Transport impacts

Policy 5.3 - Walking and cycling

Policy 5.6 - Car parking

SPD: Residential design standards 2011

SPD: Sustainable design and construction 2009

### **Environmental Impact Assessment**

- 15 The site is already in use and the new proposal seeks extensions and additions including further residential accommodation. It is not of the size, scale or intensity to require a formal Environmental Impact Assessment.

### **Acceptability in principle of development and land use issues**

- 16 The proposal includes taking the existing B1 (office/workshop) floorspace and residential floorspace at first floor and redevelops it to provide additional residential use, with the retention of the B1 use, but without retention of the timber yard.
- 17 The Core Strategy and London Plan identify the site as lying within an Opportunity Area and the Central Activities Zone (CAZ). Policy SP10 of the Core Strategy applies seeking to protect existing business floorspace in locations inside the CAZ.
- 18 Policy 1.4 of the Southwark Plan is concerned with employment sites outside the preferred office locations and preferred industrial locations of which the application site is an example. This policy also seeks to prevent the net loss of Class B floorspace in the Central Activities Zone except where the following criteria apply :
- a) The applicant can demonstrate that convincing attempts to dispose of the premises, either for B Class use or for mixed uses involving B class, including redevelopment, over a period of 24 months , have been unsuccessful; or
  - b) The site or buildings would be unsuitable for re-use or development for B class use or mixed uses including B Class use, having regard to physical or environmental constraints or
  - c) The site is located with a town or local centre in which case in accordance with policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floorspace is proposed, the additional floorspace may be used for suitable mixed or residential use.
- 19 The loss of B1 floorspace in this instance is very small (5sq.m) which is considered to be modest and does not represent a material loss of employment floorspace on the

site. 137 sqms of B1 floorspace is retained at ground floor level for the existing building along with the live/work studio above. The proposals also retain small business uses in the existing building in accordance with Policy 1.5 of the Southwark Plan. Whilst the external storage area is to be lost, the two units in the building remain and will provide a sustainable location for small business uses.

- 20 The composition of uses on the site changes in terms of the loss of a sui generis timber yard area but still retains a comparable amount of B1 floorspace as the existing use. The residential element increases through the creation of a second storey for the existing flat above the workshop and a new two storey detached dwelling occupying the south of the site. Whilst single dwellings are not typical of this location, the introduction of the additional unit offers the potential to provide a new small dwelling and add to the built form of this part of the conservation area.
- 21 The existing live work unit on the first floor is physically unaffected by the development proposals.
- 22 The general principle of the development is therefore considered to be acceptable, offering an opportunity to refurbish this site and enhance its appearance within the streetscene and conservation area.

### **Design**

- 23 The buildings on site to be retained and which dominate the site are a two storey block, brick faced with a part flat, part-pitched roof. The buildings are Victorian and contribute to the character and appearance of the Kings Bench Conservation Area of which they are part. The proposal makes alterations to the elevations of this building and extends the building in the form of a mansard roof to provide roof accommodation. On the southern half of the site, it is proposed to erect a detached two storey dwelling.
- 24 After negotiation with the applicants prior to the submission of the application, the scheme has been amended and carefully designed to take account of the character, materials and features of the existing buildings by using traditional materials and styles in the form of brick, slate cladding and timber casement windows. The size and scale of the extensions and new dwelling are in keeping with the townscape around the site and would enhance this part of the conservation area.
- 25 Consequently, it is considered that the proposal would be acceptable and in keeping with the character and appearance of the Kings Bench Conservation Area, subject to conditions concerning materials, detailing of roof-designs and windows/openings. It is considered that the existing older buildings on site will be refreshed, enlarged and extended in an appropriate fashion.
- 26 The Conservation Area Advisory Group (CAAG) have expressed concern about the relationship between the proposed mansard roof and the existing pitched roof of the building. Through the imposition of a planning condition requiring further details of this, the issue can be addressed.
- 27 Thus the proposal is considered to accord with Policies 3.15 & 3.17 of the London Plan, SP12 of the Core Strategy and 3.12 & 3.13 & 3.16 of the Southwark Plan.

### Standard of accommodation provided

- 28 The following tables provide details of the room and overall flat sizes for the two new residential units proposed.

**Table 1**

Flat 1 (2b4p)	Proposed Floorspace (sq.m)	SPD required standard (sq.m)
GIA	110	70
Double bed	12.2	12
Double bed	13.5	12
Lounge/kitchen/diner	28.5	30
Wc/Bathroom	7.2	3.5

**Table 2**

House (2b 4p)	Proposed Floorspace (sq.m)	SPD required standard (sq.m)
GIA	124	95
Double Bedroom	14.7	12
Double Bedroom	20.4	12
Lounge/kitchen/diner	61m	30
Wc/Bathroom	4	3.5

- 29 The proposal creates accommodation in the form of a flat above the existing ground floor workshops and a 2 storey detached dwelling on the southern half of the site. There is already residential accommodation on site but the proposal seeks to reorganise and enlarge it. A live work unit (flat 2) above the eastern workshop (workshop 1) is to be retained but the most significant change to affect it relates to its access arrangements due to the removal of the staircase to the flat. The existing flat (flat 1) above workshop 1 to the west is to be reconfigured internally to provide larger spaces/rooms and through the replacement of the existing flat roof with a mansard roof will have a second floor in which additional rooms will be accommodated. A terrace area is to be created on the corner of the building at roof level.
- 30 The third unit of accommodation proposed, the two storey detached dwelling, would be irregular in footprint presenting its broadest elevation to Rushworth Street. It would have 2 bedrooms, at first floor with a unified living space below. The new dwelling will have its own private garden.
- 31 With respect to Flat 2, the exact details of the layout have not been provided and as this is an extant unit of accommodation. With respect to outlook and light, it can be anticipated that the south-facing windows of the flat will be affected by the new dwelling to the south. However, these windows would still get sunlight and daylight and are not the sole source of light or outlook for the flat.
- 32 Flat 1 achieves acceptable room sizes and GIA, to broadly comply with the Residential Standards SPD (see table 1). The flat will have useable spaces within its rooms, a good layout with respect to stacking and circulation spaces and dual aspect with sunlight and daylight reaching all the rooms within it. The flat will have amenity space of 10sq.m in the form of a roof terrace at the corner of the building. The amenity space would be partially screened by the raised brick parapet and glazed balustrade that will fringe the space. It would experience a degree of overlooking from the residential development to the west at 94 but it is considered that this would be at oblique angles

which will make its impact less severe.

- 33 The third unit of accommodation is a 2 bedroom dwelling. It would not be ideal for family housing due to generous space standards. Table 2 above shows that the dwelling would comply with the room sizes and GIA required by the Residential Design Standards SPD. The dwelling would get ample light and would have more than one aspect. In terms of outlook, the ground floor rear windows would have limited outlook due to the proximity of the railway arches and the existing workshops. The windows at ground and first floor would look across from relatively close proximity (8.0m approximately) at the openings on the residential developments to the west. Although not ideal, this kind of spatial relationship is common in this area given the more dense level of development here. The amenity space for the dwelling would take the form of an 'L' shaped garden to the rear of the building. The garden would have an area that would fall somewhat short of the requisite 50 sq.m (it would provide 32 sq.m) for family housing. The space would not achieve the requisite depth of 10 metres. However, given that this area of the borough is characterised by accommodation generally lacking a private garden and given its size it is considered acceptable in this instance.

### **Residential amenity issues within the application site and with neighbouring sites**

#### Overlooking

- 34 The proposal introduces residential accommodation above the existing building and also in the form of a freestanding two storey dwelling. The proposal will result in residential windows facing out from the site at ground and first floor. In terms of the existing buildings and the accommodation proposed at first and second floor, there would be windows facing northwards onto Webber Street. At ground floor, windows serving the existing workshops are present and it is simply proposed to retain these windows and the workshops they serve. It is the first floor windows which need to be carefully considered. Some of the windows at first floor serve the existing first floor flat above the eastern workshop (workshop 2) and so their use and impact are established and thus do not stand to be considered by this application. The windows above the western workshop (no.1) would serve a kitchen/living room & bathroom at first floor and a study room and en-suite bathroom at second floor Webber Street to the north. Those windows serve a set of workshops at 63 Webber Street. The relationship here is one of habitable and non-habitable domestic room windows looking at non-habitable room windows at no.63 from approximately 10 metres. Given that there are existing first floor windows which serve residential accommodation and that the existing and proposed will be looking across at non-residential windows serving workshop units means that no significant overlooking or privacy concerns would occur.
- 35 An existing window at first floor will serve Flat 1. This window looks south-west, towards the residential properties on the western side of Rushworth Street. Currently the same windows serve the existing first floor flat above workshop 2. Given that this is an existing relationship, no objection is raised to its continuation. Flat 2 will have a roof terrace at second floor to be accessed from a new north-west facing opening in the new second floor extension to the building. The terrace would partially be screened by a glass balustrade behind the existing brick parapet and although there may still be a risk of overlooking of the flats to the west on Rushworth Street, a planning condition to seek a further more substantial but not visually intrusive screen shall be conditioned to overcome any issue. The new opening, a full height pair of glazed doors that would access the terrace would face north-west and the nearest windows it would observe would be sufficiently distant to not pose an amenity issue.
- 36 Flat 2 would have south-facing glazed openings (window and fixed shut door at first and windows at second floor). They would look across at an windowless first floor on

the new detached dwelling proposed thus preventing any overlooking issue.

- 37 The new detached dwelling would have windows at ground and first floors looking south-west towards the flats on the western side of Rushworth Street. They will serve habitable rooms and would observe the balconies at first floor and terrace at ground floor of the Rushworth Street flats from a distance of approximately 7.5m. This is not ideal but these open amenity spaces will not always be occupied. Of more potential concern are the windows that open onto them with respect to overlooking and these would appear to be approximately 9.5m from the windows of the proposed detached dwelling. The residential standards SPD expects to see a separation distance of 12m on front elevations that face highways. It is considered however that the window to window separation is the more important and that a 9.5m distance is common in this part of the borough. The current separation distance between the existing flat above Workshop 2 and the flats at the junction of Rushworth Street and Webber Street is approximately 7.5 metres. Although there will be some impact, this kind of close spatial relationship between sites is common in this area of the borough, and the resulting harm is not considered to be so significant to warrant refusal on this basis.
- 38 The ground floor of the new detached dwelling would have windows looking north onto the proposed service yard, the new garden and the windows of Workshop 1. The window fronting the service yard would serve a WC so can be obscure glazed with only a top light opening to prevent privacy issues. In terms of the openings onto the new garden they would observe the workshop building due north from a mere 2.6m. To prevent overlooking of both the openings on the dwelling and the garden, the workshop windows would be high level.
- 39 Openings are proposed on the eastern elevation of the proposed detached dwelling. These would all look onto the railway arches to the east and so no overlooking issues are identified.

#### Daylight/ Sunlight Impacts

- 40 The new roof extension onto the existing workshop block would throw shadow northwards. It is considered that the shade thrown would only affect the road space and not impact on the neighbouring buildings on Webber Street.
- 41 Within the site, the new detached dwelling would throw shade across the windows of the new first floor flat (flat 1) and also onto the existing first floor accommodation above workshop 2. This will diminish their amenity to a certain extent. However, it is considered that the shade will only impact at certain times of day and thus allow light to still reach at others and with the presence of a second, south-westerly facing elevation on flat 1. On balance, this amenity impact can be accepted.
- 42 The flats on the western side of Rushworth Street will shade the new detached dwelling and Flat 1 at certain times of day diminishing their amenity but this is considered to be acceptable on balance given that there will still be periods when sunlight will penetrate into the proposed dwellings unimpeded by these neighbours.

#### Outlook

- 43 The proposed Flat 1 would have outlook from three elevations. Although the outlook to the south would be limited due to the new detached dwelling, there would be adequate outlook from the other two elevations to compensate and prevent a sense of enclosure.
- 44 The new detached dwelling would have outlook from three of its elevations. The outlook from the window serving its north-facing living/dining/kitchen space would be onto a garden and the south-elevation of the existing workshop block beyond, just 2.5 metres from the dwelling. That outlook is poor but the same room would also have

outlook to the east and south-west. This consequently on balance is acceptable. The detached dwelling has two bedrooms at first floor and these would have outlook of the railway arches from one and the flats to the west side of Rushworth Street from the other, that although not ideal are felt to be acceptable on balance given the other positive aspects that the rooms enjoy with respect to room size, light penetration and privacy.

- 45 The existing flat above workshop 2 (Flat 2) would have a view the yard area of 63 Webber Street to the north. This is an existing arrangement and so no objection is raised to it. To the south, currently the flat looks across unimpeded upon the yard area with the staircase up to the railway line just beyond. This outlook will alter considerably with the erection of the new detached dwelling. This would be due south and at a distance of approximately 4 metres. The view from the windows of Flat 2 will be of the roof/first floor of the new dwelling and although no windows would look back from the new building, the roof itself would be perceived as quite close. It would however be slightly less problematic given that it would pitch away from the window. One of Flat 2's windows would have a relatively more open outlook as it would be off-set slightly to the north-east of the new dwelling. Given that Flat 2 has outlook to both north and south and that the southern outlook would not be wholly impeded it is considered that it would still have an acceptable standard of accommodation in this respect.
- 46 Planning conditions advised by the council's Environmental Health Officer will address noise and light intrusion issues arising from the relationship between the dwellings in the application site, the same dwellings and the workshops, between the dwellings & workshop on the application site and neighbouring developments and vice versa and the impact of the railway upon the dwellings proposed.
- 47 The proposal has generated a number of objections from residents of adjoining sites. These have focused on design, loss of light, overlooking, loss of industrial land, highway and pedestrian safety. It is considered that the proposal subject to satisfying the attached planning conditions will address potential impacts both on local residential and visual amenity (design) issues. Although as explained elsewhere in this section there will be some harm to neighbour amenity it is considered that this would not be sufficient to justify refusal.
- 48 The occupant of an existing unit within the application site has raised objection and focused in part upon the issues around the access to and use of the site and its basis in law. These matters are not considered to be significant matters in the determination of the application against the relevant policies.
- 49 To conclude on these issues, whilst there will be some amenity impacts between properties, these are not untypical of concentrated urban locations such as this and the proposal to be, on balance, acceptable in terms of its residential amenity implications. It thus would accord with Policies 3.5 of the London Plan & 3.2 of the Southwark Plan.

### **Transport issues**

- 50 The proposal would not include parking. The area is subject to on-street parking controls. The residents/ occupants would have to park on-street if they chose to have a car but it is considered given the excellent PTAL rating of 6A that the site enjoys, that zero on-site parking is acceptable. It shall be conditioned that no residents shall seek parking permits which shall further address the parking issue. Cycle parking is proposed within the scheme, details of which can be conditioned. Servicing of the site shall continue in the manner similar to that which currently occurs with vehicles either entering the site to service the units or doing so from the road.

- 51 To conclude, the proposal would accord with Policies 6.9 & 6.11 of the London Plan, SP2 of the Core Strategy and Policies 5.2, 5.3 & 5.6 of the Southwark Plan.

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

- 52 The proposal will be liable to Mayoral CIL for the new floorspace created. There are no further S106 floorspace implications.

**Sustainable development implications**

- 53 The proposal seeks to achieve Code for Sustainable Homes Level 4 secured through condition with regards to insulating, cycle storage, recycling, triple AAA appliances and heating.
- 54 The proposal will create a mixed use development in a sustainable location, with excellent public transport provision. It will redevelop and maximise the usage of a site which is currently under utilised, will upgrade the buildings on site and add a new building, all of which would be designed to be in keeping with the character of the conservation area. It is concluded therefore that this would be a sustainable redevelopment of the site.

**Other matters**

- 55 The Environment Agency have requested planning conditions to address flood-risk on site and sustainable drainage. These shall be conditioned. They have also requested a contaminated land survey which the council's Environmental Health team have asked for and this shall be conditioned. The site is in an Air Quality Management Area (AQMA) and so a planning condition shall be imposed to address this concern.

**Conclusion on planning issues**

- 56 To conclude, the proposal is considered to be proportionate and well-designed, maximising the site's size, shape and existing buildings while adding a new, sympathetically designed two storey detached building. No adverse impacts would result upon the surrounding townscape or conservation area. The proposal retains a B1 use of the site, with only a small net loss from existing, while introducing new and upgrading existing residential accommodation. The proposal although likely to have some impact local amenity, is not considered to result in significant impacts, taking account of the urban context in which it is located. It is considered that this proposal redevelops the site in a manner appropriate for a location characterised by high density residential development while providing an appropriate standard of accommodation for its occupants.

**Community impact statement**

- 57 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.

**Consultations**

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



## 59 Consultation replies

Thirty four representations have been received from adjoining and nearby occupiers. (as listed in Appendix 2). They have raised material planning objections on the grounds of design and the impact on the conservation area, loss of light, overlooking, loss of industrial land, highway and pedestrian safety. With respect to design they have focused on the choice of a mansard roof which they consider to be inappropriate and is not found in the area. With respect to amenity they have focused on overlooking and noise and disturbance. In terms of overlooking, they have focused on overlooking of windows to habitable rooms of the existing flats and houses in the area arising from the proximity of the new dwellings' windows and from the proposed roof terrace. They have raised concern of noise and disturbance from the aforesaid roof terrace and also from the proposed bin store that would open onto Rushworth Street. The Environment Agency have asked for planning conditions concerning contaminated land and sustainable drainage.

Thames Water have raised no objection.

## Human rights implications

- 60 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 61 This application has the legitimate aim of providing a mixed residential and industrial redevelopment of the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/1231-96 Application file: 14/AP/0723 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 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 4424 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
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>	Neil Luxton, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 November 2014	
<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, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	27 November 2014	

**APPENDIX 1****Consultation undertaken****Site notice date:** 15/05/2014**Press notice date:** 10/04/2014**Case officer site visit date:** 06/11/2014**Neighbour consultation letters sent:** 14/05/2014**Internal services consulted:**

Design and Conservation Team  
 Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]

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

Environment Agency  
 Thames Water - Development Planning

**Neighbour and local groups consulted:**

94 Webber Street London SE1 0QN	Flat 44 Patrick Court SE1 0GB
98 Webber Street London SE1 0QL	Flat 69 Patrick Court SE1 0GB
First Floor Flat 96 Webber Street SE1 0QN	Flat 70 Patrick Court SE1 0GB
Newspaper House 65 Webber Street SE1 0QP	Flat 67 Patrick Court SE1 0GB
15 Belvedere Buildings London SE1 0DQ	Flat 68 Patrick Court SE1 0GB
120 Webber Street London SE1 0QL	Flat 71 Patrick Court SE1 0GB
Flat 5 18 Belvedere Buildings SE1 0DQ	Flat 74 Patrick Court SE1 0GB
Ground Floor 15 Belvedere Buildings SE1 0DQ	Flat 75 Patrick Court SE1 0GB
30 Rushworth Street London SE1 0RB	Flat 72 Patrick Court SE1 0GB
First Floor Flat 98 Webber Street SE1 0QL	Flat 73 Patrick Court SE1 0GB
First Floor 61 Webber Street SE1 0RF	Flat 66 Patrick Court SE1 0GB
Ground Floor 61 Webber Street SE1 0RF	Flat 59 Patrick Court SE1 0GB
Second Floor 61 Webber Street SE1 0RF	Flat 60 Patrick Court SE1 0GB
Ground Floor 96 Webber Street SE1 0QN	Flat 57 Patrick Court SE1 0GB
Ground Floor Studio 63 Webber Street SE1 0QW	Flat 58 Patrick Court SE1 0GB
Studio 1 63 Webber Street SE1 0QW	Flat 61 Patrick Court SE1 0GB
Railway Arches 56 And 65 King James Street SE1 0DH	Flat 64 Patrick Court SE1 0GB
Studio 2 63 Webber Street SE1 0QW	Flat 65 Patrick Court SE1 0GB
Railway Arches 57 And 66 King James Street SE1 0DH	Flat 62 Patrick Court SE1 0GB
Arch 52 Rushworth Street SE1 0RB	Flat 63 Patrick Court SE1 0GB
Newspaper House Kings Bench Street SE1 0QX	Flat 12 Patrick Court SE1 0GB
Flat 4 94 Webber Street SE1 0QN	Flat 13 Patrick Court SE1 0GB
Flat 3 94 Webber Street SE1 0QN	Flat 10 Patrick Court SE1 0GB
Part First Floor 96 Webber Street SE1 0QN	Flat 11 Patrick Court SE1 0GB
2 Belvedere Buildings London SE1 0DQ	Flat 14 Patrick Court SE1 0GB
Part Ground Floor 96 Webber Street SE1 0QN	Flat 17 Patrick Court SE1 0GB
Flat 2 94 Webber Street SE1 0QN	Flat 18 Patrick Court SE1 0GB
Flat 1 94 Webber Street SE1 0QN	Flat 15 Patrick Court SE1 0GB
4 Belvedere Buildings London SE1 0DQ	Flat 16 Patrick Court SE1 0GB
Flat 1 18 Belvedere Buildings SE1 0DQ	Flat 9 Patrick Court SE1 0GB
Flat 2 18 Belvedere Buildings SE1 0DQ	Flat 2 Patrick Court SE1 0GB
Flat 4 18 Belvedere Buildings SE1 0DQ	Flat 3 Patrick Court SE1 0GB
Flat 3 18 Belvedere Buildings SE1 0DQ	Flat 1 Patrick Court SE1 0GB
16 Belvedere Buildings London SE1 0DQ	Flat 4 Patrick Court SE1 0GB
8 Belvedere Buildings London SE1 0DQ	Flat 7 Patrick Court SE1 0GB
6 Belvedere Buildings London SE1 0DQ	Flat 8 Patrick Court SE1 0GB
10 Belvedere Buildings London SE1 0DQ	Flat 5 Patrick Court SE1 0GB
14 Belvedere Buildings London SE1 0DQ	Flat 6 Patrick Court SE1 0GB
12 Belvedere Buildings London SE1 0DQ	Flat 31 Patrick Court SE1 0GB
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Flat 25 Patrick Court SE1 0GB

**Re-consultation: 30/10/2014**

**APPENDIX 2****Consultation responses received****Internal services**

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]

**Statutory and non-statutory organisations**

Environment Agency  
Thames Water - Development Planning

**Neighbours and local groups**

Bicycle Repairs Maintenance 33 Rushworth Street SE1 0RB  
Email representation  
Enterprise House 1-2 Hatfield SE1  
Flat 20 Patrick Court SE1 0GB  
Flat 30 Patrick Court 92 Webber Street SE1 0GB  
Flat 35 Patrick Court 92 Webber Street SE1 0GB  
Floor 2 26 Marshalsea Road SE1 1HF  
G4 The Foundry Annexe 65 The Glasshill Street SE1 0QR  
Part Ground Floor 96 Webber Street SE1 0QN  
Studio 2 63 Webber Street SE1 0QW  
The Community Space 18 Great Guildford Street SE1 0SY  
The Waterloo Woodwork Shop 96 Webber Street SE1  
Unit 1g Chelsea Reach 79-89 Lots Road SW10 0RN  
10 St. Marys Road London SE15 2DW  
15 Gladstone Street SE1 6EY  
158 Great Suffolk Street London SE1 1PE  
160 Sutherland Avenue London W9 1HP  
26 Chalsey Road London SE4 1YW  
27 Holm Oak Close London SW15 2UN  
28 Wollaston Close London SE1 6SL  
29 The Little Boltons London SW10 9LL  
30 Patrick Court London  
30 Rushworth Street London SE1 0RB  
33 Rushworth Street London SE1 0RB  
35 Cooper Close London SE1 7QU  
5 Malvern Road London NW6 5PS  
5 Yeomans Lodge Frome BA11 4SA  
51 Cooper Close London SE1 7QU  
6 Jurston Court Gerridge Street SE1 7QH  
63 Webber Street London SE1 0QW  
7 Wrights Green London SW4 7NG  
74 Southwark Bridge Raod London SE1 0AS  
74 Southwark Bridge Road London SE1 0AS  
77-85 Newington Causeway London SE1 6BD

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## RECOMMENDATION

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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.

<b>Applicant</b>	Mr W. Lucas	<b>Reg. Number</b>	14/AP/0723
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/1231-96
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Alterations and extensions to existing building, including construction of a mansard-style roof extension, roof terrace and the raising of part of parapet front wall on corner of Webber Street and Rushworth Street, to extend existing first floor residential unit. Retention and refurbishment of the existing ground floor workshop (Class B1), retention of the first floor live/work unit. Construction of a new detached two bedroom, two-storey building at rear to accommodate a single family dwelling (Use Class C3) at ground and first floor levels.

**At:** 96 WEBBER STREET, LONDON SE1 0QN

**In accordance with application received on** 06/03/2014 08:03:12

**and Applicant's Drawing Nos.** P010; P011; P012; P020; P021; P022; P030; P100C; P101B; P102 B; P103 B; P200 B; P201 B; P202 B P0203; P300 B; P500; P501; P600; Design & Access Statement; Noise Impact Assessment; Flood Risk Assessment

#### Subject to the following seventeen conditions:

##### Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: P010; P011; P012; P020; P021; P022; P030; P100C; P101B; P102 B; P103 B; P200 B; P201 B; P202 B P0203; P300 B; P500; P501; P600

Reason:

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

- 2 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Prior to the commencement of the development, section elevation drawings showing the relationship between the mansard junction at a scale of 1:50 shall be submitted and agreed in writing by the Local Planning Authority. the development shall be carried out in accordance with the approved details.

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.12 Quality in Design and 3.16 Conservation Areas of The Southwark Plan 2007"

- 4 Prior to commencement of the development, shop drawings (scale 1:1, sections and 1:5 elevations) for all new fenestration and doors shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design

and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

- 5 Prior to the commencement of development, details of surface water management measures in accordance with the approved Flood Risk Assessment produced by Sanderson Associates and dated February 2014 shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall thereafter be carried out in accordance with the approved details.

**Reason**

To prevent the increased risk of flooding and to improve water quality in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.9 Water of the Southwark Plan 2007.

- 6 a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007), Strategic Policy 13 - High Environmental Standards. of the Core Strategy (2011) and the National Planning Policy Framework 2012.

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 7 Prior to commencement of above grade work, an independently verified Code for Sustainable Homes interim certification that seeks to achieve a minimum Level 4 or equivalent Code Level rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;  
Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

**Reason**

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 8 Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be

provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 9 Prior to above grade works commencing, material samples of all external facing materials including materials for the roofs to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 10 Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

In the interests of visual and residential amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

- 11 Before any above grade work hereby authorised begins, detailed drawings at scale 1:100 of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

**Reason**

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and Policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and Conservation; SP13 High Environmental Standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of Amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 12 Before the first occupation of the building & extension hereby permitted begins details of the arrangements for the storing of domestic & commercial refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwellings and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.



## Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 13 Prior to the commencement of the authorised workshop uses in Workshop 1, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises) shall be submitted to and approved in writing by the Local Planning Authority and the method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

## Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with the National Planning Policy Framework 2012, .Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 14 "Notwithstanding the plan no. 200B; 201B; 202B; 203B, the existing windows on the first floor shall be retained and repaired in situ, and shall remain throughout the life of the development

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas of The Southwark Plan 2007

- 15 Notwithstanding the provisions of Class A of Part 1 of Schedule 2 and Part 8 of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the proposed detached residential premises shall be carried out.

## Reason

To safeguard the character and the amenities of the premises and adjoining properties in accordance with Strategic Policy 13 - High Environmental Standards and Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity, 3.12 Quality in Design of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 16 Any deliveries, unloading and loading to the commercial units shall only be between the following hours: Monday to Saturday - 08:00 - 18:00, Sundays/ Bank Holidays - not at all.

## Reason

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007

**Other condition(s)** - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 17 Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority in writing before any such lighting or security equipment is installed. The development shall not be carried out otherwise in accordance with any such approval given.

## Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

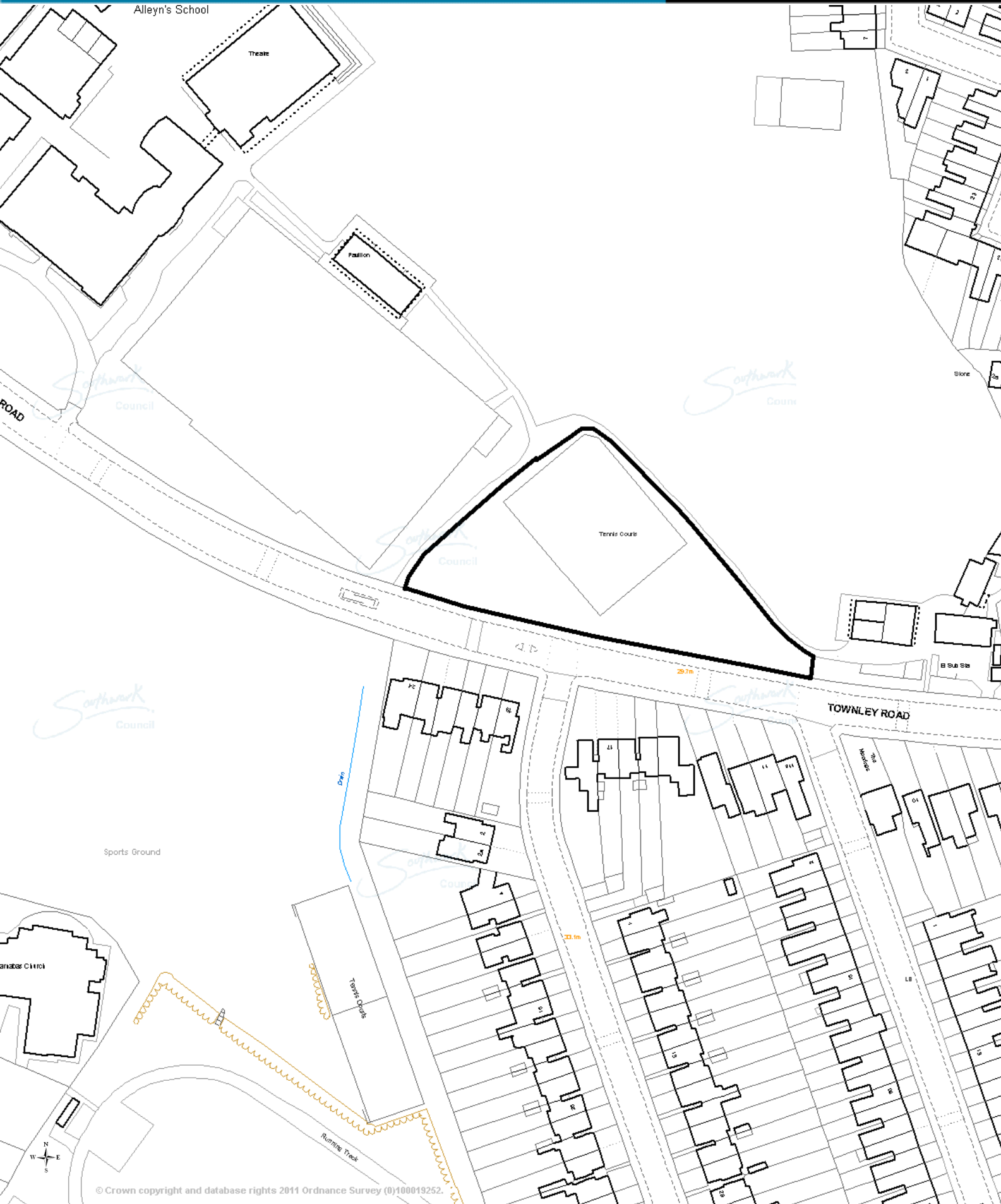
**Statement of positive and proactive action in dealing with the application**

The proposal was amended and the time period extended in agreement with the applicant in order to achieve an acceptable proposal that could be positively recommended to committee.

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## Ordnance Survey

Date 27/11/2014



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<b>Item No.</b> 7.5	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/2092 for: Full Planning Permission  <b>Address:</b> ALLEYNS SCHOOL, TOWNLEY ROAD, LONDON, SE22 8SU  <b>Proposal:</b> Repaving and extending of hard landscaping to existing school sports facilities, to create 1 additional Netball court (thereby providing a total of 3 netball and 3 tennis courts) with associated fence alterations.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 15 July 2014		<b>Application Expiry Date</b> 9 September 2014	
<b>Earliest Decision Date</b> 29 August 2014			

## RECOMMENDATION

- 1 That planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

- 2 This application has been brought before Sub-Committee A due to the site's location within Metropolitan Open Land.

### Site location and description

- 3 Alleyn's School occupies a large site to the west of Lordship Lane in the Village area of the borough. The site comprises a junior and senior school, and playing fields situated on either side of Townley Road.
- 4 This application specifically relates to the existing tennis and netball courts to the south east of the main school buildings on the northern side of Townley Road opposite its junction with Dovercourt Road.
- 5 The surrounding area is predominantly residential in nature and the boundary of the Dulwich Village Conservation Area is immediately to the south of the application site, and incorporates part of the school site. The site is subject to the following designations on the Proposals map to the Saved Southwark Plan:
  - Site of Importance for Nature Conservation (SINC)
  - Metropolitan Open Land (MOL)
  - Urban Density Zone
  - Air Quality Management Area

### Details of proposal

- 7 This application seeks full planning permission for the repaving and extension of an

existing hard surfaced sports court to provide one additional netball court, thereby providing a total of 3 netball and 3 tennis courts.

- 8 The existing court is 45m x 35m. This would be re-laid and extended to the south east by 10m to provide an area of 55m x 35m using a semi-permeable asphalt playing surface in a natural grey/black finish.
- 9 The existing 3m high chain link fencing would be removed and the new courts would be bounded by a new 3m high welded mesh fencing.

### **Planning history**

- 10 There is extensive planning history for the school site, the majority of which do not relate directly to the proposal under consideration here. Of most relevance is:
- 11 13/AP/0493  
First floor extension to existing swimming pool to providing a seating gallery for up to 100 spectators and enhanced changing areas. Planning permission granted 17/04/13 under delegated powers.
- 12 12/AP/1759  
Erection of first floor extension to south-west elevation to provide additional music rooms, and erection of single-storey entrance lobby to south-west elevation. Planning permission granted 11/09/12 at Sub Committee B.
- 13 11-AP-0495  
Installation of eight floodlights to existing multi-use games pitch on the northern side of Townley Road. Planning permission granted 14/06/11 at planning committee.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 14 The main issues to be considered in respect of this application are:
  - a) The principle of development and MOL.
  - b) Design, Appearance and impact on CA.
  - c) Traffic and Transportation.
  - d) Neighbour Amenity.
  - e) Trees.

#### **Planning policy**

- 15 Core Strategy 2011  
Strategic Policy 1 - Sustainable development  
Strategic Policy 2 - Sustainable transport  
Strategic Policy 4 - Places to learn and enjoy  
Strategic Policy 11 - Open spaces and wildlife  
Strategic Policy 12 - Design and conservation  
Strategic Policy 13 - High environmental standards
- 16 Southwark Plan 2007 (July) - saved policies  
The council's cabinet on 19th March 2013, as required by para 215 of the NPPF,

considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan Policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 17 Policy 2.3 - Enhancement of educational establishments  
 Policy 3.2 - Protection of amenity  
 Policy 3.11 - Efficient use of land  
 Policy 3.12 - Quality in design  
 Policy 3.13 - Urban design  
 Policy 3.16 - Conservation areas  
 Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites  
 Policy 3.25 - Metropolitan open land  
 Policy 3.28 - Biodiversity  
 Policy 5.2 - Transport impacts
- 18 Supplementary Planning Documents  
 Sustainable Design and Construction SPD (February 2009)  
 Dulwich Village Conservation Area Appraisal (February 2006)  
 Dulwich SPD (2013)
- 19 London Plan July 2011 consolidated with revised early minor alterations October 2013  
 Policy 3.18 Education facilities  
 Policy 7.4 Local character  
 Policy 7.5 Public realm  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.17 Metropolitan Open Land
- 20 National Planning Policy Framework (NPPF)  
 Section 7 - Requiring good design  
 Section 8 - Promoting healthy communities  
 Section 10 - Meeting the challenge of climate change, flooding and coastal change  
 Section 11 - Conserving and enhancing the natural environment  
 Section 12 - Conserving and enhancing the historic environment

### **Principle of development**

- 21 Saved Policy 2.3 of the Southwark Plan 'Enhancement of Educational Establishments' states that planning permission for change of use from D class educational establishments will not be granted unless similar or enhanced provision within the catchment is secured and opportunities are taken wherever possible to ensure that provision is made to enable the facility to be used by all members of the community.
- 22 There would be no loss of D class floor space on the site therefore no objections are raised in principle.
- 23 Metropolitan Open Land  
 The application site is located within Metropolitan Open Land (MOL) and as such saved Southwark Plan Policy 3.25 is relevant to the determination of this proposal. Policy 3.25 states that there is a general presumption against inappropriate development on MOL and that planning permission will only be granted for appropriate development which is considered to be for the following purposes:
- 24 i) Agriculture and forestry; or

- ii) Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or
  - iii) Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or
  - iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.
- 25 Allyn's School has an impressive history of sporting success with county, regional and international athletes represented. The areas of open land around the school buildings, the majority of which fall within MOL, are established as playing fields for outdoor sports use. They support a wide variety activities and are laid out for formal purposes such as hard surface courts and astro-turf pitches, and informal areas of grassed playing fields.
- 26 The proposal would extend an existing area of hard surface to be used for enhanced sporting purposes, making provision for 3 netball courts and 3 tennis courts. The area would be repaved and include the provision of a new fencing system to its boundary.
- 27 The proposal is considered to preserve the openness of the MOL and makes provision for an enhanced essential facility for outdoor sport and recreation. It therefore complies with the provisions of policy 3.25(ii) and as such, there are no objections to the principle of the proposed development in this location.

#### **Design, appearance and impact on conservation area**

- 28 Saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan seek to ensure that developments achieve high quality architectural and urban design, while Policy 3.15 seeks to conserve the Historic Environment and 3.18 seeks to preserve or enhance the setting of Listed Buildings, Conservation Areas and World Heritage Sites.
- 29 The area of land to which this application relates does not lie within the Dulwich Village conservation area, however the boundary runs along Townley Road to the south of the site and includes the main school building to the north west. It therefore has the potential to effect its setting.
- 30 The visual impact of the proposed works is considered to be limited by the existing vegetation and topography of the site. There are significant boundary trees that exist along the Townley Road frontage, these provide a screen to the courts and will reduce the visual prominence of the fencing. The pitch itself is set at a lower level than Townley Road with a minimum drop of 1m.
- 31 The enlarged playing areas and new fencing will be located on an existing sports pitch and is consistent with the established character of the land as playing fields and sports facilities where one would expect to see structures associated with such a use. In consideration of this, and with regard to the sensitive approach taken to the design of the fencing, the proposal is policy compliant with regard to design and appearance.

#### **Trees**

- 32 The position of the subject playing surface lies within close proximity to a number of mature trees which run along the boundary of the Allyn's School site. These trees are not subject to a tree preservation order and do not fall within the adjacent conservation area and are therefore afforded limited protection. They do however offer significant amenity value to the area and are good mature specimens.

- 33 Work on the excavation of the area of the pitch to be extended was begun prior the granting of planning permission. This was brought to the attention of the council by a local resident and was evident during the case officers site visit. The applicants were advised to cease work immediately, which was complied with, and the council's Tree Officer visited the site to inspect the work undertaken within the root protection areas of the trees.
- 34 It can not be accurately assessed whether work already undertaken has resulted in irreversible damage to those trees of concern, however the tree officer has advised that with appropriate protection of roots during construction the trees can be retained and protected from further damage. It is therefore recommended that an appropriate condition requiring the protection of the trees be imposed.
- 35 Damage to mature trees however may not become apparent until many years following completion of the works. Given that trees may have been damaged as a result of the work already undertaken, and may require removal in the future, a condition should also be imposed ensuring that new appropriate planting replace any losses should they occur.

### **Residential amenity**

- 36 Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 37 The nearest residential properties are 14-24 Townley Road which are located approximately 35m to the south-east of the site.
- 38 It is not anticipated that there would be any increase in noise on the application site as a result of the 1 additional netball court. The intensity of the use of the pitch would not be over and above what would be expected on an established sporting facility of this nature.

### **Traffic and transportation**

- 39 The pitch is an existing facility which can be currently used by the school without restriction at all times of the year. The extension of the playing area to make provision for 1 addition netball court would not materially increase activity at the site.
- 40 There would be no increased pressure on the surrounding transport network or parking situation.

### **Environmental impact assessment**

- 41 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 specify the types of development and circumstances where an EIA may be required. The Regulations are applicable to two types of development: Schedule 1 developments are where an EIA is mandatory and includes developments that would have an obvious and major impact such as power stations. Schedule 2 developments require an EIA if they are likely to give rise to significant effects on the environment by virtue of factors such as size, nature or location. With regard to this proposal neither Schedule 1 or 2 is relevant. The proposed development would not give rise to a significant effect on the environment and an EIA is not required.

### **Other considerations**

- 42 Mayoral CIL  
The proposed development does not involve the provision of addition floorspace and



education uses are not CIL liable. Therefore no payment would be due in this instance.

### **Conclusion on planning issues**

- 43 The proposed development is in accordance with adopted policy and is consistent with the established use of the application site for recreational and sporting purposes. For the reasons as discussed above it is recommended that planning permission be granted subject to conditions.

### **Community impact statement**

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

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

### **Consultations**

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

### **Consultation replies**

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

### **47 Summary of consultation responses**

The council has received 1 letter of comment and 1 letter of objection to the proposed development from nearby residential properties. These raise the following areas of concern:

- 48 - The existing courts are readily visible from street level and from the rooms of those dwellings on the opposite side of Townley Road. Concern over the proposed use of black/grey asphalt in place of the existing green surface.

### **Officer Comment**

Contrary to letter of comment received, the existing surface is a painted asphalt in red and green. The use of a natural black/grey asphalt is not considered to have a significant impact on the character or appearance of the playing fields, the setting of the adjacent conservation area or the outlook from nearby residential dwellings.

- 49 - Works have commenced in advance of permission being granted and has involved excavation around the roots of the trees which line Townley Road and which affect the character of the adjacent Conservation Area.

### **Officer Comment**

See Tree Officer comments below and consideration of tree matters within the planning consideration section of this report.

### **50 Tree Officer**

Regrettably, work has already started on site that has resulted in excavation within the root protection areas and therefore potential damage to mature trees. These consist of specimens of significance value to amenity and which contribute positively to the setting of the conservation area located opposite.

- 51 Trees which are protected by a TPO have also been affected by inappropriate storage of materials and ground compaction by construction vehicles. Should the application be recommended for approval tree protection condition is required.
- 52 Given that trees may already be damaged and may require removal a landscape condition should also be imposed such that new planting can replace any losses. Damage to mature trees may not become apparent until many years following completion of the works.

#### **Human rights implications**

- 53 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 54 This application has the legitimate aim of seeking planning permission for an extension to an existing sports playing surface. 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**

None

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2300-A Application file: 14/AP/2092 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 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 5452 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
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>	Amy Lester, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 October 2014	
<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, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	27 November 2014	

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 21/07/2014

**Press notice date:** 24/07/2014

**Case officer site visit date:** 21/07/2014

**Neighbour consultation letters sent:** 24/07/2014

**Internal services consulted:**

Tree Officer

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

n/a

**Neighbours and local groups consulted:**

- 21 TOWNLEY ROAD LONDON SE22 8SR
- 22 TOWNLEY ROAD LONDON SE22 8SR
- 19 TOWNLEY ROAD LONDON SE22 8SR
- 20 TOWNLEY ROAD LONDON SE22 8SR
- FLAT 1 CHARMOUTH 11A TOWNLEY ROAD LONDON SE22 8SR
- FLAT 2 CHARMOUTH 11A TOWNLEY ROAD LONDON SE22 8SR
- 23 TOWNLEY ROAD LONDON SE22 8SR
- 24 TOWNLEY ROAD LONDON SE22 8SR
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- 15 TOWNLEY ROAD LONDON SE22 8SR
- 16 TOWNLEY ROAD LONDON SE22 8SR

**Re-consultation:**

n/a

**APPENDIX 2****Consultation responses received****Internal services**

Tree Officer

**Statutory and non-statutory organisations**

n/a

**Neighbours and local groups**

- 19 TOWNLEY ROAD LONDON SE22 8SR
- Local Resident - By Email

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## RECOMMENDATION

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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.

<b>Applicant</b>	Mr M. Price Alleyns School	<b>Reg. Number</b>	14/AP/2092
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2300-A
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Repaving and extending of hard landscaping to existing school sports facilities, to create 1 additional Netball court (thereby providing a total of 3 netball and 3 tennis courts) with associated fence alterations.

**At:** ALLEYNs SCHOOL, TOWNLEY ROAD, LONDON, SE22 8SU

**In accordance with application received on** 23/06/2014 08:01:32

**and Applicant's Drawing Nos.**

Site Location Plan: 525/OS1

Existing Plans: 533/01 and 533/02

Proposed Plans: 533/11, 533/12, 533/13 and fencing Specifications and Technical Data sheet

Other Documents: Design & Access Statement

**Subject to the following four conditions:**

**Time limit for implementing this permission and the approved plans**

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

533/11, 533/12, 533/13 and fencing Specifications and Technical Data sheet

Reason:

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

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 2 Prior to works recommencing, including any demolition, an Arboricultural Impacts Assessment including an Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority.
- a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
- b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
- c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works

must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

**Reason**

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and Policies of The Core Strategy 2011: SP11 Open Spaces and Wildlife; SP12 Design and Conservation; SP13 High Environmental Standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of Amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 Any tree within the red line site boundary that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season.

Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf), and shall be to the satisfaction of the Local Planning Authority, to which notice must be given.

**Reason**

So that the Council may be satisfied that should damage to the trees within the application site as a result of the works undertaken, that suitable replacement planting be undertaken in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open Spaces and Wildlife; SP12 Design and Conservation; SP13 High Environmental Standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of Amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 4 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation.

**Reason**

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

**Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

**PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2014-15**

**NOTE:** Original held by Constitutional Team (Community Councils) all amendments/queries to Sarah Koniarski Tel: 020 7525 5824

Name	No of copies	Name	No of copies
<b>To all Members of the sub-committee</b>			
Councillor Lorraine Lauder MBE (Chair)	1	Environment & Leisure	
Councillor James Barber (Vice-Chair)	1	Environmental Protection Team	1
Councillor Nick Dolezal	1		
Councillor Lucas Green	1		
Councillor Vijay Luthra	1	Communications	
Councillor Eliza Mann	1	Robin Campbell	1
Councillor Sandra Rhule	1		
		<b>Total:</b>	<b>37</b>
<b>(Reserves)</b>			
Councillor Stephanie Cryan	1		
Councillor Chris Gonde	1	<b>Dated: 1 December 2014</b>	
Councillor Rebecca Lury	1		
Councillor David Noakes	1		
Councillor Rosie Shimell	1		
Councillor Johnson Situ	1		
<b>External</b>			
Libraries	1		
<b>Officers</b>			
Constitutional Officer (Community Councils) Hub 4 (2 <sup>nd</sup> Floor), Tooley St.	15		
Jacquelyne Green Planning, Hub 2 (5 <sup>th</sup> Floor) Tooley St.	4		
Rachel McKoy, Legal Services Hub 2 (2 <sup>nd</sup> Floor) Tooley St.	1		
Alex Gillott, Legal Services Hub 2 (2 <sup>nd</sup> Floor) Tooley St.	1		