

Planning Sub-Committee B

Wednesday 1 July 2015

7.00 pm

Meeting Room G02, Ground Floor, 160 Tooley Street, London SE1 2QH

Membership

Councillor Cleo Soanes (Chair)
Councillor Maria Linforth-Hall (Vice-Chair)
Councillor Sunil Chopra
Councillor Nick Dolezal
Councillor David Hubber
Councillor Eleanor Kerlake
Councillor Leo Pollak

Reserves

Councillor Stephanie Cryan
Councillor Chris Gonde
Councillor Lucas Green
Councillor David Noakes
Councillor Johnson Situ

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.

Babysitting/Carers allowances

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

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 23 June 2015



Planning Sub-Committee B

Wednesday 1 July 2015

7.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Order of Business

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1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the 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 - 6
	To approve the minutes of the meeting held on 28 April 2015 as a correct record of the meeting.	
7.	DEVELOPMENT MANAGEMENT ITEMS	7 - 11
	7.1. THE CLIPPER, 562 ROTHERHITHE STREET, LONDON SE16 5EX	12 - 35
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Date: 23 June 2015



PLANNING SUB-COMMITTEE

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

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

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

(b) The applicant or applicant's agent.

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

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

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

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

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

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

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

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

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

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

Planning Sub-Committee Clerk, Constitutional Team
Legal Services Division
Tel: 020 7525 7420



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Tuesday 28 April 2015 at 7.00 pm in Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
 Councillor Maria Linforth-Hall (Vice-Chair)
 Councillor Nick Dolezal
 Councillor Chris Gonde
 Councillor David Hubber
 Councillor Eleanor Kerlake
 Councillor Leo Pollak

OTHER MEMBERS PRESENT: Councillor Neil Coyle

OFFICER SUPPORT: Rob Bristow (Development Management)
 Anjana Ghosh (Legal Officer)
 Dipesh Patel (Development Management)
 David Cliff (Development Management)
 Adam Greenhalgh (Development Management)
 Christian Loveday (Principal Transport Planner)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were none.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The voting members of the committee indicated by show of hands.

The following members indicated that they would be withdrawing from these items:

Councillor Eleanor Kerlake said she would withdraw from the meeting for item 6.1 in

order to speak in her capacity as a ward councillor.

Councillor David Hubber said he would withdraw from the meeting for item 6.4 in order to speak in his capacity as a ward councillor.

Councillor Maria Linforth-Hall said she would withdraw from the meeting for item 6.5.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report
- Member packs

5. MINUTES

RESOLVED:

That the minutes of the meeting held on the 10 March 2015 be approved as a correct record and signed by the chair

6. DEVELOPMENT MANAGEMENT ITEMS

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

6.1 KEYWORTH PRIMARY SCHOOL, FAUNCE STREET, LONDON, SE17 3TR

At this point, Councillor Eleanor Kerslake left the top table and sat with the audience.

Planning application reference number: 14/AP/4715

Report: see pages 10 to 31 of the agenda pack and pages 1 to 3 of the addendum report.

PROPOSAL

Demolition of the existing dining hall and the erection of a new two storey detached school building to accommodate nine new class rooms, double height hall and kitchen; associated landscaping and re-planting are also proposed.

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.

The objectors addressed the meeting. Members had questions for the objector.

The applicants made representations to the committee. Members asked questions of the applicants.

There was a local resident, who spoke in support of the application. Members had questions for the local resident.

Councillors Neil Coyle and Eleanor Kerslake addressed the meeting in their capacity as ward councillors. Members of the sub-committee asked questions of Councillors Coyle and Kerslake.

At this point, Councillor Eleanor Kerslake left the meeting room.

Members of the sub-committee debated the application.

A motion to defer the application was moved, seconded, put to the vote and fell.

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 14/AP/4715 be granted subject to the conditions set out in the report and addendum report, including:

- Amending condition 17 as detailed in the addendum report to stipulate that the Sharsted Street entrance will be used for egress only, and
- An additional condition stipulating that the Doddington Grove entrance will have to be opened up, prior to the use of the new buildings commencing.

The meeting adjourned from 9.38pm to 9.45pm for a comfort break.

At this point, Councillor Eleanor Kerslake rejoined the meeting.

6.2 BELLENDEN OLD SCHOOL, BELLENDEN ROAD, LONDON, SE15 4DG

The chair announced that items 6.2 and 6.3 would be heard and discussed jointly, as they related to the same development. The decision on the items would be taken separately.

Planning application reference number: 15/AP/0174

Report: see pages 32 to 52 of the agenda pack and pages 3 to 6 in the addendum report.

PROPOSAL

Demolition of existing three storey rear W.C./stair-core and erection of a part one, part three storey extension comprising halls/kitchen, ancillary teaching and administrative areas and an external playspace at first floor level; alterations to boundary walls along Maxted Road and Bellenden Road; adaptation of outbuildings within the site; external alterations including removal of external fire escape stair, replacement fire doors and introduction of new door openings.

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 had questions for the officer.

There were no objectors wishing to address the meeting.

There were no local supporters or ward councillors wishing to speak on the item.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning permission for application number 15/AP/0174 be granted with conditions, as set out in the report and addendum report.

6.3 BELLENDEN OLD SCHOOL, BELLENDEN ROAD, LONDON, SE15 4DG**Planning application reference number: 15/AP/0190**

Report: see pages 53 to 62 of the agenda pack and pages 3 to 6 in the addendum report.

PROPOSAL

Demolition of existing three storey extension to enable new part one, part three storey extension to the building; alterations to boundary walls along Maxted Road and Bellenden Road; demolition of outbuildings within the site; alterations to internal partitions and the introduction of new partitions to facilitate primary school use; external alterations including removal of external fire escape stair, replacement fire doors and introduction of new door openings.

A motion for planning application number 15/AP/0190 to be referred to the Secretary of State for decision, was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning application number 15/AP/0190 be referred to the Secretary of State for decision.

The meeting adjourned for a comfort break from 10.40pm to 10.45pm.

6.4 THE CLIPPER, 562 ROTHERHITHE STREET, LONDON, SE16 5EX

At this point Councillor David Hubber left the top table and sat with the audience.

Planning application reference number: 14/AP/4337

Report: see pages 63 to 85 of the agenda pack and pages 6 to 8 of the addendum report.

PROPOSAL

Demolition of existing building and the erection of replacement four storey building comprising retail unit (Use Class A1) at ground floor and basement level and 6 flats on first, second and third floors, associated car parking and amenity area.

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 had questions for the officer.

The objectors addressed the meeting. Members had questions for the objectors.

The applicant's agents made representations to the committee. Members asked questions of the applicant's agents.

There were no local residents who wished to speak in support of the application.

Councillor David Hubber addressed the meeting in his capacity as a ward councillor. Members of the sub-committee asked questions of Councillor Hubber.

At this point, Councillor David Hubber left the meeting room.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning permission for application number 14/AP/4337 be deferred to allow members to conduct a site visit.

6.5 2 GLADSTONE STREET, LONDON, SE1 6EY

At this point Councillor David Hubber rejoined the meeting, and Councillor Maria Linforth-Hall left the meeting.

Planning application reference number: 14/AP/4017

Report: see pages 86 to 102 of the agenda pack and pages 8 to 9 of the addendum report.

PROPOSAL

Conversion of existing vacant property to provide a 2 storey, 2 bedroom dwelling with removal of existing external steps; erection of a ground floor extension; and changes to the elevation and to the entrance access fronting Gladstone Street.

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 had no questions for the officer.

There were no objectors who wished to address the meeting.

The applicants made representations to the committee. Members asked questions of the applicants.

There were no local supporters or ward councillors wishing to speak on the application.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning permission for application number 14/AP/4017 be granted with conditions, as set out in the report and addendum report.

Meeting ended at 1.10 am

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 1 July 2015	Meeting Name: Planning Sub-Committee B
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 which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

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

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

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

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

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

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

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

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

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	20 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		20 April 2015

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B
on Wednesday 01 July 2015

Appl. Type Full Planning Permission
Site THE CLIPPER, 562 ROTHERHITHE STREET, LONDON SE16 5EX

Reg. No. 14-AP-4337
TP No. TP/271-562
Ward Surrey Docks
Officer David Cliff

Recommendation GRANT PERMISSION

Item 7.1

Proposal

Demolition of existing building and the erection of replacement four storey building comprising a retail unit (Use Class A1) at ground floor and basement level and 6 flats on first, second and third floors, associated car parking and amenity area.

Appl. Type S.73 Vary/remove conds/minor alterations
Site GROUND FLOOR, 2-4 GROVE LANE, LONDON SE5 8SY

Reg. No. 15-AP-1113
TP No. TP/2135-2
Ward Camberwell Green
Officer David Williams

Recommendation GRANT PERMISSION

Item 7.2

Proposal

Continued use as a restaurant (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday

Appl. Type Full Planning Permission
Site NELSON SQUARE GARDEN, NELSON SQUARE, LONDON SE1 0LR

Reg. No. 15-AP-1590
TP No. TP/1450-A
Ward Cathedrals
Officer Ciaran Regan

Recommendation GRANT PERMISSION

Item 7.3

Proposal

Hard and soft landscape works including new entrances, new play area, new muga, new site furniture and surfacing, new planting and grassed areas; Demolition and removal of existing dividing wall and planter and re-building in new location.

Item No. 7.1	Classification: OPEN	Date: 1 July 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 14/AP/4337 for: Full Planning Permission Address: THE CLIPPER, 562 ROTHERHITHE STREET, LONDON SE16 5EX Proposal: Demolition of existing building and the erection of replacement four storey building comprising retail unit (Use Class A1) at ground floor and basement level and 6 flats on first, second and third floors, associated car parking and amenity area.		
Ward(s) or groups affected:	Surrey Docks		
From:	Head of Development Management		
Application Start Date 19/11/2014		Application Expiry Date 14/01/2015	
Earliest Decision Date 15/01/2015			

RECOMMENDATION

1. a) That the planning sub-committee note that this application was deferred by Planning Sub-Committee B at its meeting on 28 April 2015 in order for a site visit to take place by members of the sub-committee. This site visit took place on 15 June 2015, and that the original report has been updated to reflect further information received from the applicant and interested parties; and
- b) That the sub-committee grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site comprises an existing two storey public house building. The property is currently empty. It is located on a prominent corner of Rotherhithe Street at its junction with Silver Walk.
3. The site is located within a predominantly residential area. Timbrell Place, a four storey building comprising flats, is located directly to the south of the site. Existing residential properties are also located to the east and west, on the opposite sides of Patina Walk and Rotherhithe Street, along with further residential properties within Filigree Court to the south west. A public recreation area is located to the north of the site, on the opposite side of Silver Walk.
4. The site is located within the suburban density zone, air quality management area, archaeological priority zone and Canada Water Action Area. It is not within a conservation area.

Details of proposal

5. The application proposes the demolition of the existing building and the redevelopment of the site with a four storey building, comprising a ground floor retail unit of 288sqm with basement, with six two-bedroomed flats above. Two parking spaces are proposed at the rear accessed from Patina Walk.
6. In comparison to the previously withdrawn application, this revised proposal has stepped the proposed building in from the southern boundary of the site above ground floor level, to protect the existing trees within the adjacent garden areas and to safeguard the living conditions of the neighbouring properties. The design and appearance of the proposed building has also been amended including the detailed design of the elevations, use of materials and residential refuse store.

Planning history

7. A previous planning application for a four storey building comprising A1 or A2 on ground floor with six residential flats above was withdrawn following concerns raised by officers with regards to the detailed design and appearance of the building, impacts upon adjacent trees and the living conditions of neighbouring residents.

Planning history of adjoining sites

8. No relevant planning history.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) The acceptability in principle of the loss of the existing public house (A4) use and its replacement with a mixed use development of retail and residential.
 - b) The design of the proposed building and its impact upon the character and visual amenities of the area, including trees surrounding the site.
 - c) The impacts upon the living conditions of neighbouring residential properties including day light impacts.
 - d) Transportation and highway implications.
 - e) The overall sustainability of the proposals.

Planning policy

10. This application should be determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant:

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

The London Plan 2015 Consolidated with Alterations since 2011

Policy 3.1 Ensuring equal life chances for all
 Policy 3.3 Increasing Housing Supply
 Policy 3.4 Optimising Housing Potential
 Policy 3.5 Quality and Design of Housing Developments
 Policy 3.8 Housing Choice
 Policy 3.9 Mixed And Balanced Communities
 Policy 3.16 Social Infrastructure
 Policy 4.7 Retail and Town Centre Development
 Policy 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
 Policy 4.12 Improving Opportunities For All
 Policy 5.3 Sustainable Design and Construction
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 7.1 Lifetime Neighbourhoods
 Policy 7.2 An inclusive environment
 Policy 7.4 Local Character
 Policy 7.6 Architecture

Core Strategy 2011

Strategic Targets Policy 1 - Achieving growth
 Strategic Targets Policy 2 - Improving places
 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 7 - Family homes
 Strategic Policy 10 - Jobs and business
 Strategic Policy 11 - Open spaces and wildlife
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

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

Policy 1.1 Access to Employment Opportunities
 Policy 1.4 Employment Sites outside the preferred office locations
 Policy 1.10 Small scale shops and services
 Policy 1.11 Arts, cultural and tourism uses
 Policy 2.1 Enhancement of community facilities
 Policy 3.1 Environmental effects
 Policy 3.2 Protection of amenity
 Policy 3.3 Sustainability assessment
 Policy 3.4 Energy efficiency
 Policy 3.6 Air quality
 Policy 3.11 Efficient use of land
 Policy 3.12 Quality in design
 Policy 3.13 Urban design
 Policy 3.14 Designing out crime
 Policy 3.19 Archaeology

Policy 3.28 Biodiversity
 Policy 4.2 Quality of residential accommodation
 Policy 4.3 Mix of dwellings
 Policy 5.1 Locating developments
 Policy 5.2 Transport impacts
 Policy 5.3 Walking and cycling
 Policy 5.4 Public transport improvements
 Policy 5.6 Car parking
 Policy 5.7 Parking standards for disabled people and the mobility impaired

Principle of development

11. The proposed development will lead to the loss of the existing public house building (Use Class A4) and the provision in its place of a retail (A1) unit along with six residential flats.

Loss of the existing public house use

12. Whilst most of the representations received have raised objections to other impacts rather than the loss of the public house facility itself, an objection to its loss has been received by the Campaign for Real Ale (CAMRA).

13. Saved Policy 1.10 of the Southwark Plan states that:

Outside of town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A class or from A use classes to other uses, where 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.*

14. In respect of the first criteria, there is no reason in principle why a mixed use retail and residential development would impact materially upon the amenities of surrounding properties, subject to appropriate design (as considered later in this report). The proposed uses are capable of co-existing alongside existing residential development.

15. The policy goes on to require either criteria ii or criteria iii to be also complied with. In this case the Blacksmith's Arms on Rotherhithe Street is located approximately 200m from the application site providing a similar public house facility within walking distance. Policy 1.10 is therefore complied with on this basis.

16. Consideration has also to be given to paragraph 70 of the National Planning Policy Framework (2012) which states, amongst other things, that planning decisions should *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs*. Similarly, Policy 3.1B of the London Plan (2015) states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. The loss of these facilities without adequate justification or provision for replacement should be resisted. CAMRA also refers to policy DM27 of the draft

Southwark Plan but as this is at such an early stage in the plan making process it can be afforded very little weight at this time.

17. The applicant has stated that existing *permitted development* rights would allow for a change of use from the existing and proposed uses within the existing building without needing planning permission. The applicant also draws attention to the existence of other public houses within the vicinity of the site, and that in the absence of specific criteria being attached to the NPPF, considers that the assessment set out within Policy 1.10 accords broadly with the general guidance within paragraph 70 of the NPPF.
18. In the view of officers, there is little evidence that this public house has recently served as a valued community facility. Whilst several letters have been received from local residents, few of these object in principle to the loss of the public house itself. CAMRA have objected to its loss but there is no evidence provided with its objection that the public house has served as a valued facility in this case. In addition, an existing public house (the Blacksmith Arms) is conveniently located very close to the site providing a similar use for the community. Whilst needing to guard against the loss of public houses where it is clear they offer a valued facility, this does not appear to be the case in this instance. The replacement retail class facility will also provide an, albeit different, local service for the surrounding area. Taking all these factors into consideration, it is concluded on this issue, that the loss of the public house will not result in any significant harm to the overall provision of local facilities and services in this area and would not breach the relevant Development Plan policies in this respect.

Provision in principle of commercial (A Class) and residential development

19. Located in a pre-dominantly residential area, the provision of additional residential accommodation is acceptable in principle upon this site, contributing to the supply of dwellings in the area. The overall density of the proposed scheme amounts to 862 habitable rooms per hectare. The site is located within the suburban zone where Strategic Policy 5 (Providing New Homes) expects density's to fall within the range of 200 to 350 habitable rooms per hectare. The proposed density is therefore significantly higher than the expected range. It is recognised that density values can be an arbitrary guide to the overall acceptability of a development, particularly on small sites such as this providing for only six new dwellings along with a small retail unit. It is also recognised the proposals need to make full and effective use of land within the context of the surrounding environment. Whilst the density figure alone is not such to justify refusal of the application in its own right, it is important to assess whether this high density has resulted in any significant harm in relation to factors such as the quality of residential accommodation proposed, the scale and design of the development, and the impacts upon the surrounding area. These factors are considered further below.
20. The provision of a small A1 or A2 facility (288 sqms) serving the local area is also considered to be acceptable in principle. The proposal will provide a convenient local neighbourhood facility that is accessible to the surrounding residential area by foot and cycle. It is not of a size to have any significant implications for the vitality of existing town and local centres in the surrounding area (including the Canada Water Town Centre) and is well below the 2500 sqms threshold for where an impact assessment is required. Similarly, given the small scale of the proposal meeting only local needs, it is not considered that a sequential test assessment is required as to whether the facility could be provided within a town centre or edge of centre site. This is consistent with Policy 4 of the Canada Water Area Action Plan (2012) which supports proposals for small scale shopping facilities, recognising that there are very few such facilities available in the area. Whilst concerns have been raised in relation to the potential impacts upon the existing small retail unit nearby on Rotherhithe

Street, there are no planning policy reasons why the proposal should be resisted on this basis.

Environmental impact assessment

21. The proposed development is not of the size, scale, location or intensity to require an Environmental Impact Assessment. The key impacts of the development upon the surrounding area and environment are considered below.

Design and appearance

22. This site is located in an area of Rotherhithe which was largely rebuilt in the late 20th century and many of the buildings were designed as post-modernist replicas of the old warehouses they replaced. The existing two storey building is an arts and crafts style public house which has some townscape merit. It is not, however, listed, nor is it considered to have such merit to warrant listing for either its architectural or historic interest. Any redevelopment of the site needs to replace the existing building with a building of interest and quality that will achieve a high quality of design as required by the relevant Development Plan policies including saved policy 3.12 of the Southwark Plan (Quality in Design).
23. The area around the site comprises a fairly mixed form of development. Existing residential buildings to the east and west of the site are three storey, whilst there are other four storey developments on Rotherhithe Street including Timbrell Place, a residential building comprising flats located adjacent to the southern boundary of the site. The proposed four storey building would be a similar height to Timbrell Place and, whilst higher than some other developments in the vicinity, is not considered to be of a height or scale that would be at odds with the surrounding townscape.
24. Like the existing public house building, the proposal would immediately adjoin the pavement edge along Rotherhithe Street and Silver Walk. As a result, at four storeys it will appear as an assertive building, including in views from the adjacent Pearson Park to the north, but would not appear as being out of character or incongruous with other building forms in the area. Whilst taking up a large area of the site, bounded on roads on three sides it is not considered to represent an overdevelopment of the site. Active frontages, including large ground floor windows to the commercial unit, are proposed along the two main frontages.
25. The applicant has designed the building to reference the predominant wharf building architecture along Rotherhithe Street. The design has been amended from the previously withdrawn application to provide a continuity of materials between ground floor and the upper levels, and defining the pilasters down to ground level. The materials include London Yellow Stock brick for the main elevations, reconstituted stone windowsills, gauged brick arches and glass balustrades. This palate of materials, along with the enhancements to the design, are considered to provide for a good and lasting quality of overall design. Revised elevation plans have also been submitted amending the rear (south) elevation of the building to omitting the originally proposed glass block and replacing them with more traditionally designed obscure glazed windows similar to those within the remainder of the building. The detailed design and use of quality materials is an important factor in achieving the appropriate design quality of this building and conditions are therefore recommended to secure these detailed matters should planning permission be granted.
26. This site is not in a conservation area. The only other historic buildings are further north around the grade II listed Nelson Dry Dock and the grade II* listed Nelson House. However, these are more than 60m away on the opposite side of Rotherhithe Street and their setting would not be affected by the proposed development.

27. In conclusion on design, the proposed development is considered to be of an appropriate size, scale and form for this site. The enhancements to the design from that originally proposed and use of good quality materials will ensure an appropriate quality of design in this location and provides for a satisfactory replacement of the existing building on this site.

Quality of proposed residential accommodation

28. The residential accommodation comprises six two-bedroomed flats, each of which exceeds the minimum overall floorspace requirements. All flats will be dual aspect. The individual rooms sizes either meet or exceed the minimum requirements and each flat will provide for a good standard of internal accommodation.
29. An external balcony is provided for each flat of between 6 and 10 sqms in size, above the minimum requirement of 3 sqms. An external communal amenity space of 35 sqms is also provided. Whilst greater than 50 sqms should normally be provided, given the small size of the site where it is more difficult to provide large areas of amenity space, and taking into account the close proximity of the site to the adjacent Pearson Park which offers public amenity space, the proposed amenity space provision is, on balance, considered to be acceptable in this instance.
30. A condition to ensure appropriate noise insulation is provided between the commercial and residential units is recommended to ensure there is no undue disturbance from the occupiers. The surrounding area is relatively quiet and it is not considered that additional conditions are required to restrict levels of external noise for the flats and their amenity areas in this instance.
31. For schemes of below ten dwellings there is no policy requirement to provide affordable or wheelchair housing.
32. Overall, the proposal is considered to provide a good standard of residential accommodation.

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

33. Several objections have been received from neighbouring residents about the impact of the proposed development upon their living conditions, including loss of day/sun light, impacts on outlook and overlooking.
34. There are existing residential properties on three sides of the development. Flats within the four storey Timbrell Place are located adjacent to the south boundary of the site, with the gardens of the ground floor flats adjoining the application site boundary. Principal windows within these flats directly face the proposed building, with the nearest being approximately 9.2m from the application site boundary. To the east of the site, on the opposite side of Rotherhithe Street, are located three storey residential properties approximately 12.5m from the site boundary. Further residential properties are located to the west and south west of the site, on the opposite side of Patina Walk.

Impacts upon Timbrell Place

35. The proposed four storey development would be approximately five metres higher than the existing building and would be of significantly greater massing than the existing building. The ground floor element of the south elevation (facing the existing flats within Timbrell Place) would adjoin the site boundary as is the case with the existing building, with the upper storeys set back by 1.7m from the site boundary.

36. The applicant has submitted a day/sun light report with the application which has been supplemented with further information following concerns raised by officers and neighbouring residents. The most affected flats are those in the ground and first floors of Timbrell Place facing the proposed development. Several trees are located in the garden area between Timbrell Place and the application site, which currently restrict the amount of day light to the existing flats, particularly during the summer months. Concerns were raised that the initial day/sun light assessment, which found there to be negligible daylight impacts for all neighbouring properties, was based on those trees being in leaf, so did not account for when they were not in leaf. There were also concerns raised that the assessment had exaggerated the size of the trees.
37. The applicant subsequently provided further information assessing the impact without taking account of the existing trees. This concluded that, without the trees, using the vertical sky component (VSC) method the proposed development would result in noticeable impacts upon daylight received with moderate and major impacts upon ground and first floor windows within Timbrell Place. Using the no sky line method (NSL) four of the eight windows tested do not pass the test. It is therefore apparent that the proposed development would result in greater daylight impacts in winter months than in the summer months when the trees are in full leaf.
38. The applicant's assessment went on to assess the impact, without trees, using the average daylight factor (ADF) which is a more detailed complex method to determine natural internal daylight, taking into account factors such as window size, number of available windows, room size and the angle of visible sky reaching the window. This is generally recommended by the BRE Guidance for new developments, but can also be used to help assess impacts upon existing developments using relevant information. The results of this assessment indicate a reduction in levels of day light to ground floor and first floor flats but shows that the resulting levels pass the minimum BRE daylight requirements. Whilst this assessment makes assumptions on the exact details of affected rooms it provides a further useful guide to the impacts of the proposed development.
39. It is clear that the proposed development would result in noticeable impacts upon daylight, received by facing properties in Timbrell Court, particularly when the trees are not in leaf. However, the testing provided by the applicant using the detailed ADF method shows the values to be above the minimum levels stated in BRE guidance. When the trees are in leaf the impact would be much less given that the trees would already impact upon levels of daylight received. There would also be a decrease in daylight to the outdoor amenity areas, particularly when the trees are not in leaf. The impact on the trees themselves is considered later in the report.
40. The proposed development would be located to the north of the Timbrell Place flats and the impacts upon sunlight would not be significant.
41. Given the increase in height and massing of the proposed building over the existing, it would appear as more prominent and assertive in comparison to the existing building, particularly when viewed from the flats within Timbrell Place, containing principal windows. Due to the presence of existing trees, this would be more the case in the winter than the summer. There would therefore be some adverse impacts upon the outlook from residential properties, though this impact is reduced due to the presence of trees along with the impacts from the existing building which, whilst lower than that proposed, is still prominent in the existing outlook from the flats, particularly at ground and first floor levels.
42. In terms of overlooking, whilst there are windows proposed in the south elevation of the proposed building, these are to bathrooms/en-suites and will be obscure glazed.

Similarly the glass blocks used for the stair way will be obscure glazed. As such no significant overlooking impacts would arise for the occupiers of Timbrell Place.

Impacts upon other residential properties

43. Taking account of the relationship across the road, the narrow width of the proposed building and the separation distance of approximately 12.5 between the respective buildings, it is not considered that significantly adverse impacts would result upon the living conditions of properties on the opposite side of Rotherhithe Street. The applicant's day/sun light tests show there to be no adverse impacts.
44. Similarly, the separation distances (over 15 metres) between the proposed building and the adjacent residential properties on Patina Walk are considered to be sufficient to prevent any significant impacts in respect of day/sun light impacts, overbearing appearance or overlooking. The day/sun light testing has not found there to be any adverse impacts.
45. A condition is recommended to control noise from external plant in connection with the proposed development and also to restrict the times of any deliveries to the retail unit to between 8.00am and 8.00pm Monday to Saturday and between 8.00am and 6.00pm on Sunday's and Bank Holidays. It is not considered that the overall activity arising from this mixed use development would result in any significant noise or disturbance upon the surrounding area. Whilst some disturbance would arise during the demolition and construction, this will be for a relatively short period of time and would be subject to the council's usual environmental protection controls through separate S61 applications. Concerns have also been expressed by residents in relation to impacts upon foundations of adjacent properties. This would need to be addressed by the applicant in its final building/construction design and is not a material planning consideration in this case, taking account of the separation distance between properties. The impact upon the value of existing properties has also been raised, but this is not a material planning consideration.

Conclusion on residential amenity impacts

46. The replacement building will be of increased height and massing in relation to the existing. This will result in impacts upon surrounding properties, most particularly the flats facing the site in Timbrell Place. However, the presence of existing trees already has an significant influence upon the levels of light and outlook of these residential properties and the impacts would be reduced when the trees are in leaf. When the trees are not in leaf, there would be impacts upon daylight levels to rooms at ground/first floor levels and amenity areas but testing provided by the applicant shows levels in rooms to be above the minimum levels stated in BRE guidance. These issues will be carried forward to overall conclusion on the planning issues later in this report.

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

47. There are no likely implications for the proposed occupiers and users of the development arising from existing adjoining or nearby uses.

Transport issues

48. The proposed development comprising a small retail unit and six flats is not considered to result in a significant increase in traffic that would have any adverse impact upon local highway conditions or the surrounding road network. The retail unit would provide a local convenience facility for the surrounding neighbourhood, accessible by foot, and is unlikely to result in a high number of vehicular trips.

49. The site has a low PTAL rating of 1b, though is served by a local bus service. There is no controlled parking zone in operation in the locality. Two on site car parking spaces are provided on site, accessed via Patina Walk, and therefore there is likely to be a demand for on street parking. The applicant has provided a parking survey which demonstrates that there is adequate space on street to accommodate any overspill parking as a result of this development. This has been agreed by the council's transport policy team.
50. The two parking spaces would not result in any high levels of vehicular activity in Patina Walk and taking account of the low vehicle speeds, are not considered to lead to any serious conflicts with pedestrians, cyclists or other vehicles along this road. Landscaping to the north of the access would need to be limited to 0.6m in height to allow suitable visibility for drivers exiting the spaces.
51. Covered and secure residential cycle parking proposed is proposed for six bicycles adjacent to the residential entrance to the building. Further details of cycle parking for the retail use will need to be secured by condition. The refuse storage for the residential use is located to the rear of the development and has been revised setting it further back from Patina Walk with additional screening provided adjacent to the pavement. The location of this is not considered to result in any significant amenity considerations, subject to further details of planting and the boundary treatment to be provided as part of a landscaping condition. Details are also required via condition of refuse details for the retail use which the applicant proposes to be inside the commercial part of the building.
52. Given the small size of the retail unit and the low number of deliveries expected, it is not considered necessary for a condition to be attached requiring additional service management details. Servicing implications are not likely to be significantly different to those for the previously existing public house use. Any changes necessary to existing road markings and pavement would need to be subject to the separate approval of the highway authority.

Impact on trees

53. The amended plans submitted through this application in comparison to the previously withdrawn scheme, showing a set back above ground floor level, allow a greater amount of crown canopy to be retained of the adjacent maple trees which are of importance to amenity and screening. The footprint of the proposed building extends to the south boundary of the site but this is similar to the situation with the existing building. Therefore, significant root damage can be avoided through suitable arboricultural protection details. Smaller neighbouring trees to the rear are also now retained.
54. Subject to suitable tree protection details being agreed via a condition it is considered that the adjacent trees can be satisfactorily protected throughout the construction works and beyond. As highlighted earlier in the report this is relevant to the impacts upon the amenity of the adjacent flats in Timbrell Place.

Planning obligations (S.106 undertaking or agreement) & CIL

55. There are no S106 requirements arising from this proposal.
56. 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.

57. In Southwark the mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development.

Sustainable development implications

58. The proposed development will provide an appropriately sustainable mixed use development providing both good sized new flats along with a local convenience retail facility serving the surrounding neighbourhood and accessible by foot or cycle.
59. Following government advice, the code for sustainable homes is no longer applicable to new developments. The applicant has demonstrated that the retail unit can achieve a BREEAM 'very good' rating which, given the small size of the units, is considered to be acceptable in this instance. Photovoltaic panels are proposed on the roof of the building.

Other matters

60. *Contamination*
A condition is recommended requiring ground investigation and subsequent remedial works if required.

Flood Risk

The development is located within flood risk zone 3. The applicant has submitted a Flood Risk Assessment which has been considered by the Environment Agency who raise no objections to the proposed development.

Archaeology

Given the previous development of a similar footprint to that now proposed, no further archaeological works are required.

Conclusion on planning issues

61. The proposed development will result in the provision of six new dwellings contributing to local housing needs and a small convenience retail unit which will serve the surrounding neighbourhood. Taking into account the existence of an existing public house within 200m of the application site, it is not considered that the existing public house is of such value as a facility for the local community to warrant an objection to the change of use.
62. The proposed density of the scheme is significantly higher than the expected range for the suburban zone. However, in this instance it is concluded that no significant harm will result from the proposal of such density on this site. The proposed height and massing of the building will appropriately integrate within the surrounding townscape and the detailed design will provide for interest and articulation. The south flank wall of the development will impact upon the daylight and outlook from adjacent flats in Timbrell Place. However, whilst there will be some harm in this respect, the presence of trees between the buildings will mean this impact is reduced, notably when the trees are in leaf. The overall impacts upon the living conditions of these properties, and others surrounding the site are, on balance, not considered to be of such significance to justify the refusal of the application when weighed alongside the benefits accruing from the proposal.

63. Following consideration of all relevant planning matters and those issues raised in representations, it is concluded that the proposal will provide for a sustainable development, subject to conditions as listed elsewhere.

Community impact statement

64. 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 issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

Consultations

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

Consultation replies

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

Summary of consultation responses

67. Environment Agency
No objections on flood risk grounds.
68. Environmental Protection Team
No objections raised. Recommend conditions requiring:
- Restriction of internal noise levels and noise between proposed residential properties
 - Restriction of noise between commercial and residential properties
 - Restriction of plant noise
 - Restriction of noise levels for external amenity areas
 - Investigation and treatment of contamination
 - Approval of a Construction Environmental Management Plan
69. Campaign for Real Ale (CAMRA)
Strongly object to the proposal as it would result in the loss of valued community facility and heritage asset and would be contrary to Policy DM27 of the draft Southwark Plan.
70. Summary of representations from local residents
Nineteen representations have been received from local residents raising the following issues:
- Loss of building of local significance and heritage value
 - Loss of existing public house. Would provide a social facility if retained. Other applications have also been submitted in the local area proposing the loss of public houses. Proposal will erode social cohesion and result in higher crime.
 - Impact upon daylight and sunlight received by neighbouring properties, located in close proximity to the development. Single aspect flats face the development and

will be badly affected. Applicant's day/sun light assessment does not properly reflect the existing trees.

- The applicants daylight modelling is inaccurate; it does not take account of window frames and the size and shapes of windows.
- Without the trees there will be noticeable daylight impacts for facing flats in Timbrell Place.
- Adverse impact upon outlook from neighbouring properties.
- Loss of privacy and overlooking of neighbouring properties.
- The size and scale of the development is out of keeping with surrounding development. Four storeys is too high for this location. Too dominant.
- Overdevelopment of the site.
- Arts and Crafts style of existing building will be lost. Erodes aesthetic value of the area and will be visually unattractive.
- Proposed design of the building is inappropriate in this location.
- Proposed balconies will be used for storage and will be unsightly.
- Impact upon the adjacent trees which are important for the amenity of the area.
- Impact of the size of the proposed building upon the adjacent park.
- Parking provision is inadequate resulting in further on street parking, leading to disruption and safety concerns. Increase in congestion.
- Vehicular access is inappropriate and will lead to safety implications with passing pedestrians, cyclists and vehicles at rear of site. Vehicles will have to reverse out.
- No parking has been provided for the retail premises.
- Refuse store is inappropriately sited result in smell visual impacts.
- A new retail store will detrimentally impact upon the existing retail store near to the site.
- Implications of new development upon the foundations of existing properties.
- Noise and disturbance from construction works.
- Additional impacts upon existing already limited public space.
- Impact upon property values.
- Consultation should be carried out with residents on use of building. It could be a low cost gym, yoga centre or children's development centre.

71. Additional representations have also been made on behalf of Silver Walk Management Limited in their capacity as the management company for 68 properties within Timbrell Place, Filigree Court and Patina Walk, raising the following issues:

- Excessive density: The proposed density of 862 habitable rooms per hectare exceeds the range of 200-350 for the Suburban Zone. It gives rise to a number of significant detrimental effects relevant to existing residents and the wider area.
- Loss of sunlight and daylight: Principal concern is in relation to the impact on the 4 storey property in close proximity including single aspect flats and flats that directly face the application site. The applicant's day/sun light assessment has been independently tested, concluding that the proposal will cause adverse impacts on the daylight amenity to the neighbouring property at Timbrell Place. using VSC the results show a number of major and moderately adverse impacts. Room layouts are not reflective of all flats within Timbrell Place. Whilst the Average Daylight Factor (ADF) results make the scheme appear to be compliant, the BRE guidelines stipulate that the use of ADF for loss of light to existing buildings is not generally recommended. Additional testing is required. Without trees, the alterations to day light to rooms in Timbrell Place are highly likely to be noticeable. Four windows fail the no sky line test and do not meet the primary and secondary daylight methodologies in the BRE guidance.
- Urban design: Four storey building would appear dominant in the street, would appear as incongruous and at odds with the overall character and grain of the area, and the excessive density would be quite apparent by the bulk and form of the proposals. Issues with site access, servicing and ease of movement. Parking

provision inadequate for this site with very poor public transport accessibility. No disabled parking. Spaces poorly positioned close to private gated access serving properties in Patina Walk.

- Overbearing impacts and loss of outlook: Four storey flank elevation of the proposed new building is a little over 10m from the flank elevation of Timbrell Place and adjoining the private garden area. There are six main properties facing the site. Other properties within Filigree Court also face the proposed building. Presence of such as large mass of building will be extremely oppressive and unacceptably affect the outlook of these flats, seriously impinging the normal living conditions for residents.
- Impact upon trees: Risk that excavation for foundations will affect the roots of trees. Not clear that the trees will be preserved. Regular crown reduction also required. The loss of trees will heighten the dominance of the four storey building when viewed from properties in Timbrell Place to an unacceptable degree.
- In conclusion, the proposal is fundamentally flawed and results in a development impacting significantly upon the amenity of surrounding residents and upon the character and appearance of the area. Impacts largely result from the high density of the development which far exceeds the adopted policy.

Human rights implications

72. 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.
73. This application has the legitimate aim of providing a replacement building comprising retail and commercial floorspace. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

74. None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/271-562 Application file: 14/AP/4337 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 4351 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	David Cliff, Team Leader (Major Applications)	
Version	Final	
Dated	19 June 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		19 June 2015

APPENDIX 1**Consultation undertaken****Site notice date:** 23/12/2014**Press notice date:** n/a**Case officer site visit date:** 19/01/2015**Neighbour consultation letters sent:** 23/12/2014**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:

11 Filigree Court London SE16 5HL	273a Rotherhithe Street London SE16 5EY
15 Filigree Court London SE16 5HL	275a Rotherhithe Street London SE16 5EY
By Eform	285a Rotherhithe Street London SE16 5EY
20 Timbrell Place Rotherhithe Street SE16 5HU	287a Rotherhithe Street London SE16 5EY
19 Timbrell Place Rotherhithe Street SE16 5HU	281a Rotherhithe Street London SE16 5EY
22 Timbrell Place Rotherhithe Street SE16 5HU	283a Rotherhithe Street London SE16 5EY
21 Timbrell Place Rotherhithe Street SE16 5HU	273 Rotherhithe Street London SE16 5EY
16 Timbrell Place Rotherhithe Street SE16 5HU	275 Rotherhithe Street London SE16 5EY
15 Timbrell Place Rotherhithe Street SE16 5HU	18 Pattina Walk London SE16 5HT
18 Timbrell Place Rotherhithe Street SE16 5HU	19 Pattina Walk London SE16 5HT
17 Timbrell Place Rotherhithe Street SE16 5HU	285 Rotherhithe Street London SE16 5EY
28 Timbrell Place Rotherhithe Street SE16 5HU	287 Rotherhithe Street London SE16 5EY
27 Timbrell Place Rotherhithe Street SE16 5HU	277 Rotherhithe Street London SE16 5EY
29 Timbrell Place Rotherhithe Street SE16 5HU	279 Rotherhithe Street London SE16 5EY
24 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 15 Pattina Walk SE16 5HT
23 Timbrell Place Rotherhithe Street SE16 5HU	Room 4 17 Pattina Walk SE16 5HT
26 Timbrell Place Rotherhithe Street SE16 5HU	Room 5 17 Pattina Walk SE16 5HT
25 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 17 Pattina Walk SE16 5HT
3a Timbrell Place Rotherhithe Street SE16 5HU	Room 3 17 Pattina Walk SE16 5HT
3 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 18 Pattina Walk SE16 5HT
5 Timbrell Place Rotherhithe Street SE16 5HU	Room 3 18 Pattina Walk SE16 5HT
4 Timbrell Place Rotherhithe Street SE16 5HU	Room 6 17 Pattina Walk SE16 5HT
1a Timbrell Place Rotherhithe Street SE16 5HU	Room 1 18 Pattina Walk SE16 5HT
1 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 16 Pattina Walk SE16 5HT
2a Timbrell Place Rotherhithe Street SE16 5HU	Room 3 16 Pattina Walk SE16 5HT
2 Timbrell Place Rotherhithe Street SE16 5HU	Living Accommodation 562 Rotherhithe Street SE16 5EX
11 Timbrell Place Rotherhithe Street SE16 5HU	Room 1 16 Pattina Walk SE16 5HT
10 Timbrell Place Rotherhithe Street SE16 5HU	Room 6 16 Pattina Walk SE16 5HT
14 Timbrell Place Rotherhithe Street SE16 5HU	Room 1 17 Pattina Walk SE16 5HT
12 Timbrell Place Rotherhithe Street SE16 5HU	Room 4 16 Pattina Walk SE16 5HT
7 Timbrell Place Rotherhithe Street SE16 5HU	Room 5 16 Pattina Walk SE16 5HT
6 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 14 Pattina Walk SE16 5HT
9 Timbrell Place Rotherhithe Street SE16 5HU	Room 3 14 Pattina Walk SE16 5HT
8 Timbrell Place Rotherhithe Street SE16 5HU	Room 6 19 Pattina Walk SE16 5HT
By Email	Room 1 14 Pattina Walk SE16 5HT
5 Filigree Court London SE16 5HL	Room 6 14 Pattina Walk SE16 5HT
6 Filigree Court London SE16 5HL	Room 1 15 Pattina Walk SE16 5HT
3 Filigree Court London SE16 5HL	Room 4 14 Pattina Walk SE16 5HT
4 Filigree Court London SE16 5HL	Room 5 14 Pattina Walk SE16 5HT
16 Pattina Walk London SE16 5HT	Room 6 18 Pattina Walk SE16 5HT

17 Pattina Walk London SE16 5HT
14 Pattina Walk London SE16 5HT
15 Pattina Walk London SE16 5HT
Room 5 15 Pattina Walk SE16 5HT
Room 6 15 Pattina Walk SE16 5HT
Room 3 15 Pattina Walk SE16 5HT
Room 4 15 Pattina Walk SE16 5HT
1 Filigree Court London SE16 5HL
2 Filigree Court London SE16 5HL
281 Rotherhithe Street London SE16 5EY
283 Rotherhithe Street London SE16 5EY
277a Rotherhithe Street London SE16 5EY
279a Rotherhithe Street London SE16 5EY

Room 1 19 Pattina Walk SE16 5HT
Room 4 18 Pattina Walk SE16 5HT
Room 5 18 Pattina Walk SE16 5HT
Room 4 19 Pattina Walk SE16 5HT
Room 5 19 Pattina Walk SE16 5HT
Room 2 19 Pattina Walk SE16 5HT
Room 3 19 Pattina Walk SE16 5HT
By Email
9 Filigree Court SE16 5HL
176 Simms Road Bermondsey SE1 5QJ
C/O Silver Walk Management Ltd 34b York Way N1 9AB
By Email
22 Russia Dock Road London SE16 5NL
By Email

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

Environment Agency

Neighbours and local groups

C/O Silver Walk Management Ltd 34b York Way N1 9AB

C/O Silver Walk Management Ltd 34b York Way N1 9AB

Email representation

Email representation

Email representation

Email representation

Email representation

Email representation

Email representation

1 Filigree Court London SE16 5HL

14 Timbrell Place Rotherhithe Street SE16 5HU

15 Filigree Court London SE16 5HL

15 Filigree Court London SE16 5HL

15 Filigree Court London SE16 5HL

15 Filigree Court London SE16 5HL

176 Simms Road Bermondsey SE1 5QJ

19 Timbrell Place Rotherhithe Street SE16 5HU

2 Filigree Court London SE16 5HL

2a Timbrell Place Rotherhithe Street SE16 5HU

22 Russia Dock Road London SE16 5NL

232 Burrage Road London SE18 7JU

26 Timbrell Place Rotherhithe Street SE16 5HU

27 Timbrell Place Rotherhithe Street SE16 5HU

279a Rotherhithe Street London SE16 5EY

5 Timbrell Place Rotherhithe Street SE16 5HU

6 Timbrell Place Rotherhithe Street SE16 5HU

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	c/o agent McCullochs	Reg. Number	14/AP/4337
Application Type	Full Planning Permission	Case Number	TP/271-562
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing building and the erection of replacement four storey building comprising a retail unit (Use Class A1) at ground floor and basement level and 6 flats on first, second and third floors, associated car parking and amenity area.

At: THE CLIPPER, 562 ROTHERHITHE STREET, LONDON SE16 5EX

In accordance with application received on 18/11/2014 08:02:24

and Applicant's Drawing Nos. 611-101 (Existing site plan), P795 1 (Site Survey), P795 2 (Outline Elevations), U480TCP R1 (Tree Constraints Plan), 611-102 (Existing Outlines), 611-107 (Proposed 3D Views).

611-103 E (Proposed site plan), 616-104 E (Proposed floor plans), 611-105 E (Proposed elevations), 611-106 A (Proposed Sections), U480TPP R1 (Tree Protection Plan)

Subject to the following fifteen 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:

611-103 E (Proposed site plan), 616-104 E (Proposed floor plans), 611-105 E (Proposed elevations), 611-106 A (Proposed Sections), U480TPP R1 (Tree Protection Plan)

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 The development hereby approved shall not be commenced until the Local Planning Authority has received confirmation of an arrangement approved by the relevant Highway Authority for the addition of preventative parking restrictions on Patina Walk adjacent to the two on-site parking spaces within the approved development. The first occupation of the development shall not be begun until such approved works have been completed.

Reason
To ensure that vehicles can conveniently enter and exit the site in accordance with the National Planning Policy Framework 2012 and saved policy 5.2 (Transport Impacts) of the Southwark Plan 2007.
- 4 Before any work hereby authorised begins, details of an archaeological watching brief, including details of archaeological recording, shall be submitted to and approved in writing by the Local Planning Authority. The

works shall be carried out in accordance with such approved details.

Reason

In order that the details of the archaeological watching brief for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of any archaeological remains on site in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 5
- 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.

- 6
- Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.
- a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
- b) The Arboricultural Method Statement shall show the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
- c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained

tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

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

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

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

Reason:

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

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.

- 8 Before the first occupation of the retail premises hereby permitted, details of the arrangements for the storing of commercial refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse facilities shall be provided and thereafter be retained for the duration of the retail use.

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

- 9 Before the first occupation of the building hereby permitted, the residential refuse storage arrangements shown on the approved drawing 611-103 E 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 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 10 Prior to the first occupation of any part of the development hereby permitted, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including new planting, surfacing materials of any parking, access, pathways layouts, materials and edge details, boundary details, screening of refuse area), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. Planting in the visibility splay to the adjacent to the proposed parking area shall not exceed 0.6m in height and shall be maintained as such.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837

(2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason

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

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.

- 11 The windows in the south elevation (elevation C) of the development hereby permitted shall be fitted with obscure glazing and be permanently retained as such.

Reason

In order to protect the privacy of neighbouring residents in accordance with saved Policy 3.2 of the Southwark Plan 2007.

- 12 The rated noise level from any plant, together with any associated ducting shall be 10 dB (A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises.

Reason

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

- 13 Any deliveries, unloading and loading to the commercial unit hereby approved shall only be between the following hours: Monday to Saturday - 08:00 to 20:00, Sundays/Bank Holidays 09:00 to 18:00.

Reason

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

- 14 The retail premises hereby permitted shall be designed, constructed, fitted out and operated to achieve a minimum 'very good' BREEAM rating.

Reason

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

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

- 15 a) Before any above grade work hereby authorised begins details (including 1:50 scale drawings) of the facilities to be provided for the storage of cycles for the retail use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the spaces used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

b) Before the first occupation of the residential elements of the development hereby permitted, the residential cycle storage facilities as shown on drawing 611-103 E 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

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

Statement of positive and proactive action in dealing with the application

The applicant has been determined following negotiations at both the pre-application and application stages, resulting in amendments to the proposals necessary to overcome the issues raised.

Informative

- If the proposed development requires alterations to public highways and/or parking layout, the applicant should contact the Highways Development Control department at least four months prior to any works commencing to enter into a s278 highways agreement. Please contact Iaan Smuts iaan.Smuts@southwark.gov.uk and Tel: 020 7525 2170. The applicant should familiarise themselves with Southwark's Streetscape Design Manual which is available on the website.
- Highways Development Control will need confirmation that all new statutory services are complete prior to footway and/or carriageway works commencing.
- If part of the adopted highway will need to be stopped up in order to enable this development to proceed, a highway stopping up order will need to be applied for under the provisions of the Town and Country Planning Act 1990. This process is likely to take a minimum of 4 months for a straightforward unopposed order. If there are any objections the timeframe may extend significantly beyond this. Please contact Iaan Smuts, Development Control Manager at the earliest convenience iaan.Smuts@southwark.gov.uk and Tel: 020 7525 2170.
- Compliance with S168 to S175 of the Highways Act 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways" - any item and/or structure placed on or adjacent to the public highway may require a license. Please contact Highways Licensing on highwayslicensing@southwark.gov.uk to obtain this. All licenses should be in place prior to works commencing.
- Compliance with S59 and S60 of the Highway Act, 1980 – Prior to works commencing on site (including any demolition) a joint condition survey should be arranged with Southwark Council development control team to catalogue condition of streets and drainage gullies. Please contact Iaan Smuts, Development Control Manager on 020 7525 2135 to arrange. Approval by highways is required and a copy of findings and condition survey document to be sent to planning case officer for development in question.
- Compliance with S178 of the Highways Act, 1980 - The applicant is advised that they must apply for a license if there is a proposed overhang on the public highway. The applicant should be advised to contact the Development Control Team, Public Realm, specifically iaan.Smuts@southwark.gov.uk and Tel: 020 7525 2170. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.
- Compliance with S153 of the Highways Act 1980 - all doors or gates must be hung so that they do not open over or across the road or pavement.
- Compliance with S100 of the Highways Act 1980. Any damage or blockages to drainage will be repaired at the cost of the developer. All works to be undertaken by Southwark Council Highways Service.



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Item No. 7.2	Classification: OPEN	Date: 1 July 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/11113 for: S.73 Vary/remove conditions/minor alterations Address: GROUND FLOOR, 2-4 GROVE LANE, LONDON SE5 8SY Proposal: Continued use as a restaurant (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday		
Ward(s) or groups affected:	Camberwell Green		
From:	Head of Development Management		
Application Start Date 10/04/2015		Application Expiry Date 05/06/2015	
Earliest Decision Date 07/05/2015			

RECOMMENDATION

1. That the planning sub-committee grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. 2 Grove Lane is located in the Camberwell Green Conservation Area. It is an early C19 detached villa with the ground floor extended with two shop fronts, which include a cafe/restaurant and 4 Grove Lane which is a restaurant/wine bar. It should be noted that both units are vacant and currently subject to on-going internal refurbishment.
3. 2-4 Grove Lane is identified in the Camberwell Green Conservation Area Appraisal as a Key Building making a positive contribution to the character of the conservation area and is therefore considered to be a non-designated heritage assets. It also abuts a Public House and is near to the junction of Camberwell Church Street/ Grove Lane (Camberwell District Town Centre).
4. The building is not listed, however, it is within the setting of 1-9 and 2-8 Jephson Street which are both terraces of grade II listed building dating from the mid C19.
5. The premises are located within the following designated areas:
Air Quality management Area;
Archaeological Priority Zone;
Camberwell District Town Centre and;
Camberwell Action Area.

Details of proposal

6. Continued use of Nos. 2 and 4 Grove Lane SE5 as restaurant (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday.

Planning history

7. 2 Grove Lane

Planning permission (LBS.Reg.No: 95/533 and Case No: TP/2134/2/MD) was granted on 28th March 1996 for continued use of the ground floor as a restaurant (Class A3) and erection of a single storey rear extension to provide an additional toilet and ducting on north elevation.

Subject to the following conditions:

- 1) The facing materials for the rear extension, as hereby approved, shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, pointing, bond and coursing.
- 2) The use hereby permitted for metalwork [*sic*] (Class A3) purposes shall not be carried on outside of the hours of 08.00 to 23.00 on Mondays to Saturdays and 08.00 and 22.00 on Sundays and public holidays.
- 3) There shall be no takeaway food service or meal delivery service by vehicles from these premises.
- 4) The ventilation ducting as shown on drawing Q5907/1 shall be installed, and finished in a dark matt colour, within 3 months of the date of this permission.
- 5) The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the ambient equivalent noise level when the plant etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.

Reason for the imposition of the above conditions, and in particular 2 & 3 above:

- 2) In order to ensure that there is not undue disturbance of neighbouring residential occupiers at unsocial hours and;
- 3) Such services may give rise to parking and stopping of vehicles in front of these premises close to the Grove Lane junction with Camberwell Church Street giving rise to safety hazards for vehicles and pedestrians and increased traffic congestion.

4 Grove Lane

Planning permission (LBS.Reg.No: 96/309 and Case No: TP/2135-C/OD) was granted on 6th June 1996 for change of use of ground floor from retail to restaurant/bar in connection with existing neighbouring hot food use at 2 Grove Lane.

Subject to, and in particular, the following condition:

- 2) There shall be no takeaway food service or meal delivery by vehicles from these premises.

Reason for the imposition of this particular condition:

- 2) Such services may give rise to parking and stopping of vehicles in front of these

premises close to the Grove Lane junction with Camberwell Church Street, giving rise to safety hazards for vehicles and pedestrians and increased traffic congestion.

Planning history of adjoining sites

8. Not relevant to this particular application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) principle of the proposed development in terms of land use and conformity with strategic policies;
 - b) impact on the amenity of occupiers of nearby properties;
 - c) transport and servicing issues – car and cycle parking and refuse facilities, and;
 - d) any other material considerations.

Planning policy

10. This application should be determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant:

National Planning Policy Framework (the Framework) -2012

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

London Plan July 2015

Policy 2.15 Town centres

Policy 4.7 Retail and town centre development

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Core Strategy 2011

Strategic Policy 1 Sustainable development

Strategic Policy 2 Sustainable transport

Strategic Policy 3 Shopping, leisure and entertainment

Strategic Policy 12 Design and conservation

Strategic Policy 13 High environmental standards

Southwark Plan 2007 (July) - saved policies

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

Policy 1.7 Development within town and local centres

Policy 1.9 Change of use within protected shopping frontages

Policy 3.1 Environmental effects
 Policy 3.2 Protection of amenity
 Policy 3.7 Waste reduction
 Policy 3.11 Efficient use of land
 Policy 3.12 Quality in design
 Policy 3.13 Urban design
 Policy 3.15 Conservation of the historic environment
 Policy 3.16 Conservation areas
 Policy 5.2 Transport impacts

Summary of representations received

Comments from local residents and other interested group and individuals

11. There have been a number of objections received including those relating to procedural matters, planning and non-related planning matters. These objections and concerns are summarised below:

In objection/ of concern

There have been 10 objections received to this application. Issues of concern include:

- Impacts on the amenity of occupiers of nearby sensitive premises, including from noise
- Refuse and the potential for litter
- The potential for the premises to be used as a bar or takeaway
- Impact of the proposed extension of hours

Internal Consultees

Environmental Protection Team

12. No objection.

Principle of development

13. Numbers 2 - 4 Grove Lane were both granted planning permission in 1996 for use as restaurant/bar (Use Class A3) respectively. Both applications were subject to similar conditions, and in particular that there shall be no takeaway food service or meal delivery by vehicles from these premises.
14. The reason for the imposition of the above condition was to ensure that "such services may give rise to parking and stopping of vehicles in front of these premises close to the Grove Lane junction with Camberwell Church Street giving rise to safety hazards for vehicles and pedestrians and increased traffic congestion".
15. Number 2 Grove Lane had a specific operational time limited condition (2) which stated that "The use hereby permitted for metalwork (Class A3) purposes shall not be carried on outside of the hours of 08.00 to 23.00 on Mondays to Saturdays and 08.00 and 22.00 on Sundays and public holidays".
16. The reason for the imposition of this particular condition stipulated that "In order to ensure that there is not undue disturbance of neighbouring residential occupiers at unsocial hours". It should be noted, that number 4 Grove Lane had no operational time limited condition attached to its original decision notice.
17. Both of the above conditions were placed on planning decisions made nearly 20 years ago, during which time the Camberwell Church Street/ Grove Lane area and its immediate surrounding town centre/high street area has been subject to a number of changes. In fact, all designated town centres areas in close proximity to this area has been subject to a plethora of regeneration initiatives, including Peckham and Elephant

and Castle (still on-going).

18. The applicant has requested that the operational closing times of number 2-4 Grove Lane be extended to the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday. These hours would replicate the Council recent Licence granted on 27/04/2015.
19. The "reasonableness" of the extension of operational hours is further assessed in the body of the report below.

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

20. Saved policy 3.2 (Protection of amenity) of the Southwark UDP (2007) states that planning permission for development will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site. Also, there is a requirement in saved policy 3.1 (Environmental effects) to ensure that development proposals will not cause material adverse effects on the environment and quality of life.
21. Strategic Policy 13 (High Environmental Standards) of the Core Strategy (2011) requires developments to avoid amenity and environmental problems that affect how we enjoy the environment in which we live and work. It is not considered that the proposed extension of operational hours, and closing times, would detrimentally affect the amenity of adjoining neighbours.
22. The very modest overall increase in closing times would not significantly affect the amenity of adjoining neighbours, and in particular those located above the premises. The use of the premises will continue to remain the same, and the few additional hours being applied for would not significantly lead to an increase in any noise nuisance, than what previously existed. Furthermore, the proposed operational times of this restaurant/bar (Use Class A3) being applied for, are similar to those commonly found in similar urban locations.
23. It should also be noted that the applicant has been advised that any change of use to takeaway (Use Class A5) and/ or dual use restaurant/takeaway (Use class A3/A5) in the future would require planning permission. There is concern from local objectors about the potential for the use of the premises as a takeaway. Should such a change occur resulting in a breach of planning, it is open to the local authority to use its discretionary planning enforcement powers.
24. The council's environmental protection team suggested that although there is presently a limit on the use of the outdoor area to the rear of the site through the licence, it was recommended that the use of this area be restricted to between 20:00 - 21:00 by imposing a planning condition. However, Officers considered that it would not be reasonable to control this through the planning regime considering the hours that this area can be used presently, without breaching the hours presently permitted through planning.
25. It is considered that refuse storage and recycling details are not required as these would remain as existing and in situ.
26. Again, the proposal and operational times mirrors what would be expected with "flats above shops", which co-habitate in any mix use development on busy High Street/ town centre.

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

27. None envisaged.

Transport issues

28. It is not considered that the continued use of these premises for commercial purposes (Use Class A3) would lead to any transport related issues. The premises is 3-5 minutes walking distance from the nearest bus stop located on Camberwell Church Street, and potential customers would have a variety of transport mode available to access the site, including walking, cycling and taking the bus.
29. Furthermore, if planning permission is granted, a condition is recommended to ensure that no meal delivery by vehicles is undertaken from the premises.

Design issues

30. There are no external alterations related to this present application. The applicant has been advised that any external changes to the facade of the premises/shopfront would require planning permission, including any future advertisement consent.

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

31. The building is not listed, however, it is within the setting of 1-9 and 2-8 Jephson Street which are both terraces of grade II listed building dating from the mid C19. The proposal is not considered to give rise to any impacts on the character and/or appearance of the conservation area, which would be preserved.

Impact on trees

32. No trees are affected by this proposal.

Sustainable development implications

33. None identified.

CIL liability

34. The application does not entail any additional increase in additional floorspace, and therefore is not CIL liable.

Other matters

35. Local people have raised a number of matters in their representations that are not material to planning merits of the application. These are addressed below:
- The applicant has confirmed in writing that the proposal is for an A3 (restaurant/Bar use) and not a dual/mix use (Use Class A3/A5 - restaurant and takeaway). The applicant has also confirmed in writing that a small percentage of business (10%) would make up a limited food takeaway which would "unambiguously be ancillary to our dominant business as a restaurant". The applicant has also confirmed that "we will not be operating a food delivery service from this address". A condition will be attached to any favourable planning permission granted to ensure no deliveries are undertaken";
 - It is acknowledged that both number 2 and number 4 Grove Lane were separate

units in 1996, however, both units became "one" by removing an internal wall sometime ago, more than likely well over 10 years ago which would not require planning permission and would be deemed permitted development;

- Whilst the main road might have an overprovision of cafes, pubs, takeaways and food outlets, including a wood-fired pizzeria 150 metres away from 2 & 4 Grove Lane, the applicant is not applying for "a change of use", as previously stated and accepted in "good faith" by the Council on the submitted planning application form. Furthermore, "market condition/ competition" is not a legitimate planning concern;
- It is not considered necessary nor is it open to the local authority to place any condition in regard to insulation of the premises, as the existing use (restaurant/bar) will remain in situ, and such a condition would be considered onerous;
- It is noted that the buildings in question are early 19th century. However, although 2 -4 Grove lane is identified in the Camberwell Green Conservation Area Appraisal as a key building making a positive contribution to the character of the conservation area and is considered to be a non-designated heritage assets, the building is not listed, therefore the removing of a "party wall" does not constitute unauthorised development. Furthermore, the proposal does not entail any external works to the facade of the building.

Conclusion on planning issues

36. In conclusion, the continued use of Nos. 2 and 4 Grove Lane SE5 as restaurant/bar (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday is considered acceptable and reasonable. It is therefore recommended that planning permission be granted.

Community impact statement

37. 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 and no adverse impact on any group with the protected characteristics identified above is expected.

Consultations

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

Consultation replies

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

Human rights implications

40. 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.

- 41 This application has the legitimate aim of providing an extension of hours to an existing use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2135-2 Application file: 15/AP/1113 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquires telephone: 020 7525 5403 Planning enquires email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5446 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	David Williams, Development Management	
Version	Final	
Dated	19 June 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team	19 June 2015	

APPENDIX 1**Consultation undertaken****Site notice date:** 14/04/2015**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 10/04/2015**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Hermits Cave 28 Camberwell Church Street SE5 8QU	Second Floor Flat 2 Grove Lane SE5 8SY
4a Grove Lane London SE5 8SY	4 Grove Lane London SE5 8SY
29 Jephson Street London SE5 8SZ	26 Camberwell Church Street London SE5 8QU
39 Jephson Street London SE5 8SZ	First Floor Flat 2 Grove Lane SE5 8SY
32-34 Camberwell Church Street London SE5 8QZ	First Floor Flat 26 Camberwell Church Street SE5 8QU
Second Floor Flat 2 Grove Lane SE5 8SY	29 Jephson Street London SE5 8SZ
4 Grove Lane London SE5 8SY	6 Grove Lane London SE5 8SY
30 Camberwell Church Street London SE5 8QZ	1 Jephson Street London SE5 8SZ
First Floor Flat 2 Grove Lane SE5 8SY	Flat 32-34 Camberwell Church Street SE5 8QZ
6 Grove Lane London SE5 8SY	2-4 Grove Lane London SE5 8SY
1 Jephson Street London SE5 8SZ	Living Accommodation 28 Camberwell Church Street SE5 8QU
Flat 32-34 Camberwell Church Street SE5 8QZ	12 Jephson Street London SE5 8SZ
Living Accommodation 28 Camberwell Church Street SE5 8QU	2 Jephson Street London SE5 8SZ
12 Jephson Street London SE5 8SZ	24 Jephson Street London SE5 8SZ
2 Jephson Street London SE5 8SZ	27 Jephson Street London SE5 8SZ
24 Jephson Street London SE5 8SZ	17 Jephson Street London SE5 8SZ
18 Jephson Street London SE5 8SZ	18 Jephson Street London SE5 8SZ
19 Jephson Street London SE5 8SZ	19 Jephson Street London SE5 8SZ
Hermits Cave 28 Camberwell Church Street SE5 8QU	15 Salisbury Place London SW9 6UW
4a Grove Lane London SE5 8SY	E-Mail X
32-34 Camberwell Church Street London SE5 8QZ	By Email
3 Jephson Street London SE5 8SZ	14 Addington Square SE5 7JZ
37 Jephson Street London SE5 8SZ	1 Jermyn Street SW1Y 4UH
39 Jephson Street London SE5 8SZ	2a Grove Lane London SE5 8SY
30 Camberwell Church Street London SE5 8QZ	2 Grove Lane Terrace Camberwell SE5 8SW
Flat 2 26 Camberwell Church Street SE5 8QU	62e NeVERN Square London

Re-consultation: 14/04/2015

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

By Email X

E-Mail X

Email representation

Email representation

Second Floor Flat 2 Grove Lane SE5 8SY

1 Jermyn Street SW1Y 4UH

14 Addington Square SE5 7JZ

15 Salisbury Place London SW9 6UW

2 Grove Lane Terrace Camberwell SE5 8SW

2a Grove Lane London SE58SY

RECOMMENDATION

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

Applicant	Mr S Leaver East 12th Restaurants Ltd	Reg. Number	15/AP/1113
Application Type	S.73 Vary/remove conds/minor alterations	Case Number	TP/2135-2
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Continued use as a restaurant (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday

At: GROUND FLOOR, 2-4 GROVE LANE, LONDON, SE5 8SY

In accordance with application received on 25/03/2015

and Applicant's Drawing Nos. OS01 (site location plan)

Unnumbered internal layout plan

Letter dated 30 April 2015

email dated 26 May 2015

Subject to the following two 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 use hereby permitted for restaurant/bar (Use Class A3) purposes shall not be carried on outside of the hours 08:00 to 23:00 on Sunday to Thursday and 08:00 -00:00 on Friday to Saturday.

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.

- 2 There shall be no meal delivery service by vehicles from these premises.

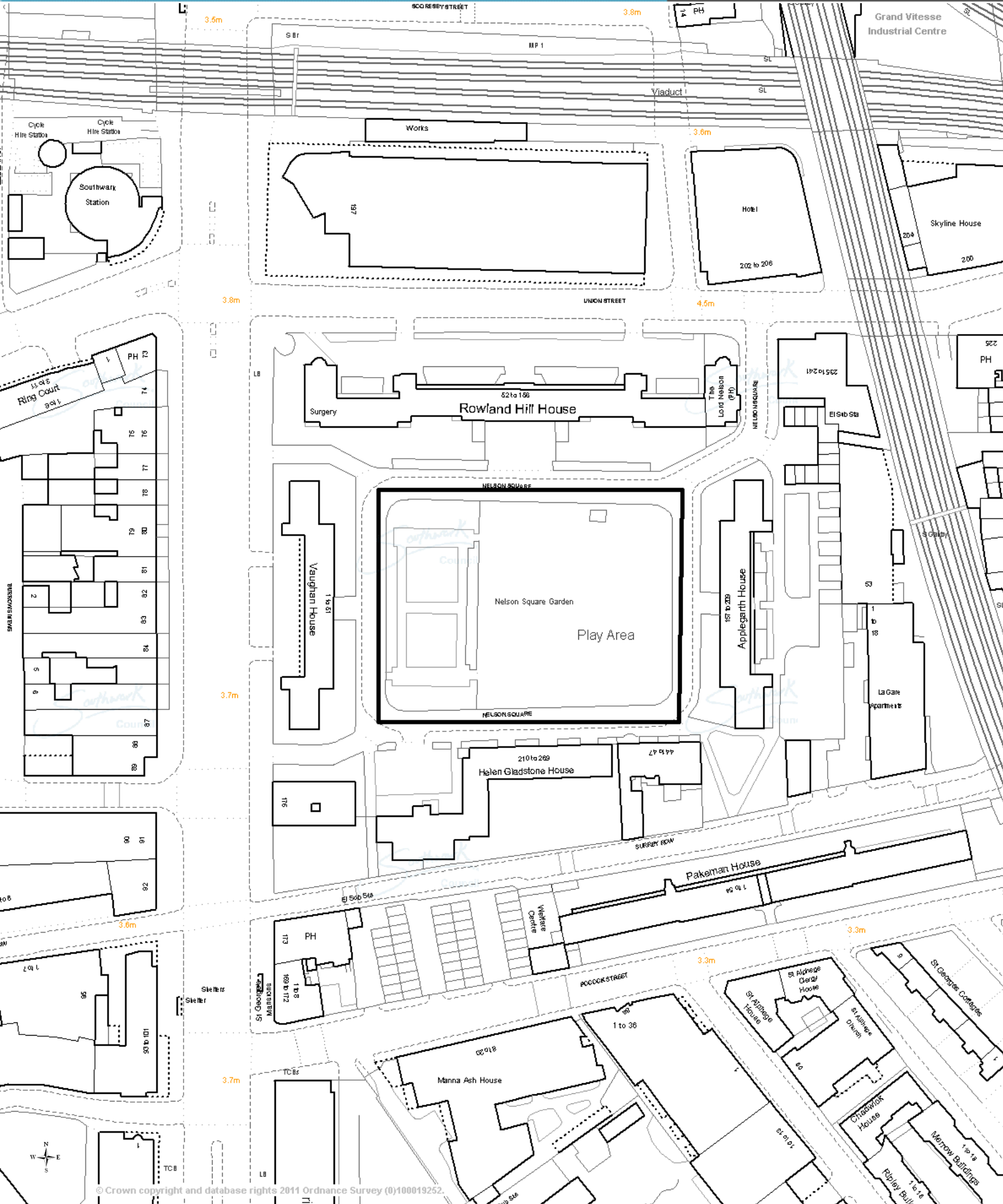
Reason

To ensure that the proposal would not have significant impact on the local footway and highway network in accordance with Strategic Policy 2 - Sustainable transport, Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity and 5.2 Transport Impacts of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Statement of positive and proactive action in dealing with the application

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

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



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Item No. 7.3	Classification: OPEN	Date: 1 July 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/1590 for: Full Planning Permission Address: NELSON SQUARE GARDEN, NELSON SQUARE, LONDON SE1 0LR Proposal: Hard and soft landscape works including new entrances, new play area, new MUGA, new site furniture and surfacing, new planting and grassed areas; Demolition and removal of existing dividing wall and planter and re-building in new location.		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 29/04/2015		Application Expiry Date 24/06/2015	
Earliest Decision Date 25/06/2015			

RECOMMENDATION

1. That the planning sub-committee grant full planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. Nelson Square garden is 0.4Ha in area. It is protected under the London Squares Preservation Act 1931 and is identified as protected Borough Open Land in the Southwark Plan. It is located in the north of the Borough between the streets of Blackfriars Road, Union Street, Surrey Row and Great Suffolk Street.
3. It is enclosed most immediately by large residential blocks on each of its four sides, namely, Rowland Hill House, Vaughan House, Applegarth House and Helen Gladstone House. In addition to these buildings which overlook the park the Grade II Listed Blackfriars Settlement at 44-47 Nelson Square is also sited adjacent to the south-east edge of the park and slightly further afield fronting onto Blackfriars Road (No. 176) is the Grade II Listed Former Sons of Temperance Friendly Society Building. The site is not located in a conservation area. There are six mature London Plane trees within the gardens.

Brief history of Nelson Square

4. Nelson Square Gardens was originally only for the use of residents of the Square. In 1903 the owner Viscount Halifax gave the site to London County Council. It was laid out as a rectangular playground with a flower bed in the centre and a shrub and privet hedge around the perimeter. It opened to the public in February 1904. The cost to lay it out was £1,400 with half this amount met by owners of the houses and the remainder by the LCC and Southwark Metropolitan Borough Council. There were six mature plane trees, which remain in the gardens that had circular seats provided around them; there was a bandstand with flowerbeds and an ornamental drinking

fountain presented by the MPGA. The terrace of almshouses at one end of Nelson Square is all that remains of the original buildings, built between 1807 and 1810 possibly designed by Samuel Pepys Cockerell, now used by the Blackfriars Settlement. The rest of the housing around the square is medium rise flats built in the 1950s. Today the garden square is mainly a tarmac playground. Alongside it is a small rose garden enclosed by c.1930 cast iron railings on brick footings. Improvements were carried out in 2000/1 designed by Jennifer Coe Landscape Architects with new play equipment, new railings/fencing, surfacing with money raised by Bankside Open Spaces Trust (BOST) through the Cross River Open Spaces fund. Local residents replanted the rose garden and a gardening club undertakes work here, set up by BOST.

Details of proposal

5. The application seeks planning permission for changes to the layout, design and landscaping of the public square. The last improvements to the square were carried out 15 years ago and the design and access statement provided by the parks design team explains that the existing play area is dated, that in general the facilities in the square are in a state of disrepair and that while the kick-about is used its surface is in a poor condition.
6. The new layout seeks to upgrade / replace some of the existing facilities (e.g. the kick about) and otherwise provide a greater range of fitness, sport and play equipment that will appeal to a wider range of age-groups than at present. While some elements within the square would remain unavoidably self-contained such as the play area and the kick about, a key aim of the redesign has been to address the compartmentalised nature of the existing layout and to scale back or remove unnecessary internal boundaries to open up the square and re-unify it as a whole. The proposed curved paths from the four corners of the square are intended to make it easier to walk through the park. In general the proposed new layout is more open and informal. The design and access statement explains that the key design principles informing the new design are as follows:
 - a) to provide a safer environment for a wide range of activities and wider user groups;
 - b) to allow the site to function better and to improve circulation;
 - c) to develop an attractive site for people of all ages to enjoy; and
 - d) to create a flexible design.
7. The key elements in the new design are as follows:

New surfaces

Paths: Resin bound gravel/pea shingle (Total area covered - 1136sqm)

Play area: 'Jungle mulch' (Total area covered - 736sqm)

Kick-about: Type 4 Polymeric surface (Total area covered - 268sqm)

New lawn area: 693sqm (Old lawn area = 307sqm, so this represents an increase of 125%)

New boundaries

Square: Replacement of the existing 1.8m high metal boundary fence (grey) with a 1.2m high flat-topped metal rail fencing (finished in black).

Play area: 1.2m high flat-topped metal rail fencing (finished in black)

Kick-about: 3.8m high x 46.4m length 'Zaun' fencing incorporating chicane openings and two goal posts (3.8m high and 4.6m length) and additional 'Zaun' fencing returns of 2.5m high x 5m length.

New play area equipment

Large climbing frames x 2

Roundabout x 1

Gym equipment x 4 (shoulder press, leg press, cross trainer, recumbent bicycle),

Swing unit x 1

Slides x 2 (one incorporated within the climbing frame)

Table-tennis table x 1

Trampolines x 4 (two of which are incorporated into the climbing frame)

Stepping pod x 1

Balance bar x 1

New park furniture

Spectator benches x 2

Memorial bench x 1 (replace existing)

Timber and iron seats x 13

Timber bench x 1

Tree seat x 1

Picnic benches x 2

Litter bins x 7

Cycle stands x 5

New entrances

The removal of an existing entrance into the park mid-way along the northern perimeter is proposed and so the number of entrances into the park would be reduced from five to four. However, the new entrances would be wider than the existing points of entry and would be either level or gently sloping to provide easier access for all. They would also be evenly spaced, one on each of the park's four sides, just offset from the corners by a few metres. They would also remain open (un-gated) unlike the present entrances to further aid accessibility to the park.

Planning history8. 09/CO/0001

Installation of new wire fencing 3030mm in height, powder coated blue, across both ends of existing ball court within Nelson Square Garden.

GRANTED: 31/07/2009

09/CO/0099

Details of sound proofing for the fence as required by Condition 3 on LBS reg: 09-CO-0001 dated 31/07/2009 for: Installation of new wire fencing 3030mm in height, powder coated blue, across both ends of existing ball court within Nelson Square Garden.

GRANTED: 04/06/2010

Planning history of adjoining sites9. Applegarth House

04/AP/1090

The erection of a 4m high screen with associated landscaping and seating to enclose the ground floor entrance to a block of flats.

GRANTED: 10/08/2004

KEY ISSUES FOR CONSIDERATION**Summary of main issues**

10. The main issues to be considered in respect of this application are:
- a) Principle of the development
 - b) Impact on the amenity of neighbouring occupiers
 - c) Design issues
 - d) Accessibility
 - e) Impact on character and setting of a listed building and/or conservation area
 - f) Impact on biodiversity
 - g) Impact on trees

Relevant planning policy

11. This application should be determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant:

National Planning Policy Framework (Published 27 March 2012)

Section 7: Requiring good design.

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

The London Plan (2015)

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.19 Sports facilities

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, etc

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

Other relevant guidance

The Mayor's Biodiversity Strategy (2002)

Open Space Strategies (CABE / Mayor of London)

Southwark Core Strategy (Adopted 6 April 2011)

Strategic Policy 11 - Open spaces and wildlife

Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

Southwark Unitary Development Plan (Adopted 28 July 2007) (Saved Policies)

The Council's cabinet on 19th March 2013, as required by paragraph 215 of the National Planning Policy Framework (2012), considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and

proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.1 (Environmental effects)

Policy 3.2 (Protection of Amenity)

Policy 3.6 (Air Quality)

Policy 3.9 (Water)

Policy 3.12 (Quality in Design)

Policy 3.13 (Urban Design)

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

Policy 3.26 (Borough open land)

Policy 3.28 (Biodiversity)

Policy 5.3 (Walking and cycling)

Other relevant guidance

Supplementary Planning Document: Design & Access Statements (2007)

Southwark Biodiversity Action Plan (2013-2019)

Summary of representations received

12. A total of 10 responses have been received, 9 from local residents (all of whom oppose the plans), and 1 from the council's ecology officer.

In support:

Better disabled access supported.

In objection / of concern:

- No consideration for wildlife and the Council's current Biodiversity Action Plan.
- There should be more flowers and colour in the park not less.
- Bike racks and an informal bike path should not be included.
- The proposed wide entrance on the north side should be half-gated at least and should ensure that cars cannot access the park.
- The removal of flower beds and unmanaged planting will be detrimental to wildlife and will contribute to noise pollution.
- There is less seating and lighting than anticipated.
- The disabled access measures are unclear.
- A shame that the existing wall would be knocked down with the mature range of flower species and wildlife that resides there.
- It is hoped that existing bulbs and plants that have matured can be re-used elsewhere.
- The metal railings on the east side should not be retained. A thick, robust hedge (e.g., thorn, possibly with railings behind) would be a better alternative in terms of maintaining security and wildlife habitat.
- The plans discriminate by prioritising the provision of sports facilities for young people over the needs of older residents and their right to peace and quiet.
- The plans do little to address the on-going issue of noise nuisance in the square (traffic and construction noise, anti-social behaviour such as shouting, noise from motor bikes, impact noise from footballs kicked against railings/walls).
- Less use of synthetic surfaces and the creation of 'tranquillity zones' and wildlife habitats would be preferable.
- No need for an additional entrance on the east side as this will encourage more noise and anti-social behaviour.
- The plans should seek to address the public health risk from grassed areas being

- heavily polluted from dog faeces.
- The proposed lowering of the railings around the square from 1.8m to 1.2m is a mistake as it will offer not protection from footballs.
 - The consultation process has been inadequate. The lack of hardcopies of documents has prevented many elderly people from getting involved and expressing their views. The lack of letters sent to individual households has excluded many residents and stakeholders from the consultation process.
 - The local heritage / history of the square is more interesting than the online report suggests and there is no report from a local historian. There is no recognition in the plans that the square is more than 100 years old or of past notable residents of the square.
 - More proactive management of the trees in the square is needed.
 - The works are a waste of money. Funds could be better invested in badly needed affordable housing.

Internal Consultee:

Ecology Officer - The bat survey did not record any bat roosts on the site or any bats commuting and foraging on the site. This is not unexpected as the area is heavily urbanised and has limited green spaces in the vicinity of Nelson Sq. As no bats were recorded, there is no requirement for further actions with regards to bats.

It is important to avoid the bird nesting season when works are carried out. It is recommended that a planting plan showing species should be submitted prior to works commencing on site (to be secured by condition). The focus of planting should be for species that provide pollen, nectar and fruit throughout the seasons. This is to ensure a biodiversity gain and provide forage for birds and invertebrates that are using the site and thus meets saved policy 3.28 of the Southwark Plan.

Principle of development

13. Nelson Square Gardens is identified as protected Borough Open Land in the Southwark Plan. Saved policy 3.26 (Borough Open Land) states that,

'Within Borough Open Land planning permission will not be granted for development unless:

- i. It is ancillary to the use of the open space; and*
- ii. It is small in scale; and*
- iii. It does not detract from the site's open nature and character; and*
- iv. It is required to enhance activities associated with the particular open space; and*
- v. It positively contributes to the setting and quality of the open space.'*

14. The most extensive structure proposed is the multi-use kick-about with its proposed 3.8m high fence enclosure. However, this would be a relatively small element in the context of the square as a whole and as the fencing would be a visually-permeable mesh design (see accompanying Play Equipment Palette plans) it would remain largely open in character in any event. As such, it is considered that the proposed works to re-landscape this public park are fully compliant with the above requirements and hence the proposal is acceptable in principle.

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

15. Saved Policy 3.2 (Protection of amenity) of the Southwark Plan (2007), Strategic Policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and policies 7.6 (Architecture) and 7.15 (Reducing and managing noise, etc.) of the London Plan (2015) seek to ensure that new development does not adversely impact

upon the existing standard of residential amenity for occupiers nearby.

16. There would be no significant change to the nature, amount and location of the recreational uses already available within the square as a consequence of the proposed works. There would be no increase in the intensity of activities likely to generate noise in the square, for example, the new kick about is similar in both size and position to the existing facility.
17. It is noted that one of the objections received asserts that the plans will do little to address the on-going issue of noise nuisance in the square (traffic and construction noise, anti-social behaviour such as shouting, noise from motor bikes, impact noise from footballs kicked against railings/walls). However, most of these issues relate to existing sources of noise which emanate from outside the park and which is therefore beyond the scope of this application. Noise from footballs being kicked against railings (such as the fence surrounding the MUGA/kick about) will not be exacerbated by the proposal and the provision of a fenced enclosure is a necessary compromise to avoid the footballs being kicked into the roads surrounding the park (and other areas of the park) which is another issue that was raised by local residents.
18. As such, the application is considered to be fully compliant with the above policies and with the same sentiments as expressed in the government's national planning policy framework.

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

19. There are no nearby uses that would affect the use of the park should planning permission be granted, over and above that already present.

Design issues

20. The design and access statement explains that the final design proposed here has been informed in the first instance by a thorough, best practice, SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis and that this has then been altered and/or refined in response to feedback received from neighbours and other interested stakeholders at local pre-planning community consultation events. The Design and Access Statement makes clear that the final design now put forward to be considered is supported by the majority of local residents.
21. The garden area would remain on the west side of the square where it is not heavily overshadowed by the canopies of the six London Planes further east. However, in response to the feedback from the pre-planning consultation exercises, it would be extended with a single, uninterrupted expanse of lawn now being proposed in place of the existing two formal square areas. Including the smaller grassed mound within the fenced-off play area, the total extent of lawn proposed in the new design would constitute an increase from 307sqm to 693sqm (an increase of 125%). Together with the provision of additional seating it is considered that this would be beneficial for members of the public who simply wish to use the park to sit and relax and particularly for older people.
22. One of the objections received asserts that the plans discriminate by prioritising the provision of sports facilities for young people over the needs of older residents and their right to peace and quiet but as explained immediately above and at paragraph 6 of this report, this would not be the case.
23. The increase in the lawn areas will also aid the site's natural drainage capacity and as such is also likely to be beneficial for the surrounding border planting that is proposed.

Similarly, the 'Jungle Mulch' surface for the play area is a sustainable product made of recycled rubber (which complies with the relevant British Standards for safety) that also allows rainwater to soak through naturally into the ground below.

24. The existing raised planter would be retained but relocated and rebuilt to match the existing and another raised planter installed at the north end of the garden. In response to the pre-planning consultation exercises undertaken by the regeneration team and then the parks and open spaces team, support was expressed for the retention of the existing circular rose beds. These would indeed be retained, albeit relocated, and they would have more extensive planting than the existing rose palette.
25. The design and access statement also explains that the pre-planning consultation exercises identified a strong desire among local residents and stakeholders to retain the play area, sports facilities and gardens. The play area would be enlarged in the proposed layout and the range of play equipment, surfaces and other facilities provided are intended to appeal to a wider age range of children than at present.
26. Two raised mounds would be incorporated into the grassed areas to provide a change in level to add to the visual interest and play interest.
27. The height of the fencing to enclose the kick-about area (3.8m) has been requested by the local community in response to concerns at balls being kicked into the road.
28. The issue of dog excrement in the park has been raised by an objector. However, this is not an issue that can be controlled by the planning system and notwithstanding this there are signs at all of the entrances which make clear that dogs are not allowed to be brought into the park. As such this is a park management issue that is beyond the scope of planning and this application.

Accessibility

29. A new pedestrian entrance is proposed, offset from the south-east corner, to improve access and circulation. The existing corner entrances would remain offset as recommended by the Southwark highways team for road crossing safety. The existing central entrance on the north side of the square is proposed to be removed as it is considered that it would not contribute to the improved circulation of the site. All of the new entrances would be un-gated, would include dropped kerbs and have solid, even easily-navigable path surfaces, all with a view to providing inclusive access. The Design and Access Statement states that the design detail is in accordance with the Equality Act 2010.
30. On reflection on all of the above points it is considered that the proposed access arrangements would be fully compliant with the relevant policies on design and access in the development plan as well as with other material considerations such as the National Planning Policy Framework.

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

31. The square forms the immediate setting for the Grade II Listed 44-47 Nelson Square (now occupied by the Blackfriars Settlement), the only surviving remnant of the Georgian terraced houses which originally surrounded the square.
32. There are no substantial structures proposed within the new layout. The kick about area, while proposed to be enclosed by fencing up to a maximum height of 3.8m, would remain open in character due to the open-mesh style of the fencing proposed (and as such would be little different in appearance to the existing kick about area). It would also be sited on the north side of the square away from 44-47 Nelson Square.

The setting of this listed building would therefore continue to be dominated by the canopies of the large mature London Plan trees and border planting around the edges of the square and would not be adversely affected by the proposal. Indeed, the painting of the existing boundary metal railings from light grey to black would enhance the setting of these Listed Buildings.

33. The other Grade II Listed Building in the vicinity of the site, the Former Sons of Temperance Friendly Society Building, is considered to be sited sufficiently far away from the square and to have a setting that is defined more by Blackfriars Road, onto which it fronts, such that its setting would not be significantly affected by the proposal in any way. The setting of this listed building would therefore be preserved.

Impact on biodiversity

34. The results of a bat survey undertaken in autumn 2014 have been submitted with the application. As part of the survey a desk study was undertaken, which showed two species of bat are recorded in the district. Both common pipistrelle bats (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*) were known within 500 metres of the site (further north at Bankside).
35. However, during the actual survey, no tree holes were noted, no bats were seen emerging from the trees and no bat activity was detected at any part of the Square. The Square was determined to have some potential for bat interest, but the survey report notes that there was little in the way of any vegetation links to draw bats into the Square. It was considered that there may be times of the year when the Square is used by pipistrelle bats as they have been recorded locally, for example at Bankside.
36. The survey concluded that the Plane trees are an important local feature providing roosting opportunities for birds; habitat for insects especially moths; and are suitable for foraging pipistrelle bat species at various times of the year. It recommended that the tree canopies remain intact as a 'light shield' to protect these species from the effects of off-site light spillage.
37. The council's ecology officer has noted that it is important to avoid the bird nesting season when works are carried out. It is recommended that a planting plan showing species should be submitted prior to works commencing on site. The focus of planting should be for species that provide pollen, nectar and fruit throughout the seasons. This is to ensure a biodiversity gain and provide forage for birds and invertebrates that are using the site and thus meets saved policy 3.28 of the Southwark Plan. Such details could be agreed by a condition requiring detailed planting plans and schedules to be provided to show the species, number/density, planting position of all new and retained plants in the square. Subject to such a condition, the impact of the proposal on local biodiversity is considered to be acceptable.
38. An objection was received on the grounds that the plans do not demonstrate consideration for wildlife and the council's current biodiversity action plan (2013-2019).
39. However, a bat survey by a fully-qualified, independent ecological consultant was undertaken prior to the submission of the application. This was prepared with regard to the Biodiversity Action Plan (2013-2019) (which is directly referenced at paragraph 3.1.1 of the report). The survey report also identified the presence of other species such as blackbirds, thrushes and moths and accordingly recommended that the canopies of the six Plane trees should remain intact to act as a 'light shield' to protect these species from the effects of off-site light spillage.
40. In addition, in line with the comments of the ecology officer a condition is recommended to require the submission of a detailed planting plan and species

schedule with a view to ensuring, among other things, that the planting plan will provide the best habitat possible to support local birds, insects and other wildlife fauna. The objection is therefore not considered to have any merit.

Impact on trees

41. The design and access statement states that the existing trees will be pruned back as part of the landscaping works associated with the proposal. It is assumed that this is referring to the six mature London Planes in the square. As the square is in the ownership of the council the trees are not subject to tree preservation orders. The Council may therefore undertake works to these trees as it sees necessary / appropriate without need of consent from any other authority. Given the advice contained in the accompanying bat survey report and the comments of the ecology officer it is considered appropriate to draw the attention of the applicant (the parks and open spaces team) to this advice and to recommend that both the ecology Officer and the urban forester are consulted on any future tree pruning.

Sustainable development implications

42. The works proposed would provide significant environmental benefits for the area, including better urban drainage and greater biodiversity. Social benefits include access to better outdoor sports and recreation facilities.

Other matters

43. Some matters have been raised in response to the public consultation on the application which officers consider are not relevant or material planning considerations. Such matters include, for example, claims that the consultation on the application was inadequate and excluded older residents; that the s106 funds allocated to the project should have been directed towards affordable housing; that there is no need for the proposed works. The full detail of all the consultation responses is set out in Appendix 2.

Conclusion on planning issues

44. The proposed re-design and re-landscaping of Nelson Square Garden has been informed by a thorough consultation process with local residents and other interested groups and stakeholders, which began in 2011. Many of the suggestions made have been incorporated into the design.
45. The final design would create a park square that retains much of the existing features whilst unifying the square by breaking down physical barriers, creating clear circulation routes, celebrating the existing Plane trees and creating a place for the whole community to enjoy. The needs of a wide range of users from toddlers to teenagers to older residents would be catered for through the provision of a play area, sports and fitness facilities as well as the creation of an enlarged quiet space on the west side of the square and the provision of more seating throughout the park. The scheme would also bring benefits in terms of better sustainable drainage, biodiversity and accessibility. It would avoid compromising the existing amenity of local residents and park users and would preserve the setting of the Listed Buildings in the square.
46. As such, subject to the imposition of necessary, relevant, precise and reasonable conditions and for all the reasons stated above, the development is considered to be acceptable, having demonstrated compliance with relevant policies in the Development Plan for the Borough and the Government's National Planning Policy Framework (2012) and therefore it is recommended that planning permission be granted.

Community impact statement

47. The impacts of this application have been assessed as part of the application process with regard to local people in respect of the “protected characteristics”, as set out in the Equality Act 2010, the council's community impact statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.

In assessing this application, the council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.

The impact on local people is set out above.

- a) There are no issues relevant to particular communities/groups likely to be affected by the proposal, and,
- b) There are no likely adverse or less good implications for any particular communities/groups.

Consultations

48. The site notices were erected in the vicinity of the four residential blocks immediately surrounding the gardens, i.e. Rowland Hill House, Applegarth House, Vaughan House and Helen Gladstone House. However, the invitation to comment on the application is open anyone. Three notices were posted within the surrounding streets; Surrey Row, Union Street and Blackfriars Road and three at the main points of entry to the gardens from these surrounding streets. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

49. Details of consultation responses received are set out in Appendix 2 and summarised in paragraph 12 of this report.

Human rights implications

50. 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.
51. This application has the legitimate aim of seeking to provide an enhanced public amenity and sports and recreation facilities. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

52. None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1450-A Application file: 15/AP/1590 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 5461 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ciaran Regan, Planning Officer	
Version	Final	
Dated	18 June 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team	19 June 2015	

APPENDIX 1**Consultation undertaken**

Site notice date: 08/05/2015

Press notice date: n/a

Case officer site visit date: 08/05/2015

Neighbour consultation letters sent: n/a

Internal services consulted:

Ecology Officer

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted: n/a

Re-consultation: n/a

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

Ecology Officer

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation

Flat 132 Rowland Hill House Nelson Square SE1 0LU

Flat 45 Vaughan House, Nelson Square SE1 0PY

Flat 67 Rowland Hill House SE1 0LT

136 Rowland Hill House Nelson Square SE1 0LU

152 Rowland Hill House Nelson Square SE1 0LU

212 Helen Gladstone House Nelson Square Gardens SE1 0QB

7 Kellow House Tennis Street SE1 1YY

85 Rowland Hill House Nelson Square se1 0lt

Representations:Flat 212, Helen Gladstone House

Having seen current plans, I have noticed that there is far less seating and lighting. It's a shame that you plan to knock down the existing wall, with the mature range of flower species and obvious wildlife that resides there. Not entirely sure regarding disabled access, all a little unclear. I would also like to register that I think it unfair that unless you raise your objection on line (which is not possible for all concerned) you actually have no voice, which is ultimately undemocratic.

Flat 132, Rowland Hill House

I object to the planning application due the lack of fair consultation. Not everyone has access to internet, not enough seating area has been provided, the historical landscaping of the square has not been considered, simplifying the garden with a loan will create a huge dog poo uncollected area, wildlife encouragement will be diminished. It is a horrendous waste of public money which would be best invested in maintaining and ornating the existing premise.

Flat 85, Rowland Hill House

There is no need for this work. It is an excuse to use up money from the Linden Homes development, which was widely opposed. Destroying the flowerbed planter will be an act of wanton vandalism. Having no seats or flowerbeds may make it cheaper to maintain, but will result in less amenity and more dog poo. It is also a huge disgrace that letters are not being put through every door overlooking the square, as not every resident is online or a regular surfer of the council website. The council development department really fancy themselves in this respect. Also, and more importantly, there seems to have been no consideration for the needs of wildlife.

Flat 45, Vaughan House

The plans published on this website deviate from the two proposals presented at the consultation meetings, and appear to make a negative impact on the square on the following points: - fixed seating has been removed, so that the latest proposal shows fewer benches than are either currently present or were shown in previous proposals.

The square is popular with residents and workers alike sitting down at lunch times, and if anything, more seating is required. - flower beds and unmanaged planting has been removed, compared both to the square's current state and the previous proposals. This is detrimental to wildlife and contributes to noise pollution.

Flat 152, Rowland Hill House

It appears from the plans that you are going to remove the brick wall from the perimeter of the Square and put up low railings, and also remove the raised flower beds separating the children's area from the garden part. This will surely cost an extortionate amount of money which would be much better spent making the Square disability accessible. When I was confined to a wheelchair it was not possible to get into the Square without help. It is good to see the current football pitch used regularly by local kids and their dads, and by the students from Pocock Street and from Lesoco but this will not make for a relaxing place to sit in the garden area. I am not quite sure why you say only one property is affected. The Square has four sides, Rowland Hill House has 106 flats, Helen Gladstone House about 60 including the maisonettes, Vaughan House 51 and I think Applegarth House is about the same. Further, there are the flats from what used to be Blackfriars Settlement, and the terrace leading to HGH maisonettes. Individuals will be affected, especially those on the lower floors. The perimeter we have at the moment does act as a sound barrier. A volunteer team from Nelson Square Gardens T&RA spent a lot of time and graft planting bulbs and shrubs and weeding, trimming, pruning under the guidance of BOST, even when we no longer had a T&RA. It would be good to think that some of the bulbs and other plants that have matured can be recycled elsewhere.

Flat 67, Rowland Hill House

This is factually inaccurate as there are more than 300 properties which are directly overlooking this Square. Why haven't properties directly affected had a letter, as many vulnerable social housing tenants live here and do not have access to websites? There is no recognition in these plans that the Square is more than 100 years old and no plans to recognize previous residents including the Fenian bombers - one of which signed the Easter Declaration which led to an independent Ireland, Percy Bysshe Shelley lived at No. 26 Nelson Square or that it was home to the first Women's University which became Blackfriars Settlement. Two of the existing street furniture was installed to mark the 100th year of the Square and the work of one of Blackfriars Settlement workers and were paid for by other bodies and there seems to be no spaces where they are guaranteed either space or restoration to the original owners. And there is no fence around the whole space or around the football area when this is inside a public road with traffic and parking? Where is the physical restraint for dogs or children to stop them being run over? Or people being hit by fairly hard hitting balls from the regular visitors from neighbouring LESCO college playing football. I may be misreading the plans but these seem to be exactly the same ones I saw at the consultation meeting in Blackfriars Settlement. So that was a pointless exercise if no one was listening to anything local people said.

Flat 136, Rowland Hill House

My comments concern the detail of the plan: I think lowering the height of the fencing is a mistake. The existing fence gives some protection against footballs going in to the road. It is really a waste of money and resources which could be used elsewhere. I would like to make sure that the large entrance to the playground side (nearest Rowland Hill can – as it is currently – be half shut and locked. If there is a wide entrance, I have no doubt cars will use it. I would like to see some evidence of the safety of the new entrances proposed, i.e., children run out of these, do they have a line of sight of cars? I do not think there are enough swings for young children. These have always been immensely popular. I can only see one table tennis table, this is really not enough especially given that the play area is increasingly used by young adults (often students). I cannot see the cherry and other blossom trees on-line and therefore wish to ensure that they will be maintained and protected both on the North and South side. They are

beautiful in spring and also provide cover for wildlife and birds. Although the text about the plan refers to keeping the two circular beds there seems to be only one on the visual plans. There needs to be more flowers and colour in the park not less. I do not think there should be bike racks or an informal bike path in the playground. I have already noted cyclists using the playground as a short-cut. Bikes are capable of severely injuring children. There could be a bike rack installed outside the park for those who need it. This playground serves a large area. The children need to feel it is theirs not that they are squashed in amongst many needs. I feel that the spectator seats by the football pitch are unusable as the footballs fly around at great speed - I certainly would not sit there. Those benches could be relocated to the park where more benches are needed, not least because only the foolhardy or ignorant sit on the grass which is heavily contaminated with dog faeces. I would like to see a large notice in at least the playground telling dog owners that dogs are not allowed in there.

Flat 160, Applegarth House and No. 7 Kellow House, Tennis Street

I oppose 15/AP/1590 in its present form on these grounds:- incomplete, nuisances, ecology, health, policy conflicts, ageist, wasteful, unimaginative, inappropriate, undemocratic, design. Ecology: No accessible concurrent report from the council's ecology & environmental health officers. Wrens, robins, blackbirds, goldfinches, blue tits, song thrushes, crows, magpies, jays and grey squirrels here. No consideration of Council's BAP 2012-2018 - identifies gardens and/or species found in gardens as local BAP priorities. Aesthetics: Oppose the retention of the prison stockade-like metal railings East side. A thick and robust (thorn) hedge (railings behind?) would prove effective for both security and wild life habitat. Discrimination: The council has prioritised sports facilities for young people over the needs of older residents and their right to peace and quiet. I fully support safe play areas for young children and well-managed open spaces. Nelson Square is an ugly, neglected and polluted moonscape. Noise Nuisances: Since 2001 complaints about noise & antisocial behaviour in the basketball/ football areas "SE1" website. Regular motor bike, impact noise from footballs kicked against wire/railings, shouting and foul language (from pitch users not from Nelson Square). Many housebound neighbours experience these noise nuisances street noise from the Nelson, traffic & construction noise. Numerous alternatives for young - enjoying nature (ask Childrens' Rights officer re: the Sensory Garden at Talford Place and "Speakerbox"). Prefer much less synthetic surfaces & creation of "tranquillity zones" & wild life habitats. Bankside Open Spaces Trust & Better Bankside (both partially funded by Southwark council) to advise. 5. Access: No need for additional entrance on East side - noise & anti-social behaviour - motor bikes, shouting etc. Better disabled access supported. 6. Public Health Risk: "Grassy areas" heavily polluted with dangerous bacteria & viruses from dog faeces collected at taxpayers' expense. Lunchtime the park full of people sitting & eating on grass near dog mess. Total dogs ban in the park (or designated "dogs' toilet"). Where seating, cigarette litter & food waste is ongoing. 7. Information: Council mis-describes Nelson Square as "council estate" - is a diverse area with private sector properties. Consultation process concentrated on 2 Southwark council buildings on the square. 8. Lack of Consultation: No hard copies of the report(s) available eliminates many elderly people, those who do not have access to the internet or who are not adept at IT. On-screen maps/ drawings small & difficult to follow. No letters sent out so many residents & stakeholders excluded from consultation & planning processes. Many feel the square represents more than a sports ground & could become a popular local & visitor attraction for diverse groups. 9. Local Heritage: More interesting than online report. More should be made of this valuable local asset. No report from local historian. 10. Darkness: London plane trees cast shadows over the square, deprive the lower West facing properties of Applegarth House of natural light, stunt plant growth and make some flats damp and gloomy. London parks pollard trees where they overhang streets and properties cutting out natural light. On windy days debris from twigs and leaves (rarely cleared) descends onto play surfaces, street and nearby gardens. 11. Inappropriate: Section 106 funding for scheme appears to be from "commuted sums" from developers elsewhere and directed towards the maintenance of existing green/

playground space neglected by Southwark Council since 2001. Only part of the expenditure is directed to a (new) capital project. My understanding is that TCPA does not allow councils to use section 106 to plug gap in revenue budgets. 12. Alternatives: Funds could be better invested in badly needed affordable housing which the money was originally meant for. Southwark has funds to repair the damaged surfaces and install new play/ keep fit areas. LBS's commitment to a programme of planned maintenance in question. With help of local volunteers, BOST, LWT there could be sustainable wild/ cultivated habitats. Problems with filthy grassy areas would disappear with enforced dog ban. Then older & disabled people can resume use of park. The council needs to show more imagination and fully engage all its residents & stakeholders.

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	Ms JULIA EDWARDS SOUTHWARK COUNCIL	Reg. Number	15/AP/1590
Application Type	Full Planning Permission	Case Number	TP/1450-A
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Hard and soft landscape works including new entrances, new play area, new muga, new site furniture and surfacing, new planting and grassed areas; Demolition and removal of existing dividing wall and planter and re-building in new location.

At: NELSON SQUARE GARDEN, NELSON SQUARE, LONDON, SE1 0LR

In accordance with application received on 28/04/2015 08:01:46

and Applicant's Drawing Nos. 14905-FD-00-02, 14905-FD-00-04, 14905-FD-00-05, 14905-FE-00-01, 14905-FE-00-05, 14905-DD-00-03 a Design and Access Statement and a Bat Survey Report.

Subject to the following five conditions:

Time limit for implementing this permission and the approved plans

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

Reason

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

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

14905-FD-00-02, 14905-FD-00-04, 14905-FD-00-05, 14905-FE-00-01, 14905-FE-00-05 and 14905-DD-00-03.

Reason:

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

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

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

construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

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

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

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

Reason:

So that the Council may be satisfied with the details of the landscaping scheme in accordance with Sections 7, 8, 11 and 12 of the National Planning Policy Framework (2012), policies 7.5 (Public realm), 7.6 (Architecture), 7.19 (Biodiversity and access to nature) and 7.21 (Trees and Woodland) of the London Plan (2015), strategic policies 11 (Open spaces and wildlife), 12 (Design and conservation) and 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policies 3.2 (Protection of amenity), 3.12 (Quality in design), 3.13 (Urban design) and 3.28 (Biodiversity) of the Southwark Unitary Development 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.

- 5 The landscaping works hereby permitted shall only be carried out outside of the bird-nesting season (i.e., installation between 1st September and 1st March of the following year).

Reason:

To ensure that the landscaping works will not disturb nesting birds and so protects and enhances biodiversity in accordance with Section 11 of the National Planning Policy Framework (2012), policy 7.19 (Biodiversity and access to nature) of the London Plan (2015), strategic policy 11 (Open spaces and wildlife) of the Southwark Core Strategy (2011) and saved policy 3.28 (Biodiversity) of the Southwark Unitary Development Plan (2007).

Statement of positive and proactive action in dealing with the application

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

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

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

NOTE: Original held by Constitutional Team (Community Councils) all amendments/queries to Gerald Gohler: telephone 020 7525 7420

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Councillor Maria Linforth-Hall (Vice-Chair)	1		
Councillor Sunil Chopra	1		
Councillor Nick Dolezal	1	Communications	
Councillor David Hubber	1	Louise Neilan, media manager	1
Councillor Eleanor Kerslake	1		
Councillor Leo Pollak	1		
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Jacque Green, Hub 2 (5 th Floor) Tooley St.	5		
Sadia Hussain, Legal Services, Hub 2, 2nd Floor, Tooley St.	1		
Anjana Ghosh, Legal Services, Hub 2, 2nd Floor, Tooley Street	1		