

Planning Sub-Committee A

Tuesday 10 May 2016

6.30 pm

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

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Nick Dolezal
Councillor Anne Kirby
Councillor Octavia Lamb
Councillor Eliza Mann
Councillor Sandra Rhule

Reserves

Councillor Evelyn Akoto
Councillor David Hubber
Councillor Sarah King
Councillor Darren Merrill
Councillor Kath Whittam

INFORMATION FOR MEMBERS OF THE PUBLIC

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.

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Access

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Contact

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

Webpage: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 29 April 2016



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RECYCLED PAPER

Planning Sub-Committee A

Tuesday 10 May 2016

6.30 pm

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

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 7
	To agree as a correct record the minutes of the meeting held on 5 April 2016.	
7.	DEVELOPMENT MANAGEMENT ITEMS	8 - 11
	7.1. 181 CAMBERWELL ROAD, LONDON SE5 0HB	12 - 31
	7.2. THE FORT, 131 GRANGE ROAD, LONDON SE1 3AL	32 - 52

Item No.

Title

Page No.

Date: 29 April 2016



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.
8. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

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

Contacts: Director of Planning
Chief Executive's Department
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 5 April 2016 at 6.30 pm
at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Nick Dolezal
Councillor Anne Kirby
Councillor Eliza Mann
Councillor Sandra Rhule
Councillor Kath Whittam

OTHER MEMBERS

PRESENT: Councillor Jane Lyons
Councillor Michael Mitchell

OFFICER

SUPPORT: Dennis Sangweme (Development Management)
Margaret Foley (Legal Officer)
Alex Cameron (Development Management)
Philip Ridley (Development Management)
Anthony Roberts (Development Management)
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 Councillors Ben Johnson and Octavia Lamb.

3. CONFIRMATION VOTING MEMBERS

The members of the committee present were confirmed as the voting members.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members made declarations regarding the agenda items below:

Agenda item 7.2 – Half Moon Public House, 10 Half Moon Lane, London SE24 9HU

Councillor Anne Kirby declared a non-pecuniary interest in the item, as she is a ward councillor and had been contacted by some of the objectors, but had not expressed an opinion and would approach the application with an open mind.

Councillor Nick Dolezal declared a non-pecuniary interest, as he is a resident of Village ward.

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 items 7.2, 7.4 and 7.5.
- The members pack

The chair announced that given the levels of public interest and with the agreement of the sub-committee, she would alter the sequence the items would be heard in, as follows:

1. First, item 7.2 - Half Moon Public House, 10 Half Moon Lane, London SE24 9HU
2. Secondly, items 7.3 and 7.4 - 88 Dulwich Village, London SE21 7AQ. These both related to the same address and would therefore be heard together.
3. Third, items 7.5 and 7.6 - Rear of 60 Dulwich Village, London SE21 7AJ. These both related to the same address and would therefore be heard together.
4. Lastly, item 7.1 - Camberwell New Cemetery, Brenchley Gardens, London SE23 3RD

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 9 February 2016 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 members to be aware of late observations, consultation,

responses, additional information and revisions.

7.2 HALF MOON PUBLIC HOUSE, 10 HALF MOON LANE, LONDON SE24 9HU

Planning application reference numbers: 16/AP/0167 and 16/AP/0168

Report: see pages 23 to 57 of the agenda pack and pages 1 to 4 of the addendum report.

PROPOSAL

Full planning and listed building consent for a mixed class A4 and C1 use; internal and external alterations and repair work to include new kitchen, plant and AC compound on the rear single storey flat roof, the provision of an external bar, mezzanine and outdoor seating, works to the rear garage; and a two storey rear extension.

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments and conditions in the addendum report. Members asked questions of the officer.

A spokesperson for the objectors addressed the meeting. Members asked questions of the objectors.

The applicant's agent addressed the meeting. Members asked questions of the applicant's agent.

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

Councillors Michael Mitchell and Jane Lyons addressed the meeting in their capacity as ward councillors. Members asked questions of Councillors Mitchell and Lyons.

Members debated the application and asked questions of the officers.

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

A motion to grant listed building consent was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

1. That planning permission for application number 16/AP/0167 be granted, subject to the conditions set out in the report and addendum report.
2. That listed building consent for application number 16/AP/0168 be granted, subject to the conditions set out in the report and addendum report.

After this item, the meeting adjourned for a break from 7.55pm to 8.05pm.

7.3 88 DULWICH VILLAGE, LONDON SE21 7AQ - FULL PLANNING PERMISSION

Planning application reference number: 15/AP/5020

Report: see pages 58 to 69 of the agenda pack.

PROPOSAL

Alterations to shopfront.

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments presented in the addendum report. Members asked questions of the officer.

A spokesperson for the objectors addressed the meeting. Members asked questions of the objectors.

The applicant's agent addressed the meeting. Members asked questions of the applicant's agent.

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

Councillors Michael Mitchell and Jane Lyons addressed the meeting in their capacity as ward councillors. Members asked questions of Councillors Mitchell and Lyons.

Members debated the application and asked questions of the officers.

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

RESOLVED:

That planning permission for application number 15/AP/5020 be granted, subject to the conditions set out in the report.

7.4 88 DULWICH VILLAGE, LONDON SE21 7AQ - ADVERTISEMENT CONSENT

Planning application reference number: 15/AP/5021

Report: see pages 70 to 80 of the agenda pack and pages 5 to 7 of the addendum report.

PROPOSAL

Display of signage: x1 externally illuminated aluminium projecting sign, with ironmongery to match traditional style; x1 'Sainsbury's Local fascia sign with overhead spot lighting; and x1 vinyl offer panel displaying open times; 1x externally illuminated aluminium projecting sign, 1x Sainsburys local fascia sign, 1x Vinyl offer panel.

This item was heard together with item 7.3.

A motion to defer the item was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That application 15/AP/5021 be deferred to a future meeting to allow the applicant to amend the application to take account of the wishes of the local community and in order for additional information on the size and colour of the signage to be included.

7.5 REAR OF 60 DULWICH VILLAGE, LONDON SE21 7AJ - FULL PLANNING PERMISSION

Planning application reference number: 15/AP/2957

Report: see pages 81 to 104 of the agenda pack and page 7 of the addendum report.

PROPOSAL

Demolition of existing garage and the erection of two three bedroom semi-detached three storey houses including basement; with associated off-street parking and private gardens.

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments presented in the addendum report. Members did not ask questions of the officer.

An objector addressed the meeting. Members asked questions of the objectors.

The applicant's agent addressed the meeting. Members asked questions of the applicant's agent.

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

Councillor Michael Mitchell addressed the meeting in his capacity as a ward councillor. Members asked questions of Councillor Mitchell.

Members debated the application and asked questions of the officers.

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

RESOLVED:

That planning permission for application number 15/AP/2957 be granted, subject to the conditions set out in the report.

7.6 REAR OF 60 DULWICH VILLAGE, LONDON SE21 7AJ - LISTED BUILDING CONSENT

Planning application reference number: 16/AP/0312

Report: see pages 105 to 115 of the agenda pack.

PROPOSAL

Demolition of an existing garage in the property 60 Dulwich Village related with the Planning Application ref 15/AP/2957 (for the erection of two houses in the rear garden of the property).

This item was discussed under item 7.5.

A motion to grant listed building consent was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That listed building consent for application number 16/AP/0312 be granted, subject to the conditions set out in the report.

After this item, the meeting adjourned for a break from 9.35pm to 9.40pm.

7.1 CAMBERWELL NEW CEMETERY, BRENCHLEY GARDENS, LONDON SE23 3RD

Planning application reference numbers: 16/AP/0039 and 16/AP/0040

Report: see pages 10 to 22 of the agenda pack.

PROPOSAL

Internal renewal of finishes, minor structural amendments and renewal of cremators and other equipment; installation of new glazed rooflights into existing and new openings; replacement of windows.

The sub-committee heard an introduction to the report from a planning officer. Members did not ask questions of the officer.

There were no objectors wishing to address the meeting.

The applicant addressed the meeting. Members asked no questions of the applicant.

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

There were no ward councillors wishing to address the meeting.

Members debated the application.

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

A motion to grant listed building consent was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

1. That planning permission for application number 16/AP/0039 be granted, subject to the conditions set out in the report.
2. That listed building consent for application number 16/AP/0040 be granted, subject to the conditions set out in the report.

Meeting ended at 9.45 pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 10 May 2016	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		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 of Southwark Council's constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

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

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Gerald Gohler 020 7525 7420
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 Simon Bevan 020 7525 5655

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	28 April 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		28 April 2016

Ordnance Survey

Date 27/4/2016



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Item No. 7.1	Classification: OPEN	Date: 10 May 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 16/AP/0135 for: Full Planning Permission Address: 181 CAMBERWELL ROAD, LONDON, SE5 0HB Proposal: Change of use of ground and basement floors from a public house to a place of worship.		
Ward(s) or groups affected:	Faraday		
From:	Director of Planning		
Application Start Date 14/01/2016		Application Expiry Date 10/03/2016	
Earliest Decision Date 11/02/2016			

RECOMMENDATION

1. To grant planning permission subject to conditions

BACKGROUND INFORMATION

Site location and description

2. The site concerns the ground floor and basement of the building only. The building has a further two storeys above ground floor that are currently in an unauthorised residential use, but are not the subject of this application. During consultation the site was referred to as 181 Camberwell Road the development proposal has been subsequently amended to reflect the fact that the change of use is limited to the ground and basement floor. It is not considered that anyone would have been prejudiced, or that any prejudice arises to any consultee as a result of the amendment. This is because the alteration relates to a reduced site compared to the possible perception that the entire building might be permitted as a place of worship.
3. The building has a footprint of about 176 square metres and runs alongside New Church Road with a short frontage onto Camberwell Road. Historic maps show that at one time it was an end of terrace property, however at some stage in the 1970s the remainder of the terrace was cleared and the existing Kenyon House council housing development constructed. Kenyon House is set back from the road resulting in a large blank flank wall on the south side of this building. Some flats in Kenyon house share a party wall with this building.
4. New Church Road has a mixture of uses including take away food and taxi offices with flats above. It is not a protected shopping frontage. The site is on the southern limit of the Aylesbury action area.

Details of proposal

5. The proposal is to change the use of the ground floor to a place of worship.

6. Planning history

14/EN/0113 Enforcement case in respect of an unauthorised change of use opened March 2014.

May 2014 application invited.

No application received and complaints made about noise.

October 2014 decision made to enforce on amenity grounds, not on parking congestion or principle of use.

4 November 2014 Planning Enforcement Notice served in respect of unauthorised change of use from public house to place of worship. Reasons

A planning application has been invited for a change of use, but no application has been made. Consequently there has been no scope for the planning authority to control hours of operation, sound insulation and access to the building by way of planning condition. In the absence of these controls the unauthorised use is unacceptable for the following reasons:-

i) The unauthorised use results in significant noise, both at the weekend and evenings, which is considered to be above that caused by the average public house and on occasion continues beyond 23:00 the usual terminal hour of a public house. Noise from within the premises harms the amenity of adjoining neighbours contrary to Strategic Policy 13 High environmental standards of the Core Strategy 2011 and saved policies 2.2 Community Facilities and 3.2 protection of amenity.

ii) The unauthorised change of use has resulted in significant internal works as fittings from the previous use have been removed. No test of the sound insulating quality of the building has been carried out post these works, particularly on the party wall. No assessment of the scope to improve the attenuation of sound that might be achieved by internal work directed to this purpose has been undertaken. Noise from within the premises harms the amenity of adjoining neighbours contrary to Strategic Policy 13 High environmental standards of the Core Strategy 2011 and saved policies 1.10 Small scale shops and services outside the town and local centres and protected shopping frontages, 2.2 Community Facilities, 3.2 protection of amenity.

iii) The ground floor and basement of the building appear from officer visits to the site to only be accessible from a door toward the rear of the premises in New Church Road, rather than the door situated in the angled frontage of the building on Camberwell Road. This has resulted in increased footfall and noise from those accessing the premises taking place further down New Church Road than was previously the case when the authorised use took place, this has generated noise nearer to the residential properties at the rear of this site and harmed their amenity contrary to Strategic Policy 13 High environmental standards of the Core Strategy 2011 and saved policies 2.2 Community Facilities, 3.2 protection of amenity.

30 March 2015 Enforcement Notice upheld on appeal in respect of time of compliance. The planning merits were not tested, as the appellant failed to put together a case in time.

23 April 2015 Appellant forwarded a petition to the Council in respect for support for an appeal application (application for planning permission) signed by persons at the following addresses:

Kenyon House:

Flats 3, 5, 7, 9, 10, 12

Rooms above church: 4, 7 and 8

179 Camberwell Road

A report submitted with the petition claimed that others were willing to sign the petition as well, but also acknowledged that some people had signed because they thought it was reasonable for the church to stay, but more sound proofing should be provided.

It appeared to the Council that if the issue of sound insulation was addressed the reasons for enforcement might be reviewed in a further application. Therefore notwithstanding the enforcement notice a further application was invited. At the same time the occupier agreed not to use any amplification, microphones instruments or recorded music. No continuing complaint in respect of noise was made.

June 2015 15/AP/2369 application for change of use made but invalid because of insufficient documentation.

January 2016 start of current application

Planning history of adjoining sites

7. The upper floors of the building (which are not part of this application) were originally in residential use ancillary to a public house. They are now solely used for a residential purpose and comprise a nine bedroom house of multiple occupation. Although the nature of the use both authorised and unauthorised is residential. It is considered that the character of the residential occupation is materially different and has resulted in different material impacts. At the time of writing this report it is understood that the house of multiple occupation is unauthorised and no planning application has been made in respect of it. An application to licence the house of multiple occupation with the Council has been made which is resulting in improvement of the living conditions.
8. If a planning application were made for the house of multiple occupation further conditions in addition to those of the licence could be considered in respect of the residential use. That has not occurred so separate consideration as part of an enforcement case will be given to enforcing against the use of the upper storeys of the building.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) Loss of a public house
 - b) Harm to amenity
 - c) Transport impacts

Planning policy

10. National Planning Policy Framework 2012 (the Framework)
Core Planning principles;
Section 4 Promoting sustainable transport
Section 8 Promoting healthy communities
11. London Plan July 2015 consolidated with alterations since 2011
3.16 Protection and enhancement of social infrastructure
4.8 Supporting a successful and diverse retail sector and related facilities and services
6.13 Parking
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.2 An inclusive environment
12. Core Strategy 2011
SP 1 Sustainable development
SP 2 Sustainable transport
SP 3 Shopping leisure and entertainment
SP 4 Places for learning enjoyment and healthy lifestyles
SP 13 High environmental standards
13. 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.
 - 1.10 Small scale shops and services outside the town and local centres and protected shopping frontages
 - 2.2 Community Facilities
 - 3.2 Protection of amenity
 - 5.2 Transport Impacts
 - 5.8 Other parking
14. New Southwark Plan Consultation version
Weight can not be given to this document at this stage, because it is in the process of

consultation rather than adoption. It may indicate a possible direction for future planning policy. It is included in the report for information and because some objectors make reference to it.

Two potential policies are ;

DM34 Pubs

i) Planning permission will not be granted for development that results in the loss of a pub unless the retention of a pub is financially unviable, as demonstrated through evidence of suitable marketing for a continuous period of at least 18 months.

ii) Alterations that do not lead to the loss of a pub but that do lead to loss of cellarage or changes to a pub that make it unviable will not be permitted.

iii) Where a change of use is acceptable, development must retain the design, character and heritage value of the building where it makes a positive contribution to street scene and local character.

iv) The registration of a pub as an Asset of Community Value will be treated as a significant material consideration.

Reasons;

The number of pubs across London has been declining, while the number of cafés and restaurants have been growing. Many pubs have been demolished, whilst others have been converted into new homes while retaining their existing structure. A number have changed into other commercial uses and have lost their appearance and usage as a public house. Nevertheless there is still a market for pubs given the right management and sales offer. They provide a positive economic role in contributing to the vibrancy and vitality of shopping areas. Many pubs make a strong contribution to the historic character of an area, particularly through the features of the building itself and by historical and cultural connection to the local area. Pubs that have been designated as Assets of Community Value are recognised by local residents and the council as having an important place and role within our communities.

DM40 Flexible community uses

i) Planning permission will be granted for proposals for new community facilities to meet local need that are available for use by all members of the community;

ii) Development must retain community facilities except where there is no demand. This needs to be demonstrated by a marketing exercise for 18 months.

Reasons;

Southwark's population is diverse, and displays significant contrasts in characteristics. We have a role to play in facilitating social interaction and creating healthy, inclusive communities. We need to ensure that everyone has access to a variety of good quality community facilities, which promote healthier lifestyles and enable people to meet their day to day needs. Community facilities will be incorporated into larger developments, or planned as stand alone facilities, and will often be designed to facilitate opportunities for interaction between members of the community who might not otherwise come into contact with each other. The provision of community and health facilities often provides wider benefits to the local community, including the creation of jobs and encouraging new businesses to locate near to the facility. An example of this could be locating chemists or pharmacies near to walk-in health centres, or a gym or fitness centre with

a day-care facility near to a hospital.

Principle of development

15. There are two broad policy considerations that relate to the change; firstly policy intended to retain services and public houses, secondly that to retain or provide community facilities.
16. Retention of a Public House
The NPPF refers to retention of Public Houses in villages in section 3. However, of greater relevance in section 8 paragraph 70 it states:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

The NPPF treats both a public house and a place of worship as a community facility.

The London Plan in policy 4.8 makes reference to preventing "...the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses,..."

That policy protection is currently articulated in policy 1.10 of the Southwark Plan:

Policy 1.10 Small scale shops and services outside the town and local centres and protected shopping frontages

Outside town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A use classes or from A use classes to other uses, when the applicant can demonstrate that:

- i The proposed use would not materially harm the amenities of surrounding occupiers; and
- ii. The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades; or
- iii. The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.

If amenity concerns are mitigated or satisfied a key current test is whether a similar use is within a 600 metre radius. Both the Nags Head and Red Lion, both on Camberwell road are within 600 metres of this site. Element ii of the policy test is satisfied.

Camberwell road has no apparent problem with vacancy in commercial units, both on visual inspection and by reference to the Councils 2015 retail study, which acknowledges that although the frontage is not protected it has scope to be a secondary frontage in which a greater diversity of use might be allowed. In a small shopping frontage or in an area where only pockets of services exist, the loss of one unit can often harm the vitality and viability of the remaining units as the footfall to the area reduces. Camberwell Road is not such an area due to the extent of the commercial floor space along it. It is not assessed that any impact on nearby shops

and restaurants have resulted from the change. The current policy is therefore satisfied by discharging elements i and ii. There is no need to address marketing.

At this stage future planning policy cannot be predicted. Any attempt to try to assume or predict future policy would have to give substantial weight to the current position and take account of policy in respect of community facilities.

17. Community Facilities

The NPPF recognises a place of worship as a community facility. The London Plan in policy 3.16 identifies places of worship as part of social infrastructure and seeks to require that provision is made to meet the needs of a growing and diverse population.

This in turn is articulated in policy 2.2 of the Southwark Plan.

Policy 2.2 Provision of new community facilities

Planning permission will be granted for new community facilities provided:

- i. Provision is made to enable the facility to be used by all members of the community; and
- ii. The facility is not detrimental to the amenity of present and future occupiers of the surrounding area in compliance with Policies 3.2 and 5.2; and
- iii. Where developments will generate more than 20 vehicle trips at any one time a transport assessment will be required in compliance with Policies 3.3 and 5.2.

It is acknowledged that there is a significant demand for community facilities and space that can be used for community facilities. If amenity concerns are addressed there is a general presumption in favour of granting permission, but not necessarily overriding other planning policy.

This policy approach will in a broad sense be continued by policy DM40 if it is adopted in its current form.

At present if concerns in respect of amenity are satisfied in principle the change of use is acceptable. In the future the policy in respect of retention of public houses maybe strengthened, but the form that might take is not settled. Protection of public houses is desirable because they are community facilities. A place of worship is also a community facility. There is therefore no principle objection to a community facility in a different form and therefore no policy objection to the change of use.

Whilst not close to this site the issue of loss of a public house has recently been considered by two different planning inspectors although in each instance the change was to a largely residential development not a place of worship. The two appeal decisions are;

- i) APP/A5840/W/15/3130032, Aardvark, 351 Rotherhithe Street, London, SE16 5LJ (15/3/16)
- ii) APP/A5840/W/15/3132683, The Clipper, 562 Rotherhithe Street, London SE16 5EX (15/3/16)

Both Inspectors termed the loss of a public house as loss of a community asset. They each considered the presence of other bars or public houses within 600 metres to be relevant to deciding whether an impact on community assets results. They were reluctant to consider matters such as groups served by a public house or whether it

had a particular facility such as a meeting room. Internal arrangements and aspects of character could alter with a change of management and would not require planning permission and therefore carry little weight.

In planning terms there is a reluctance, to look in too great a detail as to character of a community asset when considering if other similar uses exist nearby. As such, the overall principle of the change of use is deemed acceptable, subject to amenity and transport impacts, these elements will be addressed within the main body of the report.

Environmental impact assessment

18. Not required for a development of this scope and scale.

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

19. Places of worship and public houses are both uses with the potential to have an impact on adjoining occupiers, due to noise from the premises and from people accessing and egressing the premises.
20. The Council originally received a repeated complaint in respect of noise from the place of worship. The extent of the noise was not measured, but on some occasions it occurred late at night. A planning enforcement notice was served in respect of harm to amenity arising from noise. An attempt to appeal the notice was made, but failed on technical grounds. Despite the failed appeal the Council received representations from some neighbours that in summary supported an attempt by the place of worship to improve sound proofing and make a planning application. The Council contacted the original complainant who confirmed that there had been some improvement in terms of noise from the place of worship. The apparent local support and improvement in amenity resulted in an application being considered.
21. A noise assessment was carried out initially in October 2015 and has been revised in April 2016. The conclusion of that assessment is that a negative impact on amenity will not arise from noise from a place of worship. The report identifies measures to improve sound insulation and setting a filter to limit sound from any public address system within the premises. It is recommended that the additional insulation recommended to the ceiling is applied to both ceiling and party wall and a condition is imposed on the permission requiring that work to be completed within three months.
22. The Council's Environmental Protection team have considered the first report. The noise assessment does not confirm that the sound insulation would meet our standard of NR20 for this type of building. There is no assessment for the plant noise. The standard of 35dB(A) is the top end of the 'Good' standard, we would recommend 30dB(A) in bedrooms. The two standards of noise protection 35dB(A) and 30dB(A) relate to a day and night time standard. The Council's Environmental Health Officer's concern is that only the day time level of protection has been sought. This point has been put to the applicant and their noise consultant. They have submitted further details of sound break out from the building showing why the proposed use for the majority of the day is unlikely to consistently produce noise above the background level of the area.
23. The report uses a noise measure from another place of worship as a bench mark. That measure is not from the current occupier, but it shows the potential a place of worship

has to produce a high level of sound pressure across a range of frequencies. The report considers internal sound transmission through the building, which it seeks to manage through upgraded sound insulation.

24. The revised report in particular considers data for outbreak sound that would be discerned in the street or if a nearby window in a building were open. This compares sound likely to emanate from the site with background noise levels for the site. The report considers a measure that combines a range of frequencies and considers how that range would be discerned by the human ear db(A), on that basis outbreak sound from 07:00 to 23:00 would be acceptable.
25. Officers remain concerned though that a place of worship can have a propensity to emit low frequency sound which particularly as back ground noise levels fall away in the evening could become more noticeable. The background noise levels recorded on the site indicate that after 9:00pm low frequency noise could be discernable. That assessment correlates with the initial complaint received in connection with the premises of noise at night. It is therefore proposed to apply a condition limiting hours of use to 9:00pm. Use as a place of worship beyond that hour is considered to have the potential to be harmful to amenity.
26. Two further conditions are proposed to preserve amenity and limit noise impact, firstly that prior to any public address or system of amplification being used on the premises that it is subject to a noise filter set by the Councils environmental health officer that will limit the sound pressure the system can emit so as not to harm residential amenity.
27. The second condition relates to access to the site. When in use as a public house there appear to have been three distinct elements or bars, within the building, resulting in doors from both Camberwell Road and New Church Road. The unauthorised use as a place of worship has mainly used an entrance on New Church Road as its primary access. A planning condition is recommended to make the Camberwell Road entrance the primary one and doors in New Church Road for emergency use only. Camberwell Road is the main road where background noise levels will be highest if doors on New Church Road are not in regular use noise is likely to be less prevalent on the quieter side street. These recommended conditions taken together with the sound insulation proposed are considered to provide sufficient protection to residential amenity.

Transport issues

28. The church at the present time is relatively small attracting 30 to 50 worshippers. It is well served by public transport, due to its proximity to bus stops on Camberwell Road. The planning statement accompanying the application states that 90% of church members use public transport to get to the site with three coming by private car. Three cars on New Church Road may have some impact for those on that road but this is likely to be modest because of the small number. The applicant has been asked to assess the maximum capacity of the site potentially they believe it could hold 100 people, but would need further internal rationalisation to achieve this.
29. The immediate area is one of parking pressure in the week being within a controlled parking zone. The presence of a taxi office on New Church Road may also contribute to this. The bay opposite the site in New Church Road can be used on a parking meter. It is acknowledged that parking in relation to use as a place of worship will occur at

different times compared to a public house, but it is not considered that a place of worship this size will have a substantially different transport impact to that of a public house. If a place of worship is more actively used parking pressure may increase, but similarly if a public house is more actively used that can lead to parking pressures well.

30. During the enforcement investigation the site was visited by car on a Sunday without any parking difficulty.

Design issues

31. No external alterations are proposed to the building. The building is in a poor state of repair in parts. Objectors have made the point that a 1930s public house interior has been lost. It is the case that the bar and much of the panelling flooring and furniture have been removed. The building had no heritage designation and no permission was required for the internal work to be carried out. To use the Camberwell Road entrance as the main entrance some further internal works will be required.
32. The Council is required to determine from time to time which parts of their area are of special architectural or historical interest. This area has not been selected and the building has not been listed. There is therefore no planning or design basis to oppose this application as the internal works are not subject to planning control.
33. Objectors have referred to the poor state of signage for the place of worship which consists of poorly maintained banners hung on the exterior of the building. If planning permission is granted the place of worship will have deemed consent for formal signage of nationally specified size set out in the Town & Country Planning Control of Advertisement Regulations 2007. It would be reasonable to require well maintained signage in conformity with these regulations.

Sustainable development implications

34. There has been a concern that the proposed change of use was harmful to the local environment primarily due to noise and disturbance arising from it and therefore not sustainable. Having made a planning application and proposed a level of sound insulation an opportunity to regulate the use has arisen. By limiting hours, requiring insulation and controlling how the building is entered, environmental harm can be overcome.
35. A public house and a place of worship can each provide social benefits, but not necessarily to everyone. Neither a public house, or a place of worship seek to exclude people from the premises, both for different reasons seek to encourage people to enter, but they have certain inalienable characteristics that mean that the manner of the community use each provide will be different. Planning decisions need to be taken on the basis as to whether the social benefits arising from the development are sufficient for it to be considered sustainable. In this instance it is considered that the social benefits of the proposed use are sufficient for it to be considered sustainable.

Other matters

36. Flood risk,
The site lies within flood zone 3. a place of worship is considered a less vulnerable use than that of a public house in terms of flood risk. To this extent the NPPF flood risk test

is satisfied. However, the building does have a basement, formerly used as a cellar rather than a bar. It is therefore considered necessary to limit use of the basement to storage only and not to have worship or other activities take place within it that would in practice increase the sites vulnerability to flooding.

37. Refuse

There is a current issue on the site relating to the residential use above and its refuse disposal. This results in overfilled and overflowing refuse bins being left on New Church Road. To avoid this condition it is recommended that the place of worship store all refuse within the site and not on the public highway.

38. Community Infrastructure Levy

The application is for change of use rather than additional floorspace. It is retrospective as the unauthorised use as a place of worship has commenced. It is assessed that the building ceased to be a public house (authorised use) in March 2014. Community Infrastructure Levy is only liable if a building has not had an authorised use for six months within the last three years. At present that is not considered to be the case and a liability for the levy does not arise.

Conclusion on planning issues

39. The loss of a public house is clearly a matter of concern generally and to those individuals who have objected to this application. There is planning policy in place to manage the loss of such premises. That policy in its current form has been complied with. It is not considered possible to impose any further restriction that might be within a planning policy that is only at a consultation stage.
40. In addition to policy seeking to protect public house use, regard has to be had to policy seeking to promote and approve use as a community facility.
41. In addition regard needs to be had to the rights to practice ones religion and the inequality that new faith groups face in locating faith premises in comparison to more established faith communities.
42. In an earlier assessment of this issue as part of enforcement action it was concluded that in an unauthorised form this use harmed amenity to an unacceptable degree. Since that assessment was made, the Council has received a noise impact assessment as part of this application and has the opportunity to condition the use of this building. It is considered that subject to conditions planning permission can be granted for the change of use sought.

Community impact statement

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

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

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as the ability of a new faith community to use the

land as a place of worship.

c) The likely adverse or less good implications for any particular communities/groups are the ability of a congregation with a protected characteristic to continue to use the land as a place of worship. There is an acknowledged pressure on demand for community facilities of a variety of forms including use as a place of worship. New faith groups tend to have a high black and minority ethnic membership and are disadvantaged in their ability to access land for their purposes in comparison to more established faith groups. Regard has been had to that inequality throughout this process both in reaching the previous recommendation for enforcement action and now when recommending a grant of planning permission.

Consultations

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

Consultation replies

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

Summary of consultation responses

46. Sixteen objections received not all from the immediate locality so roads of the address are included for information.

Objections received:

47. Ward Member

The site is clearly unsuitable, as has been shown from the recent enforcement notice with regard to noise. The application paperwork does not address this area of significant concern, by only citing the noise output of another church, entirely unrelated to this building, its soundproofing needs or the particular practice of worship. The siting of the current public house is on a main road, but backs onto a housing estate. This means it is a significantly different location from those in previously commercial units around it. There is inadequate provision for car parking, according to local residents, which suggests that, as is typical, this is addressing a need of worshippers from outside of the Borough. I see no evidence in the application of showing local demand or need for the church on this particular site. There is a saturation of similar evangelical churches nearby in more appropriate locations. With a view to the building works that are happening locally to the pub (Aylesbury & Edmund St), it would be entirely inappropriate to sanction additional traffic and parking in the area. Residents report an inability to park their cars locally on Sundays in an area which has a CPZ. I am concerned that the consultation has not gone any wider, and I do not believe that the church have attempted to engage with any other community partners. There is no evidence that they intend to use the new space for the wider benefit of the community, which would be the case with a public house. I do not have confidence in the applicants to keep to the letter of any consent awarded. There is evidently work being undertaken, with rubbish improperly being disposed of. It is accruing outside the building, and worship is still being advertised despite an enforcement order. There have also been anecdotal allegations to me about small fires and unsafe practices.

48. Camberwell Road
Concern about extent of consultation of this application, Non compliance with enforcement notice, similar conversions in the vicinity, use as a church more inclusive, building waste left in the street, no proposal to improve external appearance, or address advertising on the exterior of the building, Noise impact assessment not based on actual noise from this premises on a Sunday, considers that the church does have a detrimental impact on parking in the area on a Sunday. Does not accept that only three cars relating to the church use arise.
49. Elmington road
Historically significant public house that should be listed as an asset of community value.
50. Lomond Grove
Loss of a local amenity (public house) failure to encourage a lively high street, loss of historic pub facade and signage. Saturation of places of worship. Problems of traffic congestion and parking on New Church Road
51. Cameron House, Comber Grove
Objection that newly established faith premises are not open to all.
52. Benhill Road
Objects to the retrospective change of use and loss of historic interior
53. Benhill road
Disregard of enforcement notice, removal of interior, noise pollution, insufficient parking provision, inappropriate refuse disposal and unsafe accommodation standards
54. Peckham Road
More pubs less churches
55. Bushey Road SE5
Noise and parking problems, limits building to one subsection of the community
56. Stowage London SE8
Loss of CAMARA recorded 1930's public house interior. No information in respect of viability or otherwise of use of the site as a public house. Importance of Public houses to local communities. Non compliance with draft policy DM27.
57. The Firs London SE26
Lack of viability information, loss of an asset to the local community, loss of historic interior.
58. Langton Road London NW2
Loss of a unique historic public house and community space.
59. South East London branch of CAMARA
Loss of historic interior, value of public houses to the community
60. Camberwell Station Road
Large number of places of worship in Camberwell, unsightly appearance, parking difficulty, noise and extensive hours of operation.

61. Appleshaw House Champion Hill
Southwark saturated with places of worship, objects to retrospective application.
62. Frankfurt Road, Herne Hill
Loss of a traditional element of social fabric, change considered to be one to a private concern

Human rights implications

63. 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.
64. This application has the legitimate aim of providing a place of worship. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life and the right to manifest ones religious beliefs are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2064-C Application file: 16/AP/0135 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 7007 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Gavin Blackburn, Senior Enforcement Officer	
Version	Final	
Dated	5 April 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		27 April 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 19/01/2016**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 18/01/2016**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat 1 Kenyon House Elmington Estate SE5 7HY
 First Floor And Second Floor Flat 179 Camberwell Road SE5 0HB
 Flat 11 Kenyon House Elmington Estate SE5 7HY
 Flat 10 Kenyon House Elmington Estate SE5 7HY
 9a New Church Road London SE5 7JH
 1 New Church Road London SE5 7JH
 First Floor Flat 15 New Church Road SE5 7JH
 7a New Church Road London SE5 7JH
 Flat 12 Kenyon House Elmington Estate SE5 7HY
 Flat 7 Kenyon House Elmington Estate SE5 7HY
 Flat 6 Kenyon House Elmington Estate SE5 7HY
 Flat 9 Kenyon House Elmington Estate SE5 7HY
 Flat 8 Kenyon House Elmington Estate SE5 7HY
 Flat 3 Kenyon House Elmington Estate SE5 7HY
 Flat 2 Kenyon House Elmington Estate SE5 7HY
 Flat 5 Kenyon House Elmington Estate SE5 7HY
 Flat 4 Kenyon House Elmington Estate SE5 7HY
 9 New Church Road London SE5 7JH
 Flat B 179 Camberwell Road SE5 0HB
 Flat A 179 Camberwell Road SE5 0HB
 177 Camberwell Road London SE5 0HB
 Flat C 179 Camberwell Road SE5 0HB
 Flat B 175 Camberwell Road SE5 0HB
 Flat A 175 Camberwell Road SE5 0HB
 Living Accommodation Corrib Bar SE5 0HB

Flat C 175 Camberwell Road SE5 0HB
 175 Camberwell Road London SE5 0HB
 3 New Church Road London SE5 7JH
 19 New Church Road London SE5 7JH
 7 New Church Road London SE5 7JH
 5 New Church Road London SE5 7JH
 11 New Church Road London SE5 7JH
 179 Camberwell Road London SE5 0HB
 17 New Church Road London SE5 7JH
 15 New Church Road London SE5 7JH
 1 Madeleine Terrace London Se5 8qf
 43 Bentley House Peckham Rd SE5 7NB
 142 Elmington Road London SE5 7RA
 56 Frankfurt Road London SE24 9NY
 25 Appleshaw House London SE5 8DW
 69 Camberwell Station Road 44 Woodrow Court Se5 9AZ
 232 Burrage Road London SE18 7JU
 22 Langton Road London Sw9 6uy
 Flat 1 165 Camberwell Road SE50HB
 Flat 8 The Firs London Se26 5eh SE26 5EH
 34 Stowage London SE8 3EF
 Labour Member For Faraday Ward XYZ
 118 Benhill Road London SE5 7LZ
 Flat 2, 160 Benhill Road Camberwell SE5 7LZ
 23 Cameron House Cameron House se50uj
 39 Chester Court 39 Chester Court SE5 7HS

Re-consultation: N/A

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

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

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 1 165 Camberwell Road SE50HB
Flat 2, 160 Benhill Road Camberwell SE5 7LZ
Flat 8 The Firs London Se26 5eh SE26 5EH
Labour Member For Faraday Ward XYZ
1 Madeleine Terrace London Se5 8qf
118 Benhill Road London SE5 7LZ
142 Elmington Road London SE5 7RA
23 Cameron House Cameron House se50uj
232 Burrage Road London SE18 7JU
25 Appleshaw House London SE5 8DW
34 Stowage London SE8 3EF
43 Bentley House Peckham Rd SE5 7NB
56 Frankfurt Road London SE24 9NY
69 Camberwell Station Road 44 Woodrow Court Se5 9AZ

RECOMMENDATION

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

Applicant	Mrs Emily Adegboye Christ Apostolic Church	Reg. Number	16/AP/0135
Application Type	Full Planning Permission	Case Number	TP/2064-C
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of the ground and basement floors from a public house to a place of worship.

At: 181 CAMBERWELL ROAD, LONDON, SE5 0HB

In accordance with application received on 14/01/2016

and Applicant's Drawing Nos. Land Registry site plan, planning statement, noise impact assessment 1/10/15, A100, A101, A102, A103,

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 The scheme of sound insulation described in section 4 of the noise impact assessment dated 1/10/15, namely:

 Installation of 2 layers of 15mm SoundBloc under GAH1 resilient hangers on MF-type grid and Installation of 150mm mineral wool (RWA3, or any similar insulation with 60kg/m3 density) within the void;

 shall be applied to both the entirety of the ceiling and notwithstanding the wording of the noise impact assessment, also to all party walls of the site;

 and such work will be completed within three months of the date of this permission and maintained thereafter.

 A record of the work having been undertaken to this required standard shall be provided to the council as local planning authority once it has been completed.

 Reason
 To ensure that 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 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 2 Refuse arising from the use hereby approved shall be stored internally within the building prior to any collection and disposal, and shall not be stored on the highway.

 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

- 3 The development hereby permitted shall in respect of the basement of the building shall be restricted solely to ancillary storage and shall not be used for worship or any gathering of people at any time.

 Reason
 To ensure that the development is designed to ensure safety of the building users during extreme flood events, to mitigate residual flood risk and ensure safety of the future occupants of the proposed development, to provide safe refuge and ensure safety of the future occupants of the proposed development 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.

- 4 The doors serving the ground floor only of the building, situated on New Church Road shall, three months after the date of this permission, not be used other than for purposes as an exit in the case of emergency and shall not be used as a general means of access into and/or exit from the building by users of the building.

Reason

In order to safeguard the amenity of nearby residents from potential noise nuisance associated with persons using these doors as a general means of access to and exit from the building 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.

- 5 The use hereby permitted for a place of worship shall not be carried on outside of the hours 9:00am to 9:00pm on any day.

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.

- 6 Before any system of public address or amplification is operated within the premises, it shall be subject to a sound limiting device that shall be installed and set and maintained at the level determined by the Councils Environmental Health Officer and once set, the device shall be locked and sealed and no means provided whereby the device may be overridden.

Reason

To ensure that 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 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

Statement of positive and proactive action in dealing with the application

This application has been dealt with within an agreed timescale reflecting the level of public interest in the matters involved.

Ordnance Survey

Date 27/4/2016



Item No. 7.2	Classification: OPEN	Date: 10 May 2016	Meeting Name: Planning Sub-committee A
Report title:	Development Management planning application: Application 15/AP/3913 for: Full Planning Permission Address: THE FORT, 131 GRANGE ROAD, LONDON, SE1 3AL Proposal: Demolition of existing building on site and erection of four storey building with basement containing 7 residential units (3 x 1-bed and 4 x 2-bed) together with the erection of a single storey building to the rear providing a 1 bedroom unit with associated amenity space and bicycle parking.		
Ward(s) or groups affected:	Grange		
From:	Director of Planning		
Application Start Date 29/09/2015		Application Expiry Date 24/11/2015	
Earliest Decision Date 11/11/2015			

RECOMMENDATION

1. That this application is referred to Members for decision.
2. That Members grant full planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

3. The site comprises a vacant public house with a cellar and one floor of ancillary residential above. The site is located on the north east side of Grange Road and forms part of a small shopping terrace of three shops with a residential corner onto Alscot Road.
4. The site is fairly deep and increases in width, with the rear most section partially wrapping around no. 130 Grange Road.

Details of proposal

5. The scheme proposes a total of 8 residential units following the demolition of the exiting public house and construction of a 4-storey plus basement block fronting onto Grange Road. In addition, a single storey building comprising a single dwelling would be constructed to the rear of the site accessed via a side access. The proposed development would comprise the following accommodation:

Lower ground and ground floors 2 x 2 bedroom units

First Floor 1 x 1 bed units and 1 x 2 bed unit
 Second Floor 1x1 bed unit and 1 x 2 bed unit
 Third Floor 1x 1 bed unit

6. The single storey one bed dwelling to the rear will measure 10 metres along the side boundary, 8 metres on the rear boundary and will be 3.5 metres high.
7. The proposed bin and bicycle store will be located to the side of the building with a communal garden to the rear.
8. The scheme has been altered during the course of the application to clarify the ownership and access arrangements for no. 130 Grange Road and to amend the corner section of the building closest to Alscot House.
9. This application follows the refusal of a previous proposal for 6 flats over two storeys. The reasons for refusal in respect of this scheme are set out in the paragraph below. Whilst this was a smaller development, both in terms of the number of units and quantum, the overall design resulted in the ground floor element extending almost the full length of the garden. The roof of the single storey rear element provided a roof terrace for the flat below which proposed a solid 1.8 metre high screen, thus the impact upon the rear of the flats within Alscott House was considered unacceptable.
10. Under the current application, the massing of the proposal to the rear of the site has been reduced in order to overcome the above concerns. The amenity impacts of the revised scheme are assessed later in this report.
11. The flood risk assessment provided with the previous application was not considered acceptable, however a revised FRA has been submitted and has been considered by the Environment Agency and they have raised no objections.
12. The layout of quality of the accommodation has been altered to provide improved quality of accommodation, and is satisfactory and would meet the National Standards.
13. **Planning history**

13/AP/0468 Application type: Full Planning Permission (FUL) - Erection of a part 3 part single storey building providing 6 self-contained flats. Decision date 16/04/2013
 Decision: Refused (REF)

Reason(s) for refusal:

i) The excessive scale and proximity of the proposed development at the rear of the site in relation to the adjoining flats on Alscot Road would represent an oppressive form of development that would result in an increased sense of enclosure and dominance.

ii) The submitted Flood Risk Assessment by JBA Consulting does not comply with the requirements set out in the Technical Guidance to the NPPF (Para 9). Accordingly the submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

iii) The proposed studio flat would be significantly undersized, resulting in a cramped

form of development which would fail to provide an adequate standard of amenity for future occupiers.

15/AP/1677 Application type: Prior Approval (PRAP) - Demolition of existing building on site. Decision date 03/06/2015 Decision: Prior Approval Required - Refused (PARR) .Reason(s) for refusal:

By virtue of the lack of information relating to the method of demolition, movement of vehicles in connection with demolition, site specific noise and dust mitigation or evidence of a risk based approach to hazardous waste, prior approval notification is refused as the proposed works may adversely impact upon local amenity, contrary to saved policy 3.2 Protection of Amenity of the Southwark Plan 2007, and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

Planning history of adjoining sites

14. 130 Grange Road
14/AP/2192 Retention of a single storey rear extension. GRANTED
15. 15/AP/1327 Erection of a 2nd floor extension with new front entrance to create a 1x2 bed self contained flat. GRANTED

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 loss of the public house
 - b) The impact of the development on the adjoining residential properties and businesses
 - c) The quality of the accommodation

Planning policy

17. National Planning Policy Framework (the Framework)
 - Section 1 - Building a strong, competitive economy
 - Section 4 - Promoting sustainable transport
 - Section 6 - Delivering a wide choice of high quality homes
 - 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
18. London Plan July 2011 consolidated with revised early minor alterations October 2013
 - Policy 3.3 - Increasing housing supply
 - Policy 3.5 - Quality and design of housing developments
 - Policy 3.16 Protection and enhancement of social infrastructure
 - Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
 - Policy 5.1 - Climate change mitigation

Policy 5.2 - Minimising carbon dioxide emissions
 Policy 5.3 - Sustainable design and construction
 Policy 6.9 - Cycling
 Policy 6.13 - Parking
 Policy 7.4 - Local character
 Policy 7.6 - Architecture

Core Strategy 2011

19. Strategic policy 1 - Sustainable development
 Strategic policy 2 - Sustainable transport
 Strategic policy 3 - Shopping leisure and entertainment
 Strategic policy 5 - Providing new homes
 Strategic policy 12 - Design and conservation
 Strategic policy 13 - High environmental Standards

Southwark Plan 2007 (July) - saved policies

20. 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.

2.2 Community Facilities

3.2 - Protection of amenity

3.7 - Waste reduction

3.11 - Efficient use of land

3.12 - Quality in design

3.13 - Urban design

3.31 Flood Defences

4.2 - Quality of residential accommodation

5.2 - Transport impacts

5.3 - Walking and cycling

5.6 - Car parking

2015 Technical Update to the Residential Design Standards SPD 2011

New Southwark Plan Consultation version

21. Weight cannot be given to this document at this stage, because it is in the process of consultation rather than adoption. However, it may indicate a possible direction for future planning policy.

DM34 Pubs

i) Planning permission will not be granted for development that results in the loss of a pub unless the retention of a pub is financially unviable, as demonstrated through evidence of suitable marketing for a continuous period of at least 18 months.

ii) Alterations that do not lead to the loss of a pub but that do lead to loss of cellarage or changes to a pub that make it unviable will not be permitted.

iii) Where a change of use is acceptable, development must retain the design,

character and heritage value of the building where it makes a positive contribution to street scene and local character.

iv) The registration of a pub as an Asset of Community Value will be treated as a significant material consideration.

Reasons

The number of pubs across London has been declining, while the number of cafés and restaurants have been growing. Many pubs have been demolished, whilst others have been converted into new homes while retaining their existing structure. A number have changed into other commercial uses and have lost their appearance and usage as a public house. Nevertheless there is still a market for pubs given the right management and sales offer. They provide a positive economic role in contributing to the vibrancy and vitality of shopping areas. Many pubs make a strong contribution to the historic character of an area, particularly through the features of the building itself and by historical and cultural connection to the local area. Pubs that have been designated as Assets of Community Value are recognised by local residents and the council as having an important place and role within our communities.

Principle of development

22. Policy 4.8 of the London Plan advocates that Councils should provide a policy framework for maintaining, managing and enhancing local neighbourhood facilities and develop policies to prevent the loss of retail and related facilities that are valued local community assets, including public houses, justified by robust evidence. The Council highlighted paragraph 4.48a where the Mayor recognises the rapid rate of pub closures over the past decade and to address these concerns advocates where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.
23. In accordance with this the New Southwark Plan – Preferred Option (October 2015) contains an emerging policy which deals specifically with the loss of pubs. However, as this is an emerging policy the evidence behind it has yet to be examined it can be afforded very little weight when considering this application which must therefore be considered against the policies within the adopted development plan.
24. It is considered that the criteria are met, as there are at least 3 other pubs within a 600m radius of the site, including, The Grange on Grange Road, The Hand and Marigold on Bermondsey Street and The Queen Victoria on Southwark Park Road.
25. Whilst the proposal would result in the loss of a pub or community facility, there would still be sufficient pubs within the area and therefore the community would still be able to meet their day to day needs in accordance with paragraph 70 of the Framework, policy 3.1 of the London Plan and Strategic Policy 4 of the Core Strategy.
26. With regard to the loss of the public house building, such a building could be considered capable of being a 'non-designated heritage asset', however, this does not lend any statutory protection to the building.

The existing building has been vacant since 2011 and through neglect and alteration,

it does not display any particular architectural or historic significance, therefore its demolition is accepted providing that the replacement building is of a sufficient quality to justify its loss. As such, the public benefits of the new development outweigh any harm caused by the loss of the existing pub. As is discussed below, the proposed design is considered to be an enhancement of the site in design terms, and there are more significant public benefits delivered through the creation of new housing.

Environmental impact assessment

27. Not required for a scheme of this size.

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

Alscott House

28. It is considered that flats affected are those closest to the new building within the flats at 95 and 97 Alscott Rd.
29. It is unlikely that the ground floor units would be significantly affected due to their existing location close to the boundary with the existing boundary fence. However as the building would increase its footprint over all levels there would be an impact to the flats on the upper floors.
30. The dwellings most affected are the first and second floor flats within no. 95 Alscott House. At first floor, the proposal would extend out slightly further than the first floor of the existing building, however the relationship between the first floor window and the proposed building would be largely the same. On the second floor the scheme has been amended and cuts back about 6 metres from the kitchen window before extending out a further 2 metres beyond.
31. The outlook to the first floor rear window is already compromised by the existing building and the proposed scheme whilst abutting the flank of Alscot House would step away from the boundary leaving a gap similar to the existing arrangement. To the first floor it is noted that the rooms affected are dual aspect with French windows onto Alscott Road, thus limiting the impacts here.
32. The outlook to the rear windows of the second floor flat would be affected by the proposal. On the second floor, the rear kitchen window currently benefits from views across the rear of the Grange Road terrace and the flank wall of the second floor of the proposed building would be approximately 6 metres away from the kitchen window. Whilst this relationship is closer than the previously refused scheme (approximately 10 metres). The refused scheme had a depth of 5 metres beyond the window with 1.8 metre high fence, to a depth of 11 metres to provide privacy to a first floor roof terrace.
33. Direct views from the kitchen window would be lost however the proposal would still allow for north easterly views from this window.
34. The daylight and sunlight study took account of 13 of the most affected windows. The report showed that only two rooms will fall short of the daylight tests and of these one will be 0.76 of the former value fractionally below the 0.8 guideline.

35. The proposal would not result in any harmful levels of overshadowing to the amenity spaces to Alscott House.
36. Given that there are only two windows which would not comply with the BRE guidance (out of all other windows considered), this needs to be viewed within the context of the other planning benefits of the proposal, namely the delivery of six residential units. On balance, this is therefore considered to be an acceptable impact.
37. The single storey dwelling to the rear would be approximately 3.5 metres high and would be located against the back of the boundary fence. It is not considered that the location of this dwelling would impact the ground floor flats within Alscott House as there is sufficient separation between the buildings and the proposed dwelling would only be 1.5 metres above the boundary fence. The roof of the single storey building would be planted thereby improving views from the apartments within Alscott House.

130 Grange Road

38. This property adjoins the site to the east and comprises a ground floor commercial shop with residential above. The commercial element extends some way down the site at ground floor level and a single storey extension is located further to the rear of the site. The upper floor is currently extended by the 2015 permission is being implemented.
39. The proposal would adjoin the flank wall of the first and extended second floor. The windows to the upper parts are orientated to the front and rear, therefore any impacts would be limited.
40. The proposed building would sit in line with Alscot House but would resume the slightly set back upper floors of the terrace at 130 and beyond, hence it is not considered to be harmful to the residential element of the premises. The uppermost floor would include a roof terrace to the front, however due to the additional height and setback this would not result in any loss of privacy to this property.

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

41. Comments were received from the adjoining business which currently benefits from access from the rear of their building across the rear garden.
42. The plans were amended to accommodate the access rights for the business. It is not considered that the proposal would compromise any existing nearby uses.

Transport issues

43. No parking is provided with the dwellings, however the site lies within a medium PTAL 4 and is within a controlled parking zone. It is therefore envisaged that the residents of the proposed units would be exempt from purchasing permits by condition.
44. Cycle storage for 14 bicycles is provided within the communal area at the rear and would be within a covered store. This would comply with the requirements of the London Plan.
45. Communal refuse and recycling storage bins would be provided at the front adjoining

the communal garden entrance.

Design issues

46. The proposed building would align with the height and building line at ground, first and second floor levels with Alscott House. In recognition of the setback along the terrace of the properties along Grange Road, the building would step back at first floor level and above to sit in line with the upper floor of 130 Grange Road and beyond. The proposed third floor would be set between two and 6 metres back from the front of Grange Road and 6 metres from Alscott House. It is considered that this would be sufficiently subservient to the more prominent Alscott House on the corner.
47. The front elevation would remain active with a double height glazed entrance with set back double height glazed windows behind the railings in front of the light wells. Another entrance to the rear unit and communal garden is located to the side and the duplex unit adjoining 130 Grange Road would have a separate entrance.

Details of materials to be used for the scheme have been listed however, it would be preferable to have this matter conditioned as samples to be provided on site to ensure that they would be suitable within the site context and were sufficiently durable.

The single storey building to the rear

48. The proposed single storey building to the rear would be accessed via the side undercroft. It would be enclosed on three sides with a brick wall, with the aspect to the east. The unit has a separate private amenity space enclosed by a 2 metre high fence. Planning is proposed on the flat roof which will also contain skylights to provide additional light to the hall, kitchen area and bathroom. This dwelling would be designed to be wheelchair accessible.

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

49. None.

Impact on trees

50. None.

Planning obligations (S.106 undertaking or agreement)

51. The proposal is subject to contributions MCIL and SCIL.

Sustainable development implications

52. In addition to reutilising an existing brown field site the proposal would incorporate the following within the site construction.
53. Progression' Passivehaus 'A' rated timber windows provide ultimate glazing insulation against both heat loss and thermal gain.
54. Employment of rainwater harvesting to service all the flats WC's.
55. Solar PV panels to provide feed-in tariff assistance to reduce energy consumption at

source and supply to the national grid.

56. Solar heating panels to provide a large percentage of hot water to the individual flats, with large savings in energy consumption.
57. Sedum roofs to the main roof of the block and the single storey Lodge providing further thermal insulation and enhancing bio-diversity potential of the site.
58. The rear garden will be predominantly laid to lawn with natural run-off of rainwater instead of the current concrete hardstanding. Paving to the two sunken patios will be of a permeable nature.

Other matters

Quality of accommodation

59. All but one of the units, (the bungalow to the rear) would be dual aspect, the duplex units would have access to private amenity space as would the top floor flat and the single storey dwelling in the rear. All of the flats would have access to the rear communal space which would measure approximately.
60. The overall size of the units would exceed current standards are shown in the table below:

Unit Type	Size Sq m	National Standards	Sq m
2-bed duplex	130	79	
2-bed duplex	115	79	
2-bed	73	61	
1-bed	57	50	
2-bed	78	61	
1-bed	57	50	
1-bed	58	50	
1-bed house	61	50	

Amenity space

61. The two ground floor duplex apartments will have private rear gardens at the lower ground level comprising 24sq m for flat A and 16sq m for flat B. The garden lodge unit will have levelled access to a private patio of 30 sq metres. The top floor apartment within the main block would have access to a 10 sq metre private terrace. All of the flats would have access to a communal garden of 77.5sq metres. The amenity space

provided for the development overall is considered to be adequate.

Density

62. The proposal lies within the urban zone where the density range is 200-700 hrph. The proposed density for the scheme is 549hrph which is therefore policy compliant.

Flood Risk

63. A flood risk assessment has been submitted as part of the application, as the site is located within Flood Risk Zone 3A. The assessment has been reviewed by The Environment Agency and they are satisfied with the recommendations and have raised no objections.

Air Quality

64. An air quality assessment has been undertaken due to the sites proximity to Grange Road, whilst all of units within the block would be dual aspect mitigation measures have been suggested to reduce exposure of future occupants from poor air quality. It is suggested that these measures be conditioned to ensure they are undertaken.

Noise

65. The main noise impacts are from the road. The result of the noise assessment shows that acceptable internal sound environments will be achieved in accordance with the required standards, by designing the main facade onto Grange Road with enhanced double glazing and high specification acoustic trickle ventilators. It is recommended that this be conditioned as part of any permission.

Mayoral and Southwark Community Infrastructure Levy (CIL)

66. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark. The calculations for the contributions to both Mayoral and Southwark CIL are $MCIL = 689\text{sqm} \times \text{£}35 \times 275 / 223 = \text{£}29,738$, $SCIL (\text{Resi.Zone2}) = 689\text{sqm} \times \text{£}35 \times 275 / 260 = \text{£}145,750$.

Conclusion on planning issues

67. This application seeks to redevelop this former public house. The principle of redevelopment is considered acceptable, as the pub has been vacant for a number of years and there are alternative thriving pubs nearby.
68. The proposed units have been designed to a high standard and would provide good quality accommodation. The proposal does impact upon the light and outlook to some of the rear windows within Alscot House, however given the existing urban environment this impact is not considered to be so harmful such that it would outweigh the provision of new housing on a brownfield site.

69. Consideration has been given to the previous refusal of the earlier scheme, which whilst a lower quantum of development, did extend further down the site and provided a first floor roof terrace with a high level screen along the periphery. Additionally, the first application did not provide a full daylight and sunlight assessment. The current application has provided detailed daylight and sunlight information and has been amended to improve the impact to the second floor flat within Alscot House. Overall, the benefits of the scheme are considered to outweigh the limited harm arising and planning permission is recommended.

Community impact statement

70. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.
- b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

73. Request for a condition to be imposed which ensures that no materials are placed or cars parked along adjoining land on Henley Drive.
74. I write on behalf of the owner of 130 Grange Road, SE1 3AL to raise an objection to the proposed development based on the following two points: 1) The proposed ground floor layout blocks the Right of Way of 130 Grange Road which is an alleyway between 91-97 Alscott House. According to Title deed, a clear Right of Way should be maintained for Fire escape and rubbish collection purpose. The proposal has not considered this access. If permission is granted, my client preserves the right to pursuit through legal action. 2) The proposed site plan and ground floor layout shows an inaccurate boundary. According to Land Registry plan and Title Deed, 130 Grange Road owns part of the land behind the rear fence which the proposed site plan has encroached into the area.

Reasons

These are legal matters, however revisions to the ground floor plan do allow for an access at the rear.

75. I wholly and totally object to this project with all intents and purposes. I never ever imagine anyone in their right senses would ever in their life come up with such an idea. First of all, did not the initiators of this project ever know that putting up an edifice of that magnitude will block sunlight, a vital ingredient of Vitamin D, from entering the room, and will also not allow fresh air into the rooms. It is therefore preposterous for anyone to do think of putting up an edifice like that. Secondly, there is not enough parking spaces for owners and tenants alike, not to talk of parking fines et al. Should that rather not be the main reason if any edifice is to be put up? The crowded area, which the council itself has complained about, is now the centre stage for another edifice. Furthermore, the crime rate in that area is high. This is evidenced by stickers on the entrance of Flats 93 to 97 from the Police neighbourhood watch. This would attract and trigger criminal activities with the nutters knowing a new edifice have been put up so, "lets rock the boat over there". These are the very reasons I strongly OBJECT to such a development

Response

The proposal would not remove sunlight from all of the windows. The report states that 3 windows would fail BRE sunlight tests. These windows are secondary windows to rooms that are open living kitchen/living and dining rooms that also benefit from French windows opening onto Alscott Road. In terms of parking residents would be exempt from purchasing permits and given the small number of units it is unlikely to result in any additional parking stress. The site has been vacant for a number of years, the reuse of the building introducing natural surveillance to the rear of the flats on Alscot Road should improve residential security.

76. Loss of light to below BRE standards: the updated daylight /sunlight report shows that the proposed development fails all BRE standards for daylight and sunlight impact on my primary living space; including a reduction of about 70% of the room's space currently receiving daylight and a 100% reduction of sunlight in the winter months.

Response

The updated reported followed a visit to the objectors flat. Again the report acknowledges the loss to the flats with windows closest to the proposed development. In terms of daylight the worse case scenario is a 0.76 of the former value which is only marginally below the BRE recommendation of 0.8.

77. Loss of outlook: where I currently have an outlook over the roof of The Fort, the proposed development would place a brick wall as little as 2 metres outside my living room window, above which there would be yet another floor.

Response

The proposal has been amended to cut back away from Alscott House on the second floor which does allow for outlook from the rear window to the second floor flat. The situation with the ground and first floor flats is not demonstrably different to the current situation.

78. Extreme sense of enclosure: the proximity of the proposed development is significantly above and beyond the current building envelope. It would have a brick wall approximately 2 metres outside my living room window (for two storeys above the

current building) and would create an unacceptable sense of claustrophobia.

A previous application for the site (13/AP/0468) was of a smaller scale and a greater distance from my window than the current proposal and was declined planning permission due to its dominance and "excessive scale and proximity", to my building.

Response

The proposal does impact upon the rear of some of the flats within Alscott House. The development at Alscott House is constructed on a narrow plot and at some points close to the boundary, in recognition of this the layout of the main living/kitchen/dining space was made dual aspect so that it would not rely solely upon light and aspect from the one window. It is recognised that the relationship is close between the two buildings but that this relationship is not so harmful such that would warrant a refusal of the scheme.

Human rights implications

79. 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.
80. This application has the legitimate aim of providing new residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/32-F Application file: 15/AP/3913 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Team Leader	
Version	Final	
Dated	27 April 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, finance and governance	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		27 April 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 19/10/2015**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 12/10/2015**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

Environment Agency
Thames Water - Development Planning

Neighbour and local groups consulted:

Flat 18 Solarium Court SE1 3AW	Flat 7 95 Alscot Road SE1 3AZ
Flat 17 Solarium Court SE1 3AW	Living Accommodation The Fort SE1 3AL
Flat 16 Solarium Court SE1 3AW	Flat 4 97 Alscot Road SE1 3BF
Flat 21 Solarium Court SE1 3AW	Flat 3 97 Alscot Road SE1 3BF
Flat 20 Solarium Court SE1 3AW	Flat 3 95 Alscot Road SE1 3AZ
Flat 19 Solarium Court SE1 3AW	Flat 2 95 Alscot Road SE1 3AZ
Flat 12 Solarium Court SE1 3AW	Flat 1 95 Alscot Road SE1 3AZ
Flat 11 Solarium Court SE1 3AW	Flat 6 95 Alscot Road SE1 3AZ
Flat 10 Solarium Court SE1 3AW	Flat 5 95 Alscot Road SE1 3AZ
Flat 15 Solarium Court SE1 3AW	Flat 4 95 Alscot Road SE1 3AZ
Flat 14 Solarium Court SE1 3AW	Flat 6 Solarium Court SE1 3AW
Flat 13 Solarium Court SE1 3AW	Flat 5 Solarium Court SE1 3AW
Bermondsey Health Centre 108-110 Grange Road SE1 3BW	Flat 4 Solarium Court SE1 3AW
Flat D Mervyn House SE1 3BJ	Flat 9 Solarium Court SE1 3AW
Flat C Mervyn House SE1 3BJ	Flat 8 Solarium Court SE1 3AW
First Floor And Second Floor Flat 128 Grange Road SE1 3AL	Flat 7 Solarium Court SE1 3AW
107 Grange Road London SE1 3BW	The Fort 131 Grange Road SE1 3AL
129 Grange Road London SE1 3AL	130 Grange Road London SE1 3AL
Flat 24 Solarium Court SE1 3AW	128 Grange Road London SE1 3AL
Flat 23 Solarium Court SE1 3AW	Flat 3 Solarium Court SE1 3AW
Flat 22 Solarium Court SE1 3AW	Flat 2 Solarium Court SE1 3AW
Flat B Mervyn House SE1 3BJ	Flat 1 Solarium Court SE1 3AW
Flat A Mervyn House SE1 3BJ	Burley House 15-17 High Street SS6 7EW
Flat 25 Solarium Court SE1 3AW	Hoc Studio Architects
Flat 2 97 Alscot Road SE1 3BF	130 Grange Road, Orpington SE1 3AL
Flat 1 97 Alscot Road SE1 3BF	Leonard House 7 Newman Road BR1 1RJ

Re-consultation: 27/11/2015

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

None

Statutory and non-statutory organisations

Thames Water - Development Planning

Neighbours and local groups

Burley House 15-17 High Street SS6 7EW

Email representation

Flat 4 95 Alscot Road SE1 3AZ

Flat 6 95 Alscot Road SE1 3AZ

Flat 6 95 Alscot Road SE1 3AZ

Leonard House 7 Newman Road BR1 1RJ

130 Grange Road, Orpington SE1 3AL

**RECOMMENDATION
LDD MONITORING FORM REQUIRED**

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

Applicant	Avondale Property Limited	Reg. Number	15/AP/3913
Application Type	Full Planning Permission		
Recommendation	Grant permission	Case Number	TP/32-F

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing building on site and erection of four storey building with basement containing 7 residential units (3 x 1-bed and 4 x 2-bed) together with the erection of a single storey building to the rear providing a 1 bedroom unit with associated amenity space and bicycle parking.

At: THE FORT, 131 GRANGE ROAD, LONDON, SE1 3AL

In accordance with application received on 28/09/2015 08:01:54

and Applicant's Drawing Nos. Existing

GR-AG00; GR-AGE00; GR-AGE01; GR-AGE04

Proposed

GR-AGP00D; GR-AGP04; GR-AGP01; GR-AGP02 REV A; GR-AGP003 REV A; GR-AGP05; GR-AE02 REV B; GR-AE01 REV A; GR-AE02 REV A; GR-AE03

Documents

Design and access statement, Daylight / Sunlight Report and updated November 2015 report; Energy statement, Flood Risk Assessment; Air Quality Assessment; Noise Assessment for residential development at The Fort PH; Planning Statement; Transport Statement; Demolition Method Statement

Subject to the following thirteen 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:

GR-AGP00D; GR-AGP04; GR-AGP01; GR-AGP02 REV A; GR-AGP003 REV A; GR-AGP05; GR-AE02 REV B; GR-AE01 REV A; GR-AE02 REV A; GR-AE03

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 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.

- 4 Prior to above grade works commencing, (excluding demolition) material samples/sample-panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall be presented on site 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.

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.

- 5 Before the first occupation of the building the cycle storage facilities as shown on drawing GR-AGP00D shall be provided and thereafter such facilities 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

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport 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.

- 6 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced GR-AGP00D shall be provided and made available for use by the occupiers of the dwellings and the facilities provided 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 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction 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.

- 7 The residential rooms within the development sharing a party wall element with commercial premises at 100 Grange Road shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises.

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 strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

- 8 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 30dB LAeq, T * and 45dB LAFmax

Living rooms - 30dB LAeq, T **

* - Night-time 8 hours between 23:00-07:00

** - Daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 9 The development hereby permitted shall be carried out in accordance with the approved Air Quality Assessment prepared by RPS with project reference number JAP8353 dated August 2015.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance The National Planning Policy Framework 2012 Part 7, and 11, The Core Strategy 2011 Policy SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007 with Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007.

- 10 Notwithstanding the provisions of Classes A, B, C and D of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the single storey dwelling to the rear.

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.

- 11 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment prepared by RPS with project reference number HLEF34562/001R dated September 2015.

Reason

To ensure the development is designed safely in reference to flood risk 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.

- 12 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 13 The roof of the buiding hereby permitted shall not be used other than as a means of escape or maintenance and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason

In order that the privacy of residents within Alscott House may be protected from overlooking from use of the roof area 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.

Statement of positive and proactive action in dealing with the application

The scheme was amended to comply with policies and written guidance..

PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2015-16

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

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Councillor Anne Kirby	1		
Councillor Octavia Lamb	1	Communications	By
Councillor Eliza Mann	1	Louise Neilan, media manager	email
Councillor Sandra Rhule	1		
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Margaret Foley, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		