

Planning Sub-Committee B

Tuesday 8 March 2016

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 Lucas Green
Councillor Octavia Lamb
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, Constitutional Officer, 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: 29 February 2016



Planning Sub-Committee B

Tuesday 8 March 2016
7.00 pm

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

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 5
	To approve as a correct record the minutes of the meeting held on 19 January 2016.	
7.	DEVELOPMENT MANAGEMENT ITEMS	6 - 10
	7.1. 84-90 LORDSHIP LANE, LONDON SE22 8HF	11 - 30

Item No.

Title

Page No.

7.2. 272 ST JAMES'S ROAD, LONDON SE1 5JX

31 - 58

Date: 29 February 2016

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”



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

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



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Tuesday 19 January 2016 at 7.00 pm in Meeting Room G02, Ground Floor, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
 Councillor Sunil Chopra
 Councillor Nick Dolezal
 Councillor David Hubber
 Councillor Eleanor Kerslake
 Councillor Leo Pollak

OTHER MEMBERS PRESENT: Councillor Hamish McCallum
 Councillor Renata Hamvas

OFFICER SUPPORT: Michael Tsoukaris (Development Management)
 Alex Gillott (Legal Officer)
 Gavin Blackburn (Development Management)
 Neil Loubser (Development Management)
 Matthew Harvey (Development Management)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were apologies for absence from Councillor Maria Linforth-Hall, and from Councillor David Noakes for not being able to sit as a reserve on this occasion.

3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the voting members for the meeting.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to items 7.1, 7.2 and 7.3; and
- Members' pack of additional drawings and photographs

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 8 December 2015 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

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

The chair announced that the items would be heard in the following order: 7.2, 7.1 and 7.3.

7.2 THE HORACE JONES VAULT, SHAD THAMES, LONDON SE1 2UP

Planning application reference number: 15/AP/4008

Report: see pages 44 to 64 of the agenda pack and page 5 of the addendum report.

PROPOSAL

Variation of condition 5 (hours of use) of planning permission reference 14/AP/0893 to increase the hours of use for the outside area from 08:00-19:30 to 08:00-21:30 (temporary).

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

Spokespersons for the objectors addressed the meeting and responded to questions from

councillors.

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

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

Councillor Hamish McCallum spoke in his capacity as ward councillor. Members of the committee asked questions of Councillor McCallum.

Members debated the application and asked questions of the officers.

After further discussion among councillors, a motion to grant the item was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That the temporary variation of condition 5 of planning permission 14/AP/0893 be granted, subject to the conditions set out in the report and addendum report, including:

- An amended condition 4 to also stipulate that no additional items which could be used as bar furniture are permitted in the outside seating area, including the green.
- An informative to be added that the applicant should undertake no less than four noise surveys over the coming year for submission with any future application to make the increased hours permanent.

The meeting took a comfort break from 8.35pm, resuming at 8.45pm.

7.1 LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU

Planning application reference number: 15/AP/3659

Report: see pages 9 to 43 of the agenda pack and pages 1 and 5 of the addendum report.

PROPOSAL

Erection of a 6-bedroom, two-storey dwelling house including bicycle store, x2 parking bays and landscaping

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

Spokespersons for the objectors addressed the meeting and responded to questions from councillors.

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

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

Councillor Renata Hamvas spoke in her capacity as ward councillor. Members of the committee asked questions of Councillor Hamvas.

Members debated the application and asked questions of the officers.

After further discussion among councillors, a motion to grant the item was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 15/AP/3659 be granted, subject to the conditions set out in the report and addendum report.

The meeting took a comfort break from 10.15pm, resuming at 10.20pm.

7.3 HILLSIDE, FOUNTAIN DRIVE, LONDON SE19 1UP

Planning application reference number: 15/AP/3382

Report: see pages 65 to 93 of the agenda pack and pages 5 to 8 of the addendum report.

PROPOSAL

Demolition of existing 2-storey dwelling; erection of 6 x4 bedroom houses with associated car parking, bin and bike stores; and landscaped gardens.

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

Spokespersons for the objectors addressed the meeting and responded to questions from councillors.

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

There were no supporters of the development, who lived within 100 metres of it, or ward councillors wishing to speak.

Members debated the application and asked questions of the officers.

After further discussion among councillors, a motion to grant the item was moved,

seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 15/AP/3382 be granted, subject to the conditions set out in the report and addendum report, including an amended condition 3 requiring samples of cladding materials specified in paragraph 3.26 of the addendum report to be submitted for approval by the council.

The meeting ended at 11.25 pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 8 March 2016	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 of Southwark Council's constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

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

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law & Democracy

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

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

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

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

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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Gerald Gohler 020 7525 7420
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Simon Bevan 020 7525 5655

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	29 February 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law & Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		29 February 2016

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B**on Tuesday 08 March 2016**

Appl. Type Full Planning Permission
Site 84-90 LORDSHIP LANE, LONDON SE22 8HF

Reg. No. 15-AP-2221
TP No. TP/2315-84
Ward East Dulwich
Officer Sonia Watson

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT

Proposal

Roof-top extension to provide x 2 residential units and walkway to rear of existing office/residential at 1st and 2nd floor; use of first and second floors as offices and refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

Item 7.1

Appl. Type Full Planning Permission
Site 272 ST JAMES'S ROAD, LONDON SE1 5JX

Reg. No. 15-AP-1705
TP No. TP/321-272
Ward South Bermondsey
Officer Sonia Watson

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT

Proposal

Demolition of existing petrol filling station and erection of building up to 8 storeys with residential accommodation 34 dwellings and 127sqm of flexible use (Class A1 or B1) at ground floor level only together with access, hard landscaping and other associated works.

Item 7.2

Ordnance Survey

Date 25/2/2016



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Item No. 7.1	Classification: Open	Date: 8 March 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/2221 for: Full Planning Permission Address: 84-90 LORDSHIP LANE, LONDON SE22 8HF Proposal: Rooftop extension to provide x 2 residential units and walkway to rear of existing office/residential at 1st and 2nd floor; use of first and second floors as offices and refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.		
Ward(s) or groups affected:	East Dulwich		
From:	Director of Planning		
Application Start Date 05/06/2015		Application Expiry Date 31/07/2015	
Earliest Decision Date 17/07/2015			

RECOMMENDATION

1. Grant planning permission subject to a legal agreement.

BACKGROUND INFORMATION

2. This item is referred to the sub-committee at the request of members.

Site location and description

3. The application site is located on the western side of Lordship Lane, close to the junction with Chesterfield Grove. It comprises a 3-storey flat roofed building currently under construction/refurbishment to implement the 2014 permission (please see below). The ground floor is commercial A1 retail, with offices on the first and part of the second floor and two residential units at second floor level.
4. The buildings either side are predominantly 2-storeys high comprising commercial space on the ground floor and residential above. Number 82 is occupied by a retail shop at ground floor with residential on part of the ground floor and on the first floor. Number 92 is occupied by Village Way, a hair and beauty salon with a flat above and 94 is occupied by Bushells estate agents on the ground floor and a possible flat above. East Dulwich Hand Car Wash is located at the rear of 94 Lordship Lane, accessed from Chesterfield Grove.

5. The site is subject to the following designations on the proposals map to the core strategy (2011):

Suburban Density Zone;
Protected shopping frontage 34;
Air quality management area and
District town centre.

There are no listed buildings or conservation areas in the vicinity of the site.

Details of proposal

6. Full planning permission is sought for refurbishment of the existing retail store at ground floor level to include a single storey rear extension with associated plant, the refurbishment of the first and second floors including the change of use of the 2 residential units on the second floor and their use as offices (Class B1) to form 8 separate office units. It is further proposed to construct a setback third floor and extend the walk way to serve to new 2 x 2 bedroom flats (Class C3).
7. The development proposes the extension of the existing retail unit in the rear service yard and car park to provide an additional 382sqm of retail floorspace. The tradeable area would take up the space currently occupied by Iceland, and a small section of the extended area at the rear. The rear extension would span the full width of the rear elevation and provide for storage areas and staff facilities. The extension would go to the end of 82 Lordship Lane's rear garden and would then project part way along the end of the rear gardens of 1 and 3 Ashbourne Grove. It would step back and in relation to 92 Lordship Lane it would project 14.5m beyond the rear elevation of the existing building, comprising an extension to the retail store and access to the flats on the upper floor level.
8. Access to the proposed offices and flats and servicing for the extended retail unit would take place from the rear, and it is proposed to install a pedestrian walkway next to the side elevation of 1 Chesterfield Grove and a pedestrian crossing leading to the entrance for the proposed offices and flats.
9. The main difference between this application and the 14/AP/0280 is the removal of the two existing residential units on the second floor making the first and second floors office use only and the extension of the walkway to access a new third floor providing 2 new residential units. The proposed additional floor would be set back from all sides of the existing building, with the exception of the walkway access. The flats themselves would be very generous 80sq metres each, with amenity space provided on a terrace to the front.
10. **Planning history**

<p>12/EQ/0003 Application type: Pre-Application Enquiry (ENQ) Single storey rear extension to ground floor retail unit (Use Class A1) and installation of plant above and change of use of 1st and 2nd floors from offices (Use Class B1) to 8 two bed flats (Use Class C3).</p>
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Decision date 15/02/2012 Decision: Pre-application enquiry closed (EQC)
12/AP/3773 Application type: Full Planning Permission (FUL) Refurbishment of the existing retail store (Use Class A1) at ground floor level to include single storey rear extension with associated plant; change of use of the first and part of the second floor from office (Class B1) to form 8 x 2 bedroom flats (Class C3). Decision date 10/04/2013 Decision: Refused (REF) Appeal decision date: 02/10/2013 Appeal decision: Planning appeal dismissed (DIS)
Reason(s) for refusal: The proposed development, owing to the loss of the customer car park and increase in vehicle trips associated with the extended retail unit would increase parking stress on the surrounding streets in the area which already experiences a high level of on-street parking. This would result in an unacceptable loss of amenity to neighbouring residents, contrary to saved policies 3.2 'Protection of amenity' and 5.6 'Car parking' of the Southwark Plan (2007), the Sustainable Transport SPD (2010), strategic policy 2 'Sustainable transport' of the Core Strategy (2011), policy 6.13 'Parking' of the London Plan (2011) and section 4 of the NPPF.
14/AP/0280 Application type: Full Planning Permission (FUL) Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant. Decision date 08/08/2014 Decision: Granted with Unilateral Undertaking (GWUU)
15/AP/1186 Application type: Full Planning Permission (FUL) Rooftop extension to provide x2 residential units and walkway to rear of existing office/residential at 1st and 2nd floor; and refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant NON DETERMINATION APPEAL HEARING DATE SET 10 MAY 2016 Council would have been minded to refuse permission for the following reasons; Lack of a setback to the rear of the proposed rooftop extension Pedestrian and vehicular conflict within use of the yard Lack of mitigation measures in respect of car parking
15/AP/3204 Application type: Approval of Details - Article 30 DMPO (AOD) Details of noise levels pursuant to Condition 8 of planning permission 14-AP-0280 for: Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant. Decision date 11/10/2015 Decision: Granted (GRA)
15/AP/2673 Application type: Approval of Details - Article 30 DMPO (AOD) Details of foundation works pursuant to Condition 4 of planning permission 14-AP-0280 for: Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant. Decision date 11/10/2015 Decision: Granted (GRA)
15/AP/4348 Application type: Approval of Details - Article 30 DMPO (AOD)

Details of the method of privacy along the boundary pursuant to Condition 9 of planning permission 14-AP-0280 for: Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

Decision date 21/12/2015 Decision: Granted (GRA)

15/AP/2897 Application type: Approval of Details - Article 30 DMPO (AOD)

Details of the tree protection measures to be used pursuant to Condition 5 of planning permission 14-AP-0280 for: Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

Decision date 30/12/2015 Decision: Granted (GRA)

15/AP/2898 Application type: Approval of Details - Article 30 DMPO (AOD)

Details of the green roof and a hard and soft landscaping scheme pursuant to Condition 7 of planning permission 14-AP-0280 for: Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

Decision date 30/12/2015 Decision: Granted (GRA)

15/AP/4467 Application type: Full Planning Permission (FUL)

Erection of Substation to rear of site

Decision date 15/01/2016 Decision: Granted (GRA)

Planning history of adjoining sites

11. 14/AP/1811 - 92 Lordship Lane:
Planning permission granted 16/08/2014 for the erection of a part 1 part 2 storey rear/side extension and conversion of part of the ground and first floors to provide 3 studio apartments.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:

Principle;
Amenity;
Transport;
Design;
Trees;
Sustainability.

Planning policy

13. National Planning Policy Framework 2012 (the Framework)

Section 1 - Building a strong, competitive economy
 Section 2 - Ensuring the vitality of town centres
 Section 4 - Promoting sustainable transport
 Section 6 - Delivering a wide choice of high quality homes
 Section 7 - Requiring good design
 Section 11 - Conserving and enhancing the natural environment

14. London Plan 2015 (consolidated with alterations since 2011)

2.15 Town centres
 3.3 Increasing housing supply
 4.2 Offices
 4.7 Retail and town centre development
 5.2 Minimising carbon emissions
 5.3 Sustainable design and construction
 5.7 Renewable energy
 6.10 Cycling
 6.13 Parking
 7.4 Local character
 Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

15. Core Strategy 2011

Strategic Policy 1 - Sustainable Development
 Strategic Policy 2 – Sustainable transport
 Strategic Policy 5 – Providing New Homes
 Strategic Policy 10 – Jobs and Businesses
 Strategic Policy 11 - Open Spaces and Wildlife
 Strategic Policy 12 - Design and Conservation
 Strategic Policy 13 - High Environmental Standards

16. Southwark Plan 2007 (July) - saved policies

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

1.4 Employment sites outside the preferred office locations and preferred industrial locations (part saved)
 1.7 - Development within town and local centres

- 3.2 Protection of Amenity
- 3.4 Energy Efficiency
- 3.7 Waste Reduction
- 3.11 Efficient Use of Land
- 3.12 Quality in Design
- 3.13 Urban Design
- 3.14 Designing Out Crime
- 3.28 Biodiversity
- 5.1 Locating Developments
- 5.2 Transport Impacts
- 5.3 Walking and Cycling
- 5.6 Car Parking

Principle of development

17. The principle of redevelopment of the site is accepted and largely agreed by the earlier permission 14/AP/0280. The proposal currently submitted proposes an increased quantum of development as well as the formation of 8 individual office units. In land use terms an increase of office space on the site is acceptable in this town centre location, subject to amenity, design and transport considerations, which are considered further below.
18. The proposal would increase the density of the site, however the increase is marginal when compared with the approved scheme, (485hrph 14/AP/0280) 490 hrph current proposal. This is a reflection of the lower level of residential accommodation proposed as part of this application. Whilst this may exceed the density range for the area, 200-350hrph, given the site context on Lordship Lane the proposed density is not considered to be harmful.

Environmental impact assessment

19. Not required for an application of this size and nature.

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

20. 82 Lordship Lane

It is not considered that the proposed development would adversely impact upon the continued operation of the shop which occupies the ground floor of this building.

21. 82A Lordship Lane

82A Lordship Lane is a residential unit which occupies part of the ground floor and the first floor of the building. It has a well planted garden at the rear, the southern boundary of which is currently enclosed by a high wall. The plans show this building with an L-shaped footprint at the rear but that is not correct, and the area immediately next to the site has been built upon and forms part of the dwelling. The layout of the accommodation has been verified through a site visit and at ground floor level comprises a bathroom and an open plan kitchen / living space with patio doors leading out to the garden. These doors are located next to the site boundary and with

the exception of three rooflights, are the only source of light to the living space. At first floor level two windows facing down the rear garden both serve bedrooms; there is a first floor window in the side elevation but this serves a landing and is obscure glazed.

22. The impact from the ground floor extension was considered to be acceptable with the previous scheme. The proposed additional storey would be set in from the sides and is not considered to impact upon the outlook or cause any additional loss of light to this dwelling.
23. With the exception of the additional floor, the built form in respect of the upper levels would remain largely the same as the extant permission - although the uses would be different. The plan shows the terraces and the screening in accordance with the approved scheme. To this end it is not considered that the amenity of occupiers of this property would be significantly affected. The upper floor would be set back from the side of this building; this is considered sufficient to retain adequate levels of light and outlook for the dwelling.
24. It is considered that as before, noise from the plant could be dealt with by condition.

25. 92 and 94 Lordship Lane

There are residential properties above both of these ground floor commercial units. The impact of the development is unlikely to affect these dwellings over and above the consented scheme. The upper floor would be set in from the sides of these properties and the provision of an additional storey is unlikely to result in significant harm to the existing residential amenity.

26. East Dulwich Car Wash

There are no amenity or commercial issues affecting the operation of the car wash.

27. 1 Chesterfield Grove

The flank wall of this end of terrace Victorian house adjoins the western side of the access road leading to the car park. The building then steps in and has a 2-storey outrigger at the rear which has windows visible at first floor level facing towards the site. There is a gate from the access road leading directly into the rear garden of the house, and at the time of the site visit, a number of wheelie bins were located on the access road next to the flank wall. Bollards have been installed either side of the access road next to number 1 Chesterfield Grove and the car wash.

28. It is considered that the proposed extension would be located sufficiently far from this property to ensure that no loss of amenity with regard to light or outlook would occur. The proposed walkway element of the extension would be approximately 14m away from the main back wall, with the extension set further back. The distance and the angled location of the proposed scheme in relation to this dwelling is such that there would be a limited loss of amenity to this dwelling.
29. The additional storey would be set back on Lordship Lane and setback to the rear. This, along with the distance separation alleviates the visual impact to no. 1

Chesterfield Grove and would not be overbearing for its occupiers.

30. 1, 3, 5 and 7 Ashbourne Grove
 These properties adjoin the northern boundary of the site. The proposed ground floor extension was previously judged as having an acceptable impact upon these properties. The roof top extension would be a sufficient distance away from these dwellings such there would not be any unacceptable impacts to their amenity.

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

31. Whilst there is no objection to the provision of mixed residential and offices above the A1 retail use, there was in the earlier submission, (15/AP/1186 - which is the subject of a planning appeal) a concern that the proposal would result in a conflict between the occupants of the office and residential uses and that of the ground floor retail in terms of pedestrian and vehicle movements in the yard at the rear. However further information has been submitted to address this concern as part of the planning appeal, which the applicant has confirmed is also applicable to this application, and this is discussed further in the following section on transport.

Transport issues

32. The key concern is the increase in pedestrian and cycle usage to the rear of the site due to the additional residential units above. The access to the residential areas is via a narrow passage and busy goods yard servicing the Marks and Spencer store. The increase in usage may result in some interaction between vulnerable pedestrians/cycles and HGVs.
33. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.
34. Paragraph 15 of the submitted appeal document from TPP Consulting states;
 '.....delivery vehicles will be required to manoeuvre at speeds of 5mph or lower in the yard with reversing done under the supervision of a banksman, with drivers accustomed to operating in confined spaces and car parks, with delivery vehicles tending to travel at lower speeds than cars in a car park. Signage will be erected in the yard informing drivers of the presence of pedestrians, with residents warned of delivery activity and the pedestrian walkway associated with the consented scheme retained through the reorganisation of the yard to accommodate the sub-station'.
35. It is considered that a condition imposed to ensure that deliveries were undertaken in this way is a suitable means to ensure that the potential conflict between pedestrians/cyclists and vehicles is managed.
36. The issue of parking was also a concern from residents, however a material consideration is the extant permission 14/AP/0280 which proposed eight dwellings. The present scheme is for two dwellings, office space at first and second floor and an

extension to the retail store which is not considered to result in significant additional parking stress.

Design issues

37. The proposal includes a setback third floor, the building is already taller than its more modest neighbours, having a completely different character and set within a more generous plan form.
38. The proposed rear extension and additional storey on the roof would not give rise to any harmful impact on the townscape or indeed the design or integrity of the host building when viewed from the public realm. The set back of the roof extension would mitigate the potential for this to cause harm to the streetscape, indeed it has the potential, with appropriate materials, to provide architectural interest to a somewhat mundane building.

Other matters

39. The appeal proposal currently under consideration has as a result of evidence submitted sought to address the areas of concerns raised by the council, including that of servicing and parking. Should the appeal stand following a decision on this application officers would still seek to secure a legal agreement to cover any uplift in residential accommodation in the future.

Impact on trees

40. There are 5 trees along the northern boundary of the car park which are situated within neighbouring gardens but which overhang the site boundary. As previously agreed any tree impacts could be mitigated through planning conditions should planning permission be granted.

Planning obligations (S.106 undertaking or agreement)

41. Mayoral CIL would be required for the additional floorspace provided on the proposed extension. This would be in respect of the additional 208sq metres of residential floorspace, which equates to £8,978
42. Southwark CIL is also applicable to the new residential floorspace and which would equate to £200 (plus indexation) x 208sq metres, which equates to £44,000.
43. Whilst the proposal is below the affordable housing threshold, there is an extant permission for 8 flats on the first and second floors of the building, demonstrating (should this proposal for 2 flats at roof level be permitted) that at least 10 flats could be created here were a future scheme to come forward proposing residential again at first and second floor. It is therefore considered necessary that a S106 agreement is required here to ensure that the cumulative number of residential units at the site is considered, should future proposals come forward, against the Council's affordable housing policy.

Sustainable development implications

44. It is suggested that similar conditions (to those imposed on planning permission 14/AP/0280) could be imposed upon this permission to ensure that the building is well insulated and energy efficient. In economic terms the provision of increased office floorspace is considered acceptable within this town centre location and a mixed use scheme within a town centre location would be in line with the objectives of the Core Strategy and Southwark Plan.

Conclusion on planning issues

45. The proposal is acceptable in land use terms in this town centre location. The impact of the lower floors is consistent with that deemed acceptable under the extant permission and the set back of the rear of the roof top extension now proposed will avoid undue impacts on neighbouring properties. The proposed servicing arrangements now set out, including the use of a 'banksman' for the manoeuvring of larger vehicles, is now considered to overcome earlier concerns at highway conflicts in the rear service yard, and these measures can be secured by condition.
46. Officers have considered the potential for increasing the numbers of residential units and as discussed in paragraph 52 above and feel that this could be dealt with by way of a legal agreement.

Community impact statement

47. 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.

The impact on local people is set out above.

No issues relevant to particular communities/groups likely to be affected by the proposal have been identified, other than those above.

The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are dealt with by conditions to any consent granted.

Consultations

48. 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.
50. Summary of consultation responses

Comment

Proposed extension not in keeping with the area and will be too high compared with adjoining premises resulting in an overdevelopment of the site.

Response

It is noted that the scheme would be higher than the adjoining buildings, however with the setback of this top floor and given the existing permission it is not considered that the proposal would result in a harmful overdevelopment of the site.

Comment

Noise from walkways, staff from retail equate to 57 and possibly 80 from the proposed offices.

Response

The proposed walkways would serve 8 offices and 2 flats, it is unlikely that levels of noise from people coming or going would detract from residential amenity. Notwithstanding this assessment, there is statutory noise nuisance legislation to protect residents.

Comment

Increased parking concerns.

Response

This application would not result in significant levels of parking over and above the extant permission given the quantum previously proposed.

Comment

Servicing and highway safety concerns.

Response

A report is now submitted advising of how this would be undertaken. Officers are satisfied that with the use of a banksman highway conflicts should be avoided; a condition will secure suitable servicing arrangements.

Comment

Loss of sunlight.

Response

The proposed extension would be setback, furthermore it is at a sufficient distance from residential properties not to affect levels of sunlight such that would warrant a refusal of the scheme.

Comment

In the previous planning application to change the units above the store from Class B1 Office Units to Class C3 Residential, much was made of the office space being vacant and a supplied report (by Lee Baron Ltd) suggested that it was not viable to use this space for offices. Are we therefore to believe that the developers have changed their mind or is this an attempt to bypass the regulations regarding number of residential units of 10 or more.

Response

The office market has shown signs of recovery since the last planning permission was

granted in summer 2014 and the provision of new office space is in accordance with saved policy 1.7 of the Southwark Plan which includes commercial B1 floorspace as an appropriate use within town centres. The number of residential units proposed here does not trigger the Council's affordable housing policy and through this permission a S106 agreement will be secured such that if the office floors are converted to residential the cumulative number of residential units will be considered against the affordable housing policy.

Comment

Lighting of the area to the rear will impact upon residential amenity

Response

Any external lighting can be controlled by condition.

Comment - in support:

Good design and good use of site.

Comment - in support:

Happy if height were increased to 5 or 6 floors.

Human rights implications

51. 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.
52. This application has the legitimate aim of providing retail, office and residential. 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/2315-84 Application file: 15/AP/2221 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Team Leader	
Version	Final	
Dated	25 February 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		25 February 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 24/06/2015**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 17/06/2015**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

Thames Water - Development Planning

Neighbour and local groups consulted:

11 Ashbourne Grove SE22 8RN	103-105 Lordship Lane London SE22 8HU
27 Hillcourt Road London SE22 0PF	78a Lordship Lane London SE22 8HF
37 Rodwell Road London SE22 9LE	99-101 Lordship Lane London SE22 8HU
114 Parkway London NW1 7AN	First Floor Flat 94 Lordship Lane SE22 8HF
74a Lordship Lane London SE22 8HF	Living Accommodation Lord Palmerston SE22 8EP
84-90 Lordship Lane London SE22 8HF	82 Lordship Lane London SE22 8HF
Flat B 70 Lordship Lane SE22 8HF	9 Ashbourne Grove London SE22 8RN
Flat A 70 Lordship Lane SE22 8HF	7 Ashbourne Grove London SE22 8RN
95a Lordship Lane London SE22 8HU	6 Chesterfield Grove London SE22 8RW
7 Chesterfield Grove London SE22 8RP	6 Chesterfield Grove London SE22 8RW
5 Chesterfield Grove London SE22 8RP	6 Chesterfield Grove London SE22 8RW
9 Chesterfield Grove London SE22 8RP	1 Chesterfield Grove London SE22 8RP
93a Lordship Lane London SE22 8HU	3 Chesterfield Grove London SE22 8RP
80a Lordship Lane London SE22 8HF	11 Chesterfield Grove London SE22 8RP
94 Lordship Lane London SE22 8HF	5 Ashbourne Grove London SE22 8RN
Second Floor Flat B 84-90 Lordship Lane SE22 8HF	1 Ashbourne Grove London SE22 8RN
Second Floor Flat A 84-90 Lordship Lane SE22 8HF	97 Lordship Lane London SE22 8HU
First Floor And Part Second Floor 84-90 Lordship Lane SE22 8HF	11 Ashbourne Grove London SE22 8RN
Rear Of 94 Lordship Lane SE22 8HF	3 Ashbourne Grove London SE22 8RN
82a Lordship Lane London SE22 8HF	13 Ashbourne Grove London SE22 8RN
92 Lordship Lane London SE22 8HF	14, Shawbury Court 99, Lordship Lane SE22 9DQ
72 Lordship Lane London SE22 8HF	16 Solway Road London SE22 9BG
93 Lordship Lane London SE22 8HU	179 Friern Road East Dulwich se22 0bd
First Floor And Second Floor Flat 97 Lordship Lane SE22 8HU	9 Ashbourne Grove East Dulwich SE22 8RN
80 Lordship Lane London SE22 8HF	1 Ashbourne Grove East Dulwich SE22 8RN
89 Lordship Lane London SE22 8EP	8 Chesterfield Grove London SE22 8RW
68 Lordship Lane London SE22 8HQ	First Floor Flat 41 Oakhurst Grove SE22 9AH
Lord Palmerston 91 Lordship Lane SE22 8EP	By Email
78 Lordship Lane London SE22 8HF	8 Shawbury Court 99-115 Lordship Lane SE22 9DQ
74 Lordship Lane London SE22 8HF	1014 Lordship Lane London SE22 8LT
76 Lordship Lane London SE22 8HH	82a Lordship Lane London se22 8hf

Re-consultation: 24/07/2015

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

None

Statutory and non-statutory organisations

Thames Water - Development Planning

Neighbours and local groups

1 Chesterfield Grove London SE22 8RP
1014 Lordship Lane London SE22 8LT
11 Ashbourne Grove SE22 8RN
11 Ashbourne Grove SE22 8RN
11 Ashbourne Grove London SE22 8RN
11 Ashbourne Grove London SE22 8RN
179 Friern Road East Dulwich se22 0bd
3 Ashbourne Grove London SE22 8RN
3 Ashbourne Grove London SE22 8RN
3 Ashbourne Grove London SE22 8RN
6 Chesterfield Grove London SE22 8RW
6 Chesterfield Grove London SE22 8RW
78 Lordship Lane London SE22 8HF
8 Chesterfield Grove London SE228RW
82a Lordship Lane London SE22 8HF
9 Ashbourne Grove London SE22 8RN
9 Ashbourne Grove London SE22 8RN
9 Ashbourne Grove London SE22 8RN

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	Mr D Watson Dunward Properties	Reg. Number	15/AP/2221
Application Type	Full Planning Permission	Case Number	TP/2315-84
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Rooftop extension to provide x 2 residential units and walkway to rear of existing office/residential at 1st and 2nd floor; and refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

At: 84-90 LORDSHIP LANE, LONDON, SE22 8HF

In accordance with application received on 04/06/2015 08:01:49

and Applicant's Drawing Nos. Existing

Site location Plan; A-115-LOR-EXI-PL-001; A-115-LOR-EXI-PL-002; A-115-LOR-EXI-PL-003; A-115-LOR-EXI-PL-004; A-115-LOR-EXI-ELE-001; A-115-LOR-EXI-ELE-002; A-115-LOR-EXI-SEC-010

Proposed

A-115-LOR-PRO-ELE-001; A-115-LOR-PRO-ELE-007; A-115-LOR-PRO-ELE-008; A-115-LOR-PRO-PL-001; A-115-LOR-PRO-PL-002; A-115-LOR-PRO-PL-003; A-115-LOR-PRO-PL-103 REV B; A-115-LOR-PRO-PL-104 REV B; A-115-LOR-SEC-300 REV B

Documents

Appeal Statement of Case (APP/A5840/W/15/3065783) - Andrew Murdoch TPP Consulting dated 12/02/2016

Subject to the following fourteen 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:

A-115-LOR-PRO-ELE-001; A-115-LOR-PRO-ELE-007; A-115-LOR-PRO-ELE-008; A-115-LOR-PRO-PL-001; A-115-LOR-PRO-PL-002; A-115-LOR-PRO-PL-003; A-115-LOR-PRO-PL-103 REV B; A-115-LOR-PRO-PL-104 REV B; A-115-LOR-SEC-300 REV B

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before the end of three years from the date of this permission.

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

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

- 3 Prior to the commencement of use of the retail extension, (Class A1), details of the delivery servicing arrangements, including on site specific measures, 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 approval given.

Reason

To ensure that occupiers of neighbouring residential occupiers 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).

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.

- 4 Prior to the commencement of the authorised use, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises) shall be submitted to and approved in writing by the Local Planning Authority. The method of assessment is to be carried in accordance with BS4142:2014 'Rating industrial noise affecting mixed residential and industrial areas'. The plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that occupiers of neighbouring residential occupiers 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)

- 5 Before the first occupation of the office/ residential building and retail extension the cycle storage facilities as shown on drawings A-115-LOR-PRO-PL-001 shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 6 Before the first occupation of the office residential building and completion of the retail extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced A-115-LOR-PRO-PL-001 shall be provided and made available for use by the occupiers of the dwellings/premises 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

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

- 7 The protective measures shall be installed and retained throughout the period of the works in accordance with the details contained in the Arboricultural Impact Assessment report by TreeKing dated September 2012 submitted with LBS Ref 14/AP/0280. Protective fencing must not be moved or removed without the explicit written permission of the Local Authority Urban Forester. Within tree root protection areas any excavation must be dug by hand such that any roots found to be greater than 25mm in diameter are retained and worked around. Excavation must adhere to the guidelines set out in the National Joint Utilities Group (NJUG) publication Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

In any case, all works must adhere to BS5837: Trees in relation to demolition, design and construction (2012) and BS3998: Recommendations for tree work (2010).

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 ensure the proposed development will preserve and enhance the visual amenities of the locality and will be designed for maximum benefit of screening, local biodiversity and adaptation to climate change in accordance with Policy 2.18 Green Infrastructure, Policy 5.1 Climate Change Mitigation, Policy 5.10 Urban Greening, Policy 7.4 Local Character, and Policy 7.21 Trees and Woodlands of the London Plan 2011; Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and conservation, and Strategic Policy 13 High environmental standards; and Saved Policy 3.28 Biodiversity and Policy 3.2 Protection of amenity of the Southwark Plan 2007.

- 8 The management of the deliveries associated with the commercial unit shall not be carried out other than in accordance with the details provided within the Appeal Statement of Case (APP/A5840/W/15/3065783) by Andrew Murdoch of TPP Consulting dated 12/02/2016.

Reason

In the interests of highway safety within the site in accordance with Saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 9 Residential rooms within the development sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises.

Reason

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

- 10 Servicing in connection with the proposed retail unit should not take place outside the hours of 07:00 to 22:00 from Monday to Friday, 08:00 to 21:00 on Saturday and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason

To ensure no loss of amenity through noise and disturbance to the residential occupiers adjoining the site nearby on Chesterfield Grove and Ashbourne Grove, in accordance with SP 13 High environmental standards of the Core Strategy 2011 and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

- 11 The use hereby permitted for retail A1 purposes shall not be carried on outside of the hours 07:00 to 22:00 on Monday to Saturdays or 10:00 to 18:00 on Sunday and Bank and Public Holidays.

Reason:

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

- 12 The privacy screen details to be erected along the boundary with 82 Lordship Lane shall be implemented in accordance with the details approved under planning permission LBS Ref 15/AP/4348 dated 21/12/2015. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to protect the privacy and amenity of existing and future residential occupiers at 82 Lordship Lane from undue overlooking in accordance with SP 13 High environmental design of the Core Strategy and Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

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

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

Living rooms- 30dB LAeq, T **

- *- Night-time 8 hours between 23:00-07:00
- ** - Daytime 16 hours between 07:00-23:00.

Reason

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

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).

- 14 Prior to the installation of any external lighting associated with this development, details of the lighting scheme (including design, power and position of luminaries) and method of security of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason: In order that the Council may be satisfied as to the details of the development in the interest of visual amenity of the area, safety and security and the amenity and privacy of adjoining occupiers in accordance with Policy 3.3 'Urban Design' of the Southwark Plan (2007) SP12 'Design and Conservation' of the draft Core Strategy (2011).

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The previous appeal and planning decisions were taken into account by the applicant as material consideration in the assessment of this case.

Ordnance Survey

Date 25/2/2016



Item No. 7.2	Classification: Open	Date: 8 March 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/1705 for: Full Planning Permission Address: 272 ST JAMESS ROAD, LONDON SE1 5JX Proposal: Demolition of existing petrol filling station and erection of building up to 8 storeys with residential accommodation 34 dwellings and 127sqm of flexible use (Class A1 or B1) at ground floor level only together with access, hard landscaping and other associated works.		
Ward(s) or groups affected:	South Bermondsey		
From:	Director of Planning		
Application Start Date 05/05/2015		Application Expiry Date 04/08/2015	
Earliest Decision Date 13/06/2015			

RECOMMENDATIONS

1. That planning permission be granted subject to a Section 106 Agreement.
2. That in the event that the requirements of paragraph 1 are not met by 1 May 2016, the Director of Planning be authorised to refuse planning permission for the reasons set out under paragraph 66.

BACKGROUND INFORMATION

3. This item is referred for member decision due to the size of the development and as a result of more than 5 letters of objection having been received.

Site location and description

4. The application site is currently occupied by a decommissioned petrol filling station. Immediately to the west, fronting Rolls Road is a private house, next to the two storey wing of the extension to Phoneix Primary School. The school is Grade II listed. To the rear of the site is a 1.5-2 storey high commercial garage, which is in separate ownership, but accessed via two protected rights of way over the site. Immediately to the south of the application site is a 4-5 storey office building and beyond that is a row of traditional Victorian terraced housing. Opposite the site to the east is a three storey block of flats.
5. The site is of significant visual prominence in the local townscape as a result of its portion on the corner of the junction of Rolls Road and St James's Road. The Old Kent Road is approximately 350m to the south of the site.

6. The proposal lies within the following Southwark Plan designations:

- Urban Density Zone;
- Archaeological Priority Zone;
- Air Quality Management Area; and
- The Old Kent Road Action Area.

Details of proposal

7. Permission is sought to redevelop the site to provide a total of 34 residential units over 8 floors (9 if the mezzanine is included) comprising:

- 10 x 1 bedroom units;
- 17 x 2 bedroom units;
- 7 x 3 bedroom units; and
- 127 sq metres of commercial A1 or B1 floorspace.

8. Affordable housing:

- The proposal would provide a total of 35% affordable accommodation based on habitable floor space:
 - 4 x 3 bed flats social rent;
 - 1 x 2 bed; and
 - 3x3 bed flats for intermediate sales).

9. Dwelling mix:

- The proposal would provide a mix of 10 x 1 bed (29%);
- 17 x 2 bed (50%); and
- 7 x 3 bed (21%)

10. Wheelchair accommodation:

- 4 wheelchair units would be provided within the development representing 12% of the total number of units these comprise:
 - 2 x 1bed
 - 2 x 2 bed

11. Access

The site has two access roads, one from St James's Road and one from Rolls Road, both access roads provide a right of way for the garage to the rear. The access road from St James's Road would be bridged over by the upper floors A parking space is proposed from the St James's Road access for one of the wheelchair units.

12. The main residential entrance would be from St James's Road with a secondary access provided to the residential units on the first floor from the access road on Rolls Road. The ground floor units would be slightly sunken below ground level and set back from the main road, and would benefit from mezzanine level accommodation. The ground floor elevations would be composed of a series of arched openings along St James's and Rolls Road. The proposal would vary in height ranging from 3 to 8

storeys, each unit would benefit from its own private amenity space. Cycle and refuse storage is provided on the ground floor.

13. The commercial unit would occupy the corner of the site with a frontage onto both roads. It is proposed to service the commercial unit from the street.

Planning history

14. Not relevant.

Planning history of adjoining sites

15. None relevant.

KEY ISSUES FOR CONSIDERATION

16. **Summary of main issues**

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

- a) the principle of the development in terms of land use and conformity with strategic policies;
- b) Tenure split, affordable housing and financial viability;
- c) Impact of proposed development on amenity of adjoining occupiers and surrounding area;
- d) Impact of adjoining and nearby uses on occupiers and users of proposed development;
- e) Transport impacts;
- f) Design of the scheme and setting of nearby listed buildings;
- g) Impacts on infrastructure and consideration of planning obligations (S.106 undertaking or agreement;)
- h) Mayoral and Southwark community infrastructure levy; and
- i) Sustainable development implications.

Planning policy

17. National Planning Policy Framework 2012 (the Framework)

Part 4 Promoting sustainable transport
 Part 6 Delivering a wide choice of high quality homes
 Part 7 Requiring good design
 Part 11 Conserving and enhancing the natural environment in particular paras 118, 123, 121 and 124 (biodiversity, noise, contamination, air quality)
 Part 12 Conserving and enhancing the historic environment
 Para 173 – 177 – Ensuring viability and deliverability
 Para 203-206 Planning obligations and conditions

18. 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 3.10 Definition of affordable housing
 Policy 3.11 Affordable housing targets
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 Affordable housing thresholds
 Policy 4.3 Mixed use development and offices
 Policy 4.7 Retail and town centre development
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals
 Policy 5.7 Renewable energy
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.15 Water use and supplies
 Policy 5.17 Waste capacity
 Policy 5.21 Contaminated land
 Policy 6.1 Strategic approach
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 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 noise and enhancing soundscapes
 Policy 8.2 Planning obligations

19. 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 6 - Homes for people on different incomes
 Strategic Policy 7 - Family homes
 Strategic Policy 10 - Jobs and businesses
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards

Strategic Policy 14 - Implementation

20. 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 2.5: Planning Obligations

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 3.7: Waste Reduction

Policy 3.9: Water

Policy 3.11: Efficient use of Land

Policy 3.12: Quality in Design

Policy 3.13: Urban Design

Policy 3.14: Designing out Crime

Policy 3.16: Conservation areas

Policy 3.18: Setting of listed buildings, conservation areas and World Heritage Sites

Policy 3.19 Archaeology

Policy 3.28: Biodiversity

Policy 4.1: Density

Policy 4.2: Quality of residential accommodation

Policy 4.3: Mix of dwellings

Policy 4.4: Affordable housing

Policy 4.5: Wheelchair affordable housing

Policy 5.1: Locating Developments

Policy 5.2: Transport Impacts

Policy 5.3: Walking and Cycling

Policy 5.6: Car Parking

Policy 5.7: Parking Standards for disabled people and the mobility impaired

Principle of development

21. The site is located outside of the central activities zone and is not within a designated town centre. Given the former sui generis use of the site as a petrol filling station there are no policy objections to the redevelopment of the site for a mixed residential/commercial scheme.

22. Density

Core Strategy policy 5 sets out that in the urban density zone densities should be within the range of 200-700 habitable rooms per hectare.

23. The overall density of the proposal taking account of the commercial floorspace would

result in a density of approximately 816 hrph.

24. This is in excess of the density ranges set out in core strategy policy 5 as being acceptable in this location. In accordance with the core strategy, and the council's residential design standards supplementary planning document (SPD), the development must be considered to be of exemplary design quality in order to justify the higher density. Further guidance on the criteria that will be used to assess this are set out in the SPD. As assessed below, the scheme is considered to meet the criteria for permitting an exception to the density policy for the following reasons.
25. The SPD criteria require that the scheme makes a positive contribution to local context, character and communities, including contribution to the streetscape. In this case, as assessed in the design section of this report below, the scale, massing and detailed design of the scheme are considered to be appropriate to the local townscape and context. In addition, in terms of contribution to communities the scheme would offer an appropriate mix of land uses for this location and is supported by policies on mixed and balanced communities in relation to affordable housing.
26. In addition, the SPD seeks that to be 'exemplary development', the scheme should significantly exceed minimum floor area standards, be predominantly dual aspect, exceed amenity space standards, minimise noise nuisance by having appropriate stacking, minimising corridor lengths by having an increased number of cores, have natural light and ventilation in bathrooms and kitchens and meet good sunlight and daylight standards and maximise the potential of the site.
27. On the whole, officers consider that many of the criteria are met. The dwelling mix is appropriate, meeting the requirements of strategic policy 7 and saved Southwark Plan policy 4.3 as set out in paragraph 7 above. In addition the quality of accommodation being provided is considered to be generously proportioned with good levels of light and outlook and all of the units have their own private amenity space. The flat sizes are amenity spaces are detailed in the table below.

Unit Type	Floorspace Sq. metres	National Standards floorspace Sq. metres	Amenity Space Sq. metres
Ground Floor			
1bed (2P)	76	58	24
1bed (2P)	83	58	16
1bed (2P)	79	58	19
2bed (3P)	97	70	37
2bed (3P)	98	70	8
First Floor			
3 bed (5P)	87	86	10
3 bed (5P)	86	86	24
3 bed(4P)	80	74	21
3 bed (5P)	89	86	12
3 bed (5P)	87	86	10
2 bed (3P)	64	61	6
1 bed (2P)	53	50	12
Second Floor			
3 bed (5P)	86	86	11

2 bed (3P)	61	61	8
2 bed (4P)	73	70	7
2 bed (3P)	84	61	22
2 bed (4P)	72	70	7
2 bed (4P)	74	70	14
Third Floor			
2 bed (3P)	64	61	9
1bed (2P)	59	50	6
2 bed (3P)	84	61	7
1 bed (2P)	50	50	9
1bed (2P)	50	50	8
3 bed (5P)	86	86	14
Fourth Floor			
2 bed (3P)	64	61	9
1bed(2P)	59	50	14
2 bed (3P)	64	61	20
2 bed (4P)	77	70	7
2 bed (4P)	70	70	32
Fifth Floor			
2 bed (4P) duplex	83	79	52
2 bed (4P)	81	70	21
1 bed (2P) duplex	62	58	22
2 bed (3P)	75	70	7
Sixth Floor			
1 bed (1P)	47	39	12
Seventh Floor			
2 bed (3P)	75	61	12

28. Strategic Policy 6 of the core strategy requires a minimum of 35% affordable housing for all schemes of 10 or more residential units. The 2011 affordable housing SPD gives further guidance on the issue and clarifies that we will consider this in relation to the proportion of habitable rooms that are provided across the development. The proposal would provide 39 affordable habitable rooms roughly split 50:50 intermediate and social rent. This would represent 35% of the total number of habitable rooms (111) meeting the requirements for quantum and tenure split required in the Old Kent Road action area (Saved policy 4.4 affordable housing of the Southwark Plan 2007).
29. In addition the proposal would provide 4 wheelchair units which would represents 12% of the total number of dwellings provided in excess of the requirements of SP6.
30. The 2015 technical update to the residential design standards states that all new residential development must provide an adequate amount of useable outdoor amenity space, with the nature and scale appropriate to the location of the development. The proposed scheme would provide private amenity space ranging from 6 to 52 sq metres. The scheme does not provide on-site communal space.
31. Officers consider that whilst the lack of on-site communal space does not meet this section of the guidance the overall quality of the units, the scheme design and the benefits arising from the development would outweigh this factor. The site is also a short walk from open space at Paterson Park to north west. In addition, there are contributions that can be put in place to mitigate against a shortfall in communal

space.

Environmental impact assessment

32. The proposed development does not constitute a scheme requiring an EIA.

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

33. 76 Rolls Road

This is the nearest residential property to the proposal site and consists of a two storey detached dwelling. The dwelling has a northern aspect to the front and a southerly aspect to the rear, which is enclosed on the rear boundary by the high wall of the existing garage structure.

34. The daylight and sunlight study submitted as part of the application demonstrates that there are two windows on the side elevation facing toward the application site, a secondary window to the living room on the ground floor and a first floor bedroom.

35. The study demonstrates that there would be a loss of light to these side windows, but that the living room would still receive good levels of daylight and sunlight due to additional openings, however, the bedroom would result in a loss of both daylight and sunlight due its location on the boundary. It is acknowledged that there would be an impact to the daylight and sunlight levels to this bedroom but any development adjoining the property is liable to impact these windows.

36. The proposal would be prominent in oblique views from the dwelling to the east, but the configuration of the proposal is such that it would not compromise privacy as the window and door openings are located to the south rather than looking towards the dwelling to the west.

37. Garage / workshop to the rear of application site

The proposal would adjoin the eastern wall of the garage site. The garage has two access roads over which the business has a right of way, both of which will be retained as part of the proposal, although one will be bridged over at first floor level and above, leaving an entrance that is considered suitable for vehicles and would be no lower than the existing garage entrance doors. An objection has been received from the business, with concerns around the future operation of the garage with the potential housing use close by, this is dealt with in the next section of the report.

38. Whetton Cleaning Services, 278 - 280 St James Road

This premises is located to the south of the application site, with a three/four storey office building fronting the main road and an access road serving the rear units. The proposal would be built in part up to the boundary with this neighbouring site at ground through to fourth floor level, maintaining a blank flank wall with no openings onto this boundary. A balcony is shown close to the boundary at first floor level however it is considered that this could be screened on the boundary with Whetton's. Other windows on the side elevation facing toward the Whetton's site are secondary room windows noted as frosted on the submitted plans. It is not considered that the

proposed development would compromise the existing business or any future redevelopment of this site.

39. 1 -12 Winter Lodge Fern Walk

Located to the east of the site across St James's Road the property is a purpose built apartment block on 3 floors, due to the open nature of the existing site the proposed development would impact on daylight and sunlight to the windows within this elevation. The daylight and sunlight analysis demonstrates that the proposed building would still remain well lit and will retain good levels of skylight and demonstrate compliance with the BRE Guidance. It is also important to note that this neighbouring block is also primarily orientated north/south and the windows looking to the west towards the site appear to be mainly secondary windows.

40. 45 and 47 Achilles Close:

These dwellings are located to the north of the site across Rolls Road. The proposal will not result in any significant loss in daylight to these dwellings. There would be no noticeable reduction in sunlight and the impacts of the proposal would be fully compliant with the BRE Guidance. These properties are set back from Rolls Road with well planted rear gardens in between the south facing windows. This situation will ensure that the proposal, whilst certainly being visible from the nearest properties, will not be overbearing upon them and undue overlooking will not arise.

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

41. The garage site adjoins the residential property at 76 Rolls Road. It was originally proposed to have residential accommodation abutting the side garage wall, however, this unit has now been removed from the proposal, with the plant room abutting the garage building instead. The main concerns from the business are around the bridging over of the access on St James's Road and access rights. The proximity of the new dwellings and potential impacts on future residents in terms of complaints around noise and fumes that could impede business operations.
42. The garage use currently enjoys an extended access way due to the openness of the existing petrol station. The proposal would restrict access to the limits contained within the rights of way, which is a civil rather than a planning matter, which could be enforced without development of the site. It was noted that the access roads were being used for parking vehicles, which would not be able to take place with the proposed development.
43. The site does benefit from a second access from Rolls Road, access to the first floor flats would be from a staircase located within this access road. It is suggested that a small walkway is provided to separate the residential units from the commercial traffic, which would still allow for a 3.5 - 4 metre road. Given the presence of two access roads to the garage site, it is not considered that access to the garage would be so impeded that it would not be possible to operate from the premises. It was noted that the rights of way were being used for parking vehicles
44. The proposed dwellings have been amended from the original submission so that the ground floor units would be configured within a courtyard space over two levels. Access to one of the ground/mezzanine units would be via the access road. Whilst

this is not ideal, as a small two bed 3 person unit, it is not considered that this would result in any significant conflict, given people and cars currently access this space. Apart from small openings on the side wall at mezzanine level and above this elevation would largely be kept blank. A parking space is also located within this area, but there is sufficient space to allow the driver to enter and leave in a forward gear.

45. There are two balconies looking toward the garage site but these would be at first floor level and above and would look over the existing garage building.
46. In respect of the concerns raised around noise and fumes from the garage site, the application has been referred to both the Environment Agency and the Council's Environmental Protection Team; neither have raised objections to the proposals subject to conditions.

Transport issues

47. Car parking

The site is located within a medium PTAL of 3. The proposal is not located within the boundaries of a CPZ. Whilst it would be preferable to achieve more off street parking, it is acknowledged that the site is constrained by having to maintain the existing rights of way.

48. To deter car ownership it is considered that the applicant should provide residents with 3 years membership to a car club for each eligible adult, this will mitigate against the under provision of car parking spaces.

49. Wheelchair parking

A minimum of one accessible car parking space per development where associated parking is not provided is required. The proposal would provide one wheelchair accessible parking space.

50. Cycle parking

The proposal shows the provision of a cycle store for 45 bicycles, whilst compliant with the Southwark Plan, the London Plan Standards now supercede these standards and it is expected that based on the unit sizes, 59 cycle spaces would be required. It is therefore suggested that a condition be imposed to provide details of the secure storage of 59 bicycles. The applicant has indicated that this would be achievable.

51. Waste and servicing

Sufficient waste capacity has been shown within the development. It is noted that servicing will take place on street. Whilst it would be preferable to have off street servicing, it is considered that due to the constraints of the site, this would not be possible.

Design issues

52. Height and massing

The height, scale and massing of the scheme is generally considered acceptable,

given the prominence of this corner site. In general, the two terraces step up from four to six storeys (plus mezzanine), with the sixth storey set back from the main building line. Next to the dwelling at 76 Rolls Road, the western terrace would step down to heights of one and two storeys (including/plus mezzanine). The 'feature' element on the corner of the site would be eight storeys in height (plus mezzanine).

53. The stepping roof line would be utilised to provide a number of roof terraces, as well as a well articulated roofscape that would contribute well to the surrounding townscape.

54. The gradual stepping up of heights for the application site is well composed and justified given that this is a prominent site of local importance and worthy of a marker that is distinct from the surrounding townscape. This would not set a precedent for the height of future development on the neighbouring sites, which would be required to respond to their context. The height and massing of the proposal is acceptable at this location for the above reasons and given the quality of architectural design and expression, which needs to be maintained. Should a re-designed scheme of a similar height and massing but lesser design quality be proposed, at this site, it is likely it would be refused.

55. Detailed design

The site layout is organised around two terraces of housing that follow the traditional building lines along Rolls Road and St James's Road, meeting at a taller 'feature' element on the corner of the site. The layout proposed, would retain the two protected rights of way through the site serving 272 St James's Street, to the rear. They would be treated as two new cobbled mews streets.

56. The design concept behind the scheme is to create a contemporary mansion block, designed as two terraces meeting with a feature corner building marking the prominent junction. In principle, this is considered an appropriate response to surrounding townscape and the development potential of this site. The proposal has clearly been informed by analysis of the historic development of the area and the intention is to reinstate this historic building line and thereby re-establish an active street frontage, wrapping around this corner site.

57. The mansion block concept is considered appropriate for this site, and it has resulted in a proposal that is well articulated, with its facades activated by terraces, balconies, bay windows and large areas of glazing.

58. Elevations would be clad in facing brick. This would be a high quality, rustic, tumbled brick in "pale yet varied tone" with pale, off white mortar. The intention is that this would enhance the natural light in mews, courtyards and terraces and give a light, soft finish to the elevations. This approach is considered appropriate for this proposal and responds well to the surrounding context where a variety of brick tones and textures can be found. The lighter tone would also emphasise this building as something of a local landmark on this prominent site.

59. The windows would be composite aluminium/timber frames in a mid dark green colour (9RAL 6013 or similar). This colour has clearly been selected with care to compliment the brick work proposed and is considered acceptable. Any subsequent variations from this should be agreed in writing.

60. A large feature 'glass box' bay window would be located at third floor level on the prominent corner 'feature'. It is stated that this would be "simply and crisply detailed" with frameless glass panels and 'invisible' silicon joints' as an integral part of the overall composition. In order to ensure that this aspiration is met, it is recommended that a condition requiring detailed drawings of the design proposed should be included with any subsequent recommendation. Similarly, it is proposed that the protruding balconies would be finished in the same brick as the main elevation so that they appear as an integral part of it. As protruding balconies can often be detrimental to the appearance of a building, a requirement for detailed drawings of these is also recommended by condition.
61. An ecology roof system is proposed on all non accessible roofs. This is welcomed as it would contribute to the ecology of the area as well as improving the outlook from windows at upper levels.
62. The success of this building will rely to a significant degree on the quality of the materials specified and the detailed design. As such, it is recommended that conditions should be imposed to require samples of all facing materials (including the window frames) to be presented on site and detailed drawings including bay studies, to be provided.

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

63. The application site falls within the setting of the listed Phoenix School, but it is not considered that it would be harmful to its setting. The heritage significance of the Phoenix School is primarily derived from its internal layout and plan form, driven by pioneering research by the DES development group and marking an important phase in post war educational ideas and design. This would not be harmed by the impact of the proposed development and the setting would therefore be preserved.

Impact on trees

64. There would be no impact upon any trees.

Planning obligations (S.106 undertaking or agreement)

65. The proposal would provide sufficient private amenity space to all of the residential units, however due to the building design and the requirement to reduce carbon emissions the proposal is unable to provide the required 50 sq metres of communal space or the children's play space. Financial contributions to offset these shortfalls (as allowed through the S106 SPD) will be secured through the S106 agreement. Contributions are also sought in respect of carbon dioxide emissions, archaeology, and for employment during construction. These are detailed below;
66. Affordable Housing 39 habitable rooms comprising 4 x 3 bed flats social rent and 1x2 bed and 3x3 bed flats for intermediate sales

Archaeology

Based on 3301 sq metres of development = £3,389

Carbon off-set - Green Fund

Based on a shortfall of 8 tonnes (8 x £1,800) = £14,400

Children's play space

Child yield based on unit size and tenure = 11

11 x 10sq m = 110 sq metres

110 x £151 = £16,210

Outdoor Amenity Space

50 x £205 = £10,250

67. Should a Section 106 Agreement not be completed by the 1 May 2016 there would be no mechanism in place to avoid or mitigate the impact of the proposed development in relation to the provision of the necessary infrastructure. In the absence of a completed s106 the proposal would be contrary to saved policy 2.5 Planning obligations of the Southwark Plan 2007 and Strategic Policy 14 Implementation of the Core Strategy, and Policy 8.2 Planning obligations of the London Plan 2011, and should be refused for this reason.

Mayoral / Southwark CIL

68. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration, however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark. The Mayoral CIL payment for this scheme is calculated to be £138,462.
69. Southwark CIL was established in April 2015 the rate is based on the type and location of the development. The submitted scheme is calculated to generate a Southwark CIL payment of £179,445.

Sustainable development implications

70. The proposal would by using high efficiency individual gas boilers and roof mounted pv's provide a 19% reduction in CO2 emissions when measured against Part L of the 2013 Building Regulations. The London Plan requirement is for a 35% reduction, however where there is a shortfall the S106 SPD provides for a contribution to be made to make up any difference. This contribution is set out above and will be secured through the S106.
71. The proposal would introduce new residential accommodation and a commercial unit to a site that is currently vacant. Overall it is considered that there would be social, economic and environmental benefits to the area and an efficient use of this site, and the proposal is therefore considered to constitute sustainable development.

Other matters

72. Ownership

A letter has been received stating that both adjoining commercial sites are being sold to a single buyer who has written in offering support for the scheme.

73. Flood risk

The environment agency have raised no objections to the proposals, it is noted that whilst there is ground floor accommodation this is over two levels and therefore should offer suitable refuge at a higher level.

74. Contamination

A environmental assessment was submitted with the application which noted that in addition to the underground storage tanks there was contamination found within the soil and ground water. Conditions are therefore recommended by the Environment Agency to deal with the contamination prior to the commencement of any works on site.

75. Archaeology

The site in question is located within the Bermondsey Lake Archaeological Priority Zone. The purpose of this zone is to protect the prehistoric archaeology found in this area. Within the area of Marlborough Grove mesolithic archaeological remains have been found. These are some of the earliest evidence of human inhabitation within Southwark and the wider London area.

76. The information associated with the application does not include an archaeological assessment of the site. This is necessary in order to enable the archaeological impacts of their proposal to be considered in accordance with saved policy 3.19 of the Southwark Plan (2007) and the NPPF. Notwithstanding this officers note that the site used to include a petrol station, which will have truncated the archaeology of the site and the evidence from nearby sites is consistent suggesting that there is little likelihood of significant archaeology on this site that requires its preservation on site.

77. The application also involves the demolition of some structures on the site and the remediation of the ground. The main area of the proposed construction works will be along the St James's Road and Rolls Road frontages however, the proposal includes a lower ground floor excavated across the entire site. It is recommended that conditions are imposed prior to the commencement of any works on site.

Conclusion on planning issues

78. Particular regard was had to the impacts of the development upon the operations and future development potential of the adjoining businesses. It was considered that the proposal would allow the businesses to continue their operations and that the proposal would not hinder the future development of the existing sites to the side or to the rear.

79. It was acknowledged that the proposal would represent a dense development of the site and that it would exceed the density range for this area, however it was also recognised that the proposal would provide good quality accommodation for future residents in a well designed building and would also meet identified housing need within the borough.

80. The impacts upon residential amenity were not considered to warrant refusal of the scheme. It was considered that the scheme would not result in harmful levels of daylight or sunlight loss to the surrounding dwellings, and would be largely compliant

with BRE guidance, whilst being designed and orientated in order to avoid undue impacts on privacy or sense of enclosure for neighbouring properties.

81. Account was taken of the absence of off-street parking for the majority of the residential units where it was considered that mitigation measures such as car club membership and the increased cycle storage would assist in off-setting on street parking demand.
82. The use of a currently vacant site to provide a mixed residential / commercial scheme represents an efficient use of this redundant site and planning permission is recommended subject to conditions and a Section 106 Agreement.

Community impact statement

83. 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) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified, other than those set out above.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are contributions made via a S106 and planning conditions.

Consultations

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

Consultation replies

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

Summary of consultation responses

86. Nine letters have been received in response to the application including 2 letters of support. The objections raised are summarised below;

Representation: Concern the building would compromise highway safety close to a school.

Response

The former use of the site as a petrol filling station would have more highway issues than the proposed scheme. The existing accesses to the back of the site would remain, and there would be a reduction in vehicular movements when compared with the petrol station use.

Representation: There is already a parking problem in the area another new development will make things worse.

Response

It is acknowledged that the site is not within a controlled parking area and that it is likely to result in overspill parking, however it is conditioned that car club membership is provided for the eligible adults within the development for a period of 3 years which would help mitigate against on street parking demand. In addition there would be ample cycle storage provided within the development to encourage alternative transport modes.

Representation: Concerned about more high rise buildings in the area and the strain on local services, height of development should be restricted to 3 or 4 storeys.

Response

The site lies within the Old Kent Road Action Area and on a prominent corner. The building height is considered to be justified in the location and does step down to respond to its lower neighbours on either side. Monetary contributions from Southwark CIL and via the Section 106 ensure that the proposal will contribute to infrastructure projects in Southwark.

Representation: The proposals will be particularly oppressive on the street scape and nearby properties. Many will suffer severe overlooking and overshadowing together with a loss of light.

Response

The daylight and sunlight analysis which accompanied the application demonstrates that whilst there would be some loss of daylight and sunlight to the surrounding properties - with the exception of windows within the flank elevation of the adjoining property at 76 Rolls Road - all other dwellings will still retain good levels of daylight and sunlight. The affected windows at 76 Rolls Road sit right on the party boundary and therefore would be fairly significantly affected by any development close to this property on the application site.

One objector disputes the height of the building shown within the daylight and sunlight study; however these appear to concur with the submitted plans.

Representation: There is no distinction between the A1 and B1 use on the ground floor.

Response

There is no requirement to state a single use at this stage and flexible uses are common to mixed use schemes.

Representation: Proposal has hallmark of a buy to let type of development with a transient population.

Response

The proposal would provide both social rent and intermediate housing, which would go to a registered provider via a S106 Agreement. The council has no control over the market housing.

Representation: The proposal would compromise an existing business.

Response

This is dealt with in the main body of the report.

Representation: The proposal would compromise the development potential of the adjoining site.

Response

This is dealt with in the main body of the report.

Representation: A letter of support is submitted from the neighbour adjoining the site, and from a person stating they are in the process of purchasing adjoining land.

87. Following a reconsultation on amendments to the submitted scheme three of the objectors above responded stating that the changes had not addressed the concerns raised within their original objections, namely scale of building, and impacts upon the existing businesses or their potential to redevelop.

Human rights implications

88. 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.
89. This application has the legitimate aim of providing new residential units and commercial premises. 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/321-272	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
Application file: 15/AP/1705		Planning enquiries email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Team Leader	
Version	Final	
Dated	24 February 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to the Constitutional Team		25 February 2016

APPENDIX 1

Consultation undertaken

Site notice date: 15/05/2015

Press notice date: 21/05/2015

Case officer site visit date: 15/05/2015

Neighbour consultation letters sent: 14/05/2015

Internal services consulted:

Ecology Officer
 Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
 Flood and Drainage Team
 Highway Development Management
 Waste Management

Statutory and non-statutory organisations consulted:

Environment Agency
 Thames Water - Development Planning

Neighbour and local groups consulted:

Unit 5 St James Industrial Mews SE1 5JX	Ground Floor Front 294-304 St Jamess Road SE1 5JX
Gospel Of Light Unit 4 St James Industrial Mews SE1 5JX	Part First Floor 294-304 St Jamess Road SE1 5JX
Unit 6 St James Industrial Mews SE1 5JX	Unit 2 Including First Floor Unit 1 St James Industrial Mews SE1 5JX
Old Southern Railway Stables St Jamess Road SE1 5US	Altodigital 294-304 St Jamess Road SE1 5JX
4 Fern Walk London SE16 3JD	Part First Floor Front 294-304 St Jamess Road SE1 5JX
5 Fern Walk London SE16 3JD	Mezzanine 294-304 St Jamess Road SE1 5JX
3 Fern Walk London SE16 3JD	Buildings D And E 306 St Jamess Road SE1 5JX
Unit D Six Bridges Trading Estate SE1 5JT	Joinery Shop 306 St Jamess Road SE1 5JX
2 Fern Walk London SE16 3JD	Buildings B And C 306 St Jamess Road SE1 5JX
44 Achilles Close London SE1 5HE	Unit 3b St James Industrial Mews SE1 5JX
46 Achilles Close London SE1 5HE	Workshop 262-272 St Jamess Road SE1 5JX
42 Achilles Close London SE1 5HE	Unit 3a St James Industrial Mews SE1 5JX
38 Achilles Close London SE1 5HE	Part Ground Floor Part First Floor And Part Second Floor 294-304 St Jamess Road SE1 5JX
40 Achilles Close London SE1 5HE	Ground Floor Unit 1 St James Industrial Mews SE1 5JX
278-280 St Jamess Road London SE1 5JX	Part Ground Floor And Part Second Floor 294-304 St Jamess Road SE1 5JX
288 St Jamess Road London SE1 5JX	Part Ground Floor 294-304 St Jamess Road SE1 5JX
Phoenix Primary School Marlborough Grove SE1 5JT	Part First Floor Rear 294-304 St Jamess Road SE1 5JX
Unit C1 Six Bridges Trading Estate SE1 5JT	24 Achilles Close London SE1 5HE
6 Winter Lodge 1 Fern Walk SE16 3JD	26 Achilles Close London SE1 5HE
7 Winter Lodge 1 Fern Walk SE16 3JD	22 Achilles Close London SE1 5HE
5 Winter Lodge 1 Fern Walk SE16 3JD	18 Achilles Close London SE1 5HE
3 Winter Lodge 1 Fern Walk SE16 3JD	20 Achilles Close London SE1 5HE
4 Winter Lodge 1 Fern Walk SE16 3JD	34 Achilles Close London SE1 5HE
11 Winter Lodge 1 Fern Walk SE16 3JD	36 Achilles Close London SE1 5HE
12 Winter Lodge 1 Fern Walk SE16 3JD	32 Achilles Close London SE1 5HE
10 Winter Lodge 1 Fern Walk SE16 3JD	28 Achilles Close London SE1 5HE
8 Winter Lodge 1 Fern Walk SE16 3JD	30 Achilles Close London SE1 5HE
9 Winter Lodge 1 Fern Walk SE16 3JD	284 St James's Road London SE1 5JX

9 Fern Walk London SE16 3JD
10 Fern Walk London SE16 3JD
8 Fern Walk London SE16 3JD
6 Fern Walk London SE16 3JD
7 Fern Walk London SE16 3JD
1 Winter Lodge 1 Fern Walk SE16 3JD
2 Winter Lodge 1 Fern Walk SE16 3JD
13 Fern Walk London SE16 3JD
11 Fern Walk London SE16 3JD
12 Fern Walk London SE16 3JD
Christian Centre 306 St James's Road SE1 5JX

286 St James's Road London SE1 5JX
282 St James's Road London SE1 5JX
Part Second Floor Rear 294-304 St James's Road SE1 5JX
76 Rolls Road London SE1 5DU
47 Achilles Close London SE1 5HE
16 Achilles Close London SE1 5HE
45 Achilles Close London SE1 5HE
290 St James's Road London SE1 5JX
292 St James's Road London SE1 5JX
272 St. James's Road Bermondsey SE1 5JX
441 Edgware Road London W2 1TH

Re-consultation: 09/09/2015

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

Flood and Drainage Team

Statutory and non-statutory organisations

Environment Agency

Neighbours and local groups

272 St. James's Road Bermondsey SE1 5JX

278-280 St James's Road London SE1 5JX

278-280 St James's Road London SE1 5JX

278-280 St James's Road London SE1 5JX

278-280 St James's Road London SE1 5JX

282 St James's Road London SE1 5JX

282 St James's Road London SE1 5JX

284 St James's Road London SE1 5JX

292 St James's Road London SE1 5JX

441 Edgware Road London W2 1TH

5 Winter Lodge 1 Fern Walk SE16 3JD

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	St James Property Investments Ltd	Reg. Number	15/AP/1705
Application Type	Full Planning Permission	Case Number	TP/321-272
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing petrol filling station and erection of building up to 8 storeys with residential accommodation 34 dwellings and 127sqm of flexible use (Class A1 or B1) at ground floor level only together with access, hard landscaping and other associated works.

At: 272 ST JAMES'S ROAD, LONDON SE1 5JX

In accordance with application received on 29/04/2015

and Applicant's Drawing Nos. Existing
Site location plan; 128_P_300

Proposed

128_P_000 REV P09; 128_P_100 REV P10; 128_P_102 REV P08; 128_P_103 REV P08; 128_P_104 REV P08;
128_P_105 REV P07; 128_P_106 REV P07; 128_P_107 REV P07; 128_P_108 REV P04; 128_P_310 REV P08;
128_P_311 REV P10

Documents

Design and Access Statement; Daylight and Sunlight Assessment; Planning Statement; Flood Risk Assessment; Energy Statement; Noise Impact Assessment; Air Quality Assessment; Perspective Illustration; Environmental Assessment

Subject to the following twenty-three 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:

128_P_000 REV P09; 128_P_100 REV P10; 128_P_102 REV P08; 128_P_103 REV P08; 128_P_104 REV P08;
128_P_105 REV P07; 128_P_106 REV P07; 128_P_107 REV P07; 128_P_108 REV P04; 128_P_310 REV P08;
128_P_311 REV P10

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 Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with the NPPF (2012), Strategic Policy SP12 - Design & Conservation of the Core Strategy (2011) and saved policy 3.19 of the Southwark Plan (July 2007).

- 4 a) 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.
- b) 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-b 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.

- 5 Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation incorporating an archaeological watching brief, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with the NPPF (2012), Strategic Policy SP12 - Design & Conservation of the Core Strategy (2011) and saved policy 3.19 of the Southwark Plan 2007.

- 6 Before any work hereby authorised begins, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority;
- 1) On the basis of the results of the submitted phase 1 and 2 environmental assessment by SLR (dated March 2014) with reference 409.03953.00010, and options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; in particular , measures to deal with the decommissioning and removal of the underground storage tanks (UST's)and associated infrastructure (such as interceptors, pipework and so on) should be included;
- 2) A verification plan providing details of the data which will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer -term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

For the protection of controlled waters. The site is located over Principal and Secondary Aquifers and it has been reported that the site is affected by historic contamination in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012..

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

- 7 Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of at least 59 bicycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

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

- 8 Before any above grade work hereby authorised begins (excluding demolition) layout plans at 1:50 and 1:10/1:5 detail-sections of the boundary details/features, materials and planting to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural qualities of the existing building and the amenity spaces around it in accordance with Policies: 3.12 Quality in Design; 3.13 Urban Design; 3.28 Biodiversity; of The Southwark Plan (UDP) July 2007.

- 9 Before any above grade work hereby authorised begins (excluding demolition) 1:20 detailed bay studies through the facades of the development hereby approved shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with Policies: 3.12 Quality in Design; and 3.13 Urban Design of The Southwark Plan (UDP) July 2007.

- 10 Before any above grade work hereby authorised begins (excluding demolition) sample panels of all external facing materials (including window frames) to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied 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 Policies: 3.11 Efficient use of land; 3.12 Quality in Design; and 3.13 Urban Design of The Southwark Plan (UDP) July 2007.

- 11 Before any above grade work hereby authorised begins (excluding demolition) section detail-drawings at a scale of 1:5 through:

parapets;
 roof edges;
 balconies and terraces;
 'Glass box' bay window; and
 heads, cills and jambs of all openings

to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with Policies: 3.12 Quality in Design; and 3.13 Urban Design of The Southwark Plan (UDP) July 2007.

- 12 Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'very good or excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

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

- 13 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green/brown roofs to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given, and the green/brown roofs are to be retained for the duration of the use.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity; 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity 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.

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

Reason

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

- 15 The residential rooms within the development sharing a party wall/ floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises, and details demonstrating compliance with this standard shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above grade works. The approved scheme shall be implemented prior to the commencement of the use hereby permitted/first occupation of dwellings in the scheme and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of

noise nuisance and other excess noise from activities within the commercial premises accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

- 16 Prior to occupation of the proposed units the developer shall submit to the Council for its approval details of an agreement with a Car Club Operator providing for three years free membership of the Car Club for every resident of the dwellings hereby approved meeting the Car Club operator's membership criteria. The housing hereby permitted shall not be occupied at all until the details of the agreement with the Car Club Operator have been approved in writing.

Reason

To promote the use of sustainable transport methods in accordance with saved policy 5.1 locating developments of the Southwark Plan and Strategic Policy 2 Sustainable transport of the Core Strategy 2011

- 17 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced 128_P_000 rev P09 shall be provided and made available for use by the occupiers of the dwellings/premises and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 18 Prior to occupation details of a privacy screen to a height of 1.7m on the elevation adjoining the boundary with the Whetton's site shall be submitted and approved in respect of the rear balcony to the first floor 3-bed unit marked as 1.1 on the plan.

Reason

In order to protect the privacy of the proposed unit and so as to not prejudice the potential redevelopment of the adjoining site in accordance with SP13 High environmental standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of amenity and 3.11 Efficient use of land of the Southwark Plan 2007.

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

- 19 The proposed units should be built in accordance with the recommendations contained within the Air Quality Consultants report dated April 2015 REF J2186/1/F4 which recommends the use of mechanical ventilation to the ground and first floor units. The proposed units shall be retained as such thereafter.

Reason

To ensure that future occupiers of the building are not unduly affected by poor air quality in accordance with the NPPF 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.6 Air Quality of the Southwark Plan 2007.

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

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

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

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

Reason

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

- 21 Any deliveries, unloading and loading to the commercial unit shall only be between the following hours: Monday to Saturday - 08:00 - 20:00, Sundays/ Bank Holidays - not at all.

Reason

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

- 22 No infiltration of surface water drainage in to the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil or made ground which could ultimately cause pollution of groundwater. 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.

- 23 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with Environment Agency guidance 'Piling into contaminated sites'. There shall be no piling activities permitted on parts of a site where an unacceptable risk is posed to controlled waters. 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.

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.

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

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

Name	No of copies	Name	No of copies
To all Members of the sub-committee			
Councillor Cleo Soanes (Chair)	1	Environmental Protection Team	1
Councillor Maria Linforth-Hall (Vice-Chair)	1		
Councillor Sunil Chopra	1	Communications	By email
Councillor Nick Dolezal	1	Louise Neilan, media manager	
Councillor David Hubber	1		
Councillor Eleanor Kerslake	1		
Councillor Leo Pollak	1	Total:	24
(Reserves to receive electronic versions only)		Dated: 25 February 2016	
Councillor Stephanie Cryan			
Councillor Lucas Green			
Councillor Octavia Lamb			
Councillor David Noakes			
Councillor Johnson Situ			
Officers			
Constitutional Officer, Hub 4 (2 nd Floor), Tooley Street	10		
Jacquelyne Green/Abrar Sharif, Hub 2 (5 th Floor), Tooley Street	4		
Margaret Foley/Jon Gorst, Legal Services, Hub 2 (2 nd Floor), Tooley Street	2		