

Planning Sub-Committee B

Tuesday 26 April 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 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: 18 April 2016



PRINTED ON
RECYCLED PAPER

Planning Sub-Committee B

Tuesday 26 April 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 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 - 4
	To agree as a correct record the minutes of the meeting held on 8 March 2016.	
7.	DEVELOPMENT MANAGEMENT ITEMS	5 - 9
	7.1. 161 DENMARK HILL, LONDON SE5 8EF	10 - 43

Item No.	Title	Page No.
7.2. 301 - 303	BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON SE1 1DB	44 - 63
7.3. 2 - 4	GROVE LANE, LONDON SE5 8SY	64 - 75

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.”

Date: 18 April 2016



PLANNING SUB-COMMITTEE

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

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

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the sub-committee will then debate the application and consider the recommendation.

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

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

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

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

7. No smoking is allowed at council committees.
8. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

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

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

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



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Tuesday 8 March 2016 at 7.00pm at Meeting Room G02, Ground Floor, 160 Tooley Street, London SE1 2QH.

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

OTHER MEMBERS PRESENT: Councillor James Barber
 Councillor Charlie Smith

OFFICER SUPPORT: Rob Bristow (Development Management)
 Alex Gillott (Legal Officer)
 Sonia Watson (Development Management)
 Michael Tsoukaris (Design and Conservation)
 Christian Loveday (Transport Planning)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were none.

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 and 7.2
- Members' pack of additional drawings and photographs

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 19 January 2016 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

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

7.1 84-90 LORDSHIP LANE, LONDON SE22 8HF

Planning application reference number: 15/AP/2221

Report: see pages 11 to 30 of the agenda pack and pages 1 and 2 of the addendum report.

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.

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.

Councillors Charlie Smith and James Barber spoke in their capacity as ward councillors. Members of the committee asked questions of Councillors Smith and Barber.

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/2221 be granted, subject to the conditions set out in the report and the addendum report, and subject to an additional condition requiring a satisfactory construction management statement to be submitted to the planning authority.

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

Planning application reference number: 15/AP/1705

Report: see pages 31 to 58 of the agenda pack and page 2 of the addendum report.

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.

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.

There were no objectors who wished to address the meeting.

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/1705 be granted, subject to the conditions set out in the report and addendum report.

The meeting ended at 8.55pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 26 April 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 and Democracy

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

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

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

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

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

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

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	18 April 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		18 April 2016

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B
on Tuesday 26 April 2016

Appl. Type Full Planning Permission
Site 161 DENMARK HILL, LONDON SE5 8EF

Reg. No. 15-AP-3399
TP No. TP/2511-161
Ward South Camberwell
Officer Ciaran Regan

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT

Item 7.1

Proposal

Demolition of existing office building (B1a) and construction of a four-storey terrace comprising 10 dwellinghouses (9no. 3-bed houses and 1no. 4-bed house) together with on-site car parking spaces (integral garages), outdoor amenity space and refuse and cycle storage.

Appl. Type Full Planning Permission
Site 301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON SE1 1DB

Reg. No. 16-AP-0388
TP No. TP/1140-301
Ward Chaucer
Officer Ciaran Regan

Recommendation GRANT PERMISSION

Item 7.2

Proposal

Construction of a new third and fourth (mansard) floor extension to the Borough High Street frontage and the demolition of the rear part of the building to be replaced with a three storey extension fronting Trinity Street for additional office floorspace (Class B1); change of use of some retail (A1) floorspace at basement and ground level to office (B1); associated external alterations including the creation of a new shopfront on the Borough High Street frontage.

Appl. Type Full Planning Permission
Site 2-4 GROVE LANE, LONDON SE5 8SY

Reg. No. 16-AP-0166
TP No. TP/2135-2
Ward Camberwell Green
Officer Craig Newton

Recommendation GRANT PERMISSION

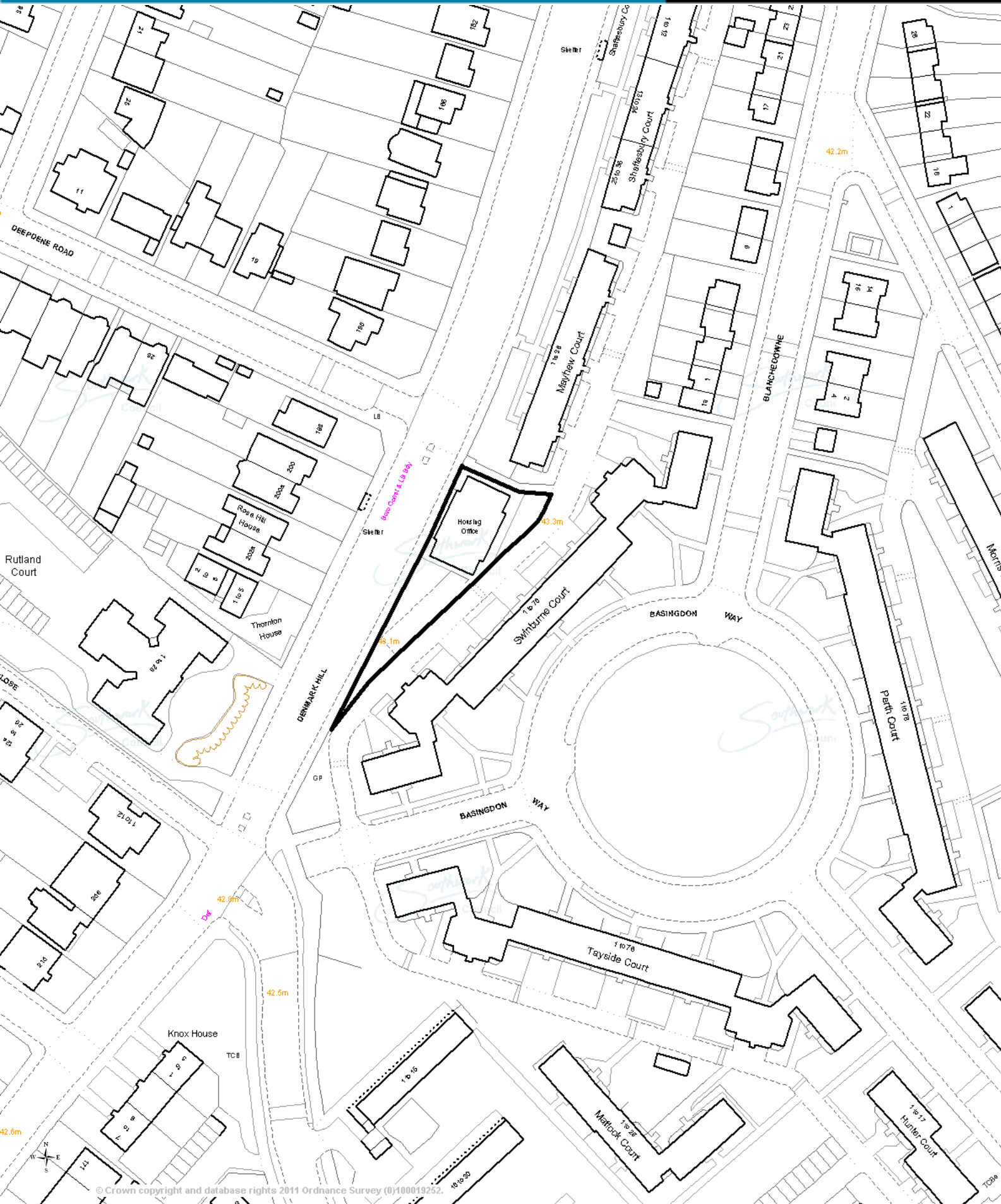
Item 7.3

Proposal

Change of use from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3/A5) with associated takeaway delivery only between 10:00 and 23:00 (Monday - Sunday).

Ordnance Survey

Date 12/4/2016



© Crown copyright and database rights 2011 Ordnance Survey (0100019252)

Item No. 7.1	Classification: Open	Date: 26 April 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/3399 for: Full Planning Permission Address: 161 DENMARK HILL, LONDON SE5 8EF Proposal: Demolition of existing office building (B1a) and construction of a four-storey terrace comprising 10 dwellinghouses (9no. 3-bed houses and 1no. 4-bed house) together with on-site car parking spaces (integral garages), outdoor amenity space and refuse and cycle storage.		
Ward(s) or groups affected:	South Camberwell		
From:	Director of Planning		
Application Start Date 30/11/2015		Application Expiry Date 29/02/2016	
Earliest Decision Date 23/12/2015			

RECOMMENDATIONS

1. That the planning sub-committee grant planning permission subject to conditions and the applicant entering into an appropriate legal agreement by no later than 31 May 2016.
2. That in the event that the requirements of paragraph 1 above are not met by 31 May 2016, the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 88 of this report.

BACKGROUND INFORMATION

Site location and description

3. The application site measures 974sqm (0.0974Ha) and is currently occupied by a two-storey detached red brick building formerly used as the Denmark Hill Neighbourhood Housing Office, although latterly used as a temporary office by Kings College Hospital. The site also accommodates eight at-grade car parking spaces on the south side of the building. The margins of the site are laid with grass and some planting.
4. The site sits within the Denmark Hill Housing Estate to the south western corner and adjacent to six-storey residential blocks to the north and east. To the west across Denmark Hill (road) is predominantly a mix of detached and semi-detached two-storey dwellinghouses.
5. This site is located among substantial blocks of post-war housing on the east side of Denmark Hill. Each block is six-storeys tall and about twenty bays long. The closest blocks are Mayhew Court to the north and Swinburne Court to the east.
6. Mayhew Court faces onto Denmark Hill with its balconies to the rear facing the quieter landscape within this estate and Swinburne Court is located further away from Denmark Hill facing onto Basingdon Way and its balconies face Denmark Hill.

7. The existing building is not listed and the site is not located within the setting of any listed building. The site is also not within a conservation area or within the setting of a conservation area. It is also not within any strategic or important local views. The site is within the urban density zone, the air quality management area, flood zone 1 and has a public transport accessibility level (PTAL) of 3. Denmark Hill which the site fronts onto and has direct access to is a classified A road (A215).

Details of proposal

8. The proposed four-storey terrace of 10 dwellings would be approximately 12.2m high and 52m long. From the front to the rear elevation the depth of the terrace would range between 15.6m (Unit 1 - northern end) to 7.45m (Unit 10 - southern end).
9. The north flank wall of the new terrace would be sited between 7.3-8.0 metres from the south flank wall of Mayhew Court and it would be separated from Swinburne Court by distances ranging between 13.5-17 metres.
10. The terrace would be orientated to run parallel with Swinburne Court therefore it would veer slightly away from Denmark Hill toward its northern end where its front elevation would finish in alignment with the front elevation of Mayhew Court.
11. The natural ground level around the existing building on the site varies and there are retaining walls in places. In the proposed development the ground-floor of the dwellings would be split over two levels with the front part 0.8m lower than the rear part, reflecting the difference in elevation between Denmark Hill (road) at the front of the site and the estate road at the rear of the site.
12. Above the ground-floor level its rear elevation would be staggered with each dwelling being set in behind its immediate neighbour to the north by 1.8m.
13. Each dwelling would contain a single car integral garage with access to/from the estate road at the rear. As single family dwellinghouses each property would have its own front entrance. Outdoor amenity space for the dwellings would be provided in the form of modest front/side gardens and generous roof terraces with a westerly outlook.
14. The scheme would deliver nine 3-bed houses and one 4-bed house giving a total of 62 habitable rooms and a density of 636HR/Ha which is within the Urban Design Zone range of 200-700HR/Ha.
15. Proposed materials:
 - Petersen Kolumba brick tile (mix of brown, ochre and grey)
 - Linit u-channel glass – elevations - top storey only
 - Metal railings – brass finish
 - Double-glazed, timber-aluminium composite windows in a brass finish (front and rear elevations)
 - Cycle stores: timber with brass detailing and sedum roofs
 - Roofs: Sedum and timber decking

Planning history

16. 14/AP/3464
Prior Approval: Change of use from office to x4 residential units and provision of suitable refuse/recycle and secure bicycle storage.

Decision: PRIOR APPROVAL NOT REQUIRED

Decision date: 01/12/2014

Pre-application advice

17. Pre-application advice for this proposal was provided in January 2013 primarily raising issues relating to design, scale and massing, private amenity space, overlooking, transport issues and affordable housing. No objections were raised in principle to the change of use of the site from offices to residential. Please see Appendix 3 for the details of the advice given.

Planning history of neighbouring sites

18. None relevant

KEY ISSUES FOR CONSIDERATION

Summary of main issues

19. The main issues to be considered in respect of this application are:
- a. The principle of development
 - b. The design of the development and its impact on the surrounding townscape
 - c. Density, Affordable Housing and Housing mix
 - d. Wheelchair accessible housing
 - e. Quality of accommodation
 - f. Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - g. Transport and highway impacts
 - h. Trees
 - i. Planning obligations (S.106 undertaking or agreement)
 - j. Sustainable development implications (energy use, air quality, flood risk)
 - k. The Mayoral and Southwark Community Infrastructure Levies (CIL)

Relevant planning policies

20. National Planning Policy Framework (2012)

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of good quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 11: Conserving and enhancing the natural environment

21. The London Plan (2015) (consolidated with alterations since 2011)

Policy 3.3 - Increasing housing supply

Policy 3.5 - Quality and design of housing developments

Policy 3.8 - Housing choice

Policy 3.9 - Mixed and balanced communities

Policy 3.8 - Housing choice

Policy 3.9 - Mixed and balanced communities

Policy 3.10 - Definition of affordable housing

Policy 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes

Policy 5.2 - Minimising Carbon Dioxide Emissions

Policy 5.3 - Sustainable design and construction
 Policy 5.10 - Urban greening
 Policy 5.12 - Flood risk management
 Policy 5.13 - Sustainable drainage
 Policy 6.3 - Assessing effects of development on transport capacity
 Policy 6.9 - Cycling
 Policy 6.10 - Walking
 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 7.15 - Reducing and managing noise, etc.
 Policy 7.19 - Biodiversity and access to nature
 Policy 8.2 - Planning obligations
 Policy 8.3 - Community Infrastructure Levy

22. Relevant GLA Supplementary Planning Guidance:

Housing (March 2016)
 Social Infrastructure (May 2015)
 Accessible London: achieving an inclusive environment (October 2014)
 Character and context (June 2014)
 Sustainable design and construction (April 2014)
 Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
 Shaping Neighbourhoods: play and informal recreation (September 2012)

23. Southwark Core Strategy (2011)

Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 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 11 - Open spaces and wildlife
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards

24. Southwark Unitary Development Plan (2007) - Saved Policies

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

25. Policy 1.4 Employment sites outside the preferred industrial locations.
 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 3.11 Efficient use of land
 Policy 3.12 Quality in design
 Policy 3.13 Urban design
 Policy 3.14 Designing out crime
 Policy 3.28 Biodiversity
 Policy 4.2 Quality of residential accommodation
 Policy 4.3 Mix of dwellings
 Policy 4.4 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

26. Relevant Supplementary Planning Documents:

Residential Design Standards (2015)
 Section 106 Planning Obligations and Community Infrastructure Levy (2015)
 Sustainable Transport (2010)
 Sustainable Design and Construction (2009)
 Affordable Housing (2008)

Principle of development

27. The established use of the site is as offices (Class B1a) and therefore the proposal to replace this with a residential development, i.e., to lose the existing employment use of the site falls to be considered against Strategic Policy 10 of the Core Strategy and saved policy 1.4 of the Southwark Plan.
28. Strategic policy 10 of the core strategy states that the council will protect existing business floorspace and support the provision of around 25,000-30,000sqm of additional business floorspace over the plan's lifetime to help meet general demand for office space in the following locations:
- On classified roads
 - The Central activities zone
 - Town or local centres
 - Strategic cultural areas
 - Action area cores
 - Camberwell action area.
29. Denmark Hill is a classified road; saved policy 1.4 states that a loss of B class space with access or fronting onto a classified road would only be acceptable if the applicant can demonstrate that there have been convincing attempts to dispose of the site (with a B class use) or if it would be unsuitable for redevelopment including a B class use.
30. No evidence of marketing has been submitted. The site is however in a residential area, where the light industrial type of B class uses might not be appropriate. This is not to say that other, more compatible B class uses could not be accommodated on the site.
31. A significant material consideration however is the fact that the site has a permitted development right for a change of use to residential as per prior notification reference

14/AP/3464.

32. So while none of the criteria to allow for a change of use from B class use (as detailed in saved policy 1.4) have been met, the material consideration of the permitted development right of a change of use to residential is established so there is no objection to the principle of residential use proposed.
33. Officers have also had regard to the reality of the site's location, i.e., that apart from being sited adjacent to a classified road, Denmark Hill, it is immediately sited within Denmark Hill Housing Estate and beyond the estate the character remains predominantly residential. Apart from bus services along Denmark Hill it is about 800m from the nearest rail station (Denmark Hill) and this is reflected in a PTAL of only 3. It is not within or particularly close to any town or local centre and all these factors are likely to greatly diminish its commercial attractiveness to office-based businesses.
34. In addition regard needs to be had to the Government's National Planning Policy Framework (NPPF) which is a material consideration. Section 6 advises (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development and also states (para. 51) that local planning authorities should normally approve planning applications for a change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. As such, officers consider that as the site is not located within the central activities zone, a town or local centre, a strategic cultural area, an action area core or Camberwell action area and as permitted development rights allow the change of use of the existing building from offices to residential, on balance it is considered that a change of use to residential is acceptable in principle.

Environmental impact assessment

35. The site area falls below 0.5 hectares and the proposal does not involve the form, size, location or land use that would normally trigger the requirement for an environmental impact assessment, therefore none is required.

The design of the development and its impact on the surrounding townscape

36. The long narrow configuration of the development picks up on the established character of the larger residential blocks on the estate and is conducive to the provision of single-family dwellings. The four-storey height, which has been agreed through a process of pre-application negotiations strikes an appropriate balance between the efficient use of the site, the need to avoid significant harm to the amenity of the nearest neighbouring residential occupiers and the desire in townscape terms to create an appropriate transition between the large, monolithic six-storey blocks of the Denmark Hill Estate and the smaller two and three-storey properties which front onto Denmark Hill (A215) on the opposite side and further to the south of the site.
37. In terms of aesthetics the proposal's design is considered to be a thoughtful contemporary yet contextual response to the site. The proposed brick tile cladding would be sympathetic to the red/brown brick backdrop of the large six-storey residential blocks of Swinburne Court and Mayhew Court and the Denmark Hill Estate in general. A mix of brown, ochre and grey tiles are proposed. It will be important that the final chosen colour mix blends appropriately with this immediate brick background and therefore a condition requiring a sample panel of the brick tile cladding to be erected on site for approval is suggested.

38. The massing of the scheme is well considered and will have a subtle vertical emphasis reflecting its terrace-of-dwellings character through the contrasting angles of the front elevations of each dwelling. This will be accentuated through the contrast of light and shade on the differently orientated elevations.
39. The contrasting use of Linit glass for the much smaller and significantly recessed top floor will further reduce its perceived height and mass.
40. The perimeter of the development will be enclosed by a good quality brick wall of an appropriate height (1.3m). Elsewhere timber fencing would separate the individual front gardens.
41. Overall, it is considered that the development will complement and enhance the character and appearance of the surrounding area. It will re-orientate the site to front onto Denmark Hill road rather than turn its back to it as the existing office building currently does and the activity from so many front entrances and gardens will enliven the streetscene in Denmark Hill. It would sit comfortably in the streetscene and be a positive addition to it as it would successfully balance a contemporary design with the established character through the complementary tones and textures of its brick tile cladding.

Density, affordable housing and housing mix

42. Density

The density of the proposed scheme is 636 habitable rooms per hectare which falls within the recommended density range (200 to 700 habitable rooms per hectare) for the Urban Zone in which it is located.

43. Affordable Housing

One of the dwellings (Unit 9) is proposed as affordable housing (social rent). This complies with strategic policy 6 of the core strategy, saved policy 4.4 of the Southwark Plan and the affordable housing SPD (2008) as 10 unit schemes are required to provide at least 1 affordable unit. The affordable housing will be secured through the s106 agreement accompanying the application.

44. With regard to tenure, saved policy 4.4 of the Southwark Plan requires a split of 70% social rented: 30% intermediate. The affordable dwelling will be secured for a social rent within the accompanying S.106 legal agreement.

45. Housing Mix

Strategic Policy 7 (Family Homes) of the Core Strategy requires residential development of 10 or more units in the Urban Zone to ensure that at least 60% of the units would be 2-bed or larger dwellings and for at least 20% of the units to be 3, 4 or 5-bed units. The development would provide 9no. 3-bed dwellinghouses and 1no. 4-bed dwellinghouse and therefore would comply fully with SP7.

Wheelchair accessible housing

46. Saved policy 4.3 of the Southwark Plan requires at least 10% of all major new residential developments to be suitable for wheelchair users, except where this is not possible due to the physical constraints of the site. Unit 10 has been identified as a wheelchair accessible unit and has been designed in accordance with the South East London housing partnership wheelchair housing guidelines which are included within the residential design standards SPD (2015). The quality of the accommodation of all

of the dwellinghouses including this unit are examined below.

Quality of residential accommodation

47. Saved policy 4.2 of the Southwark Plan (Quality of accommodation) requires developments to achieve good quality living conditions. The council's residential design standards SPD establishes minimum room and overall flat sizes, dependant on occupancy levels and the units should be dual aspect, to allow for good levels of light, outlook and cross-ventilation.

48. Dwelling sizes

As the table below shows all but one of the proposed dwellings would significantly exceed the minimum gross internal floor area (or unit size) required by policy 3.5 of the London Plan (2015). The one exception is Unit 9 but the shortfall in the required 108sqm size is only 1.6sqm which is approximately 1% and therefore this is still considered to be acceptable.

	Required GIFA (sqm)	Proposed GIFA (sqm)
Unit 1	130	179.6
Units 2-9	108	106.4-178.3
Unit 10 (WC)	125	161.3

49. Rooms sizes

The sizes of individual rooms within the development also all comply with the minimum standards which are set out in Table 2 of the residential design standards SPD (2015).

50. Outlook and ventilation

The council encourages dwellings to be dual aspect, i.e., having multiple windows looking in more than one direction, as this allows more light into the dwelling and allows cross-ventilation. All of the proposed dwellings would be dual aspect with all having at least both a westerly and a southerly outlook and all but one of the primary habitable rooms (bedrooms, living-rooms and kitchen-dining rooms) would appropriately benefit from at least a single conventional clear-glazed window. The one exception is a window to a bedroom in Unit 1 which, in the interests of protecting the privacy of neighbouring residents in Mayhew Court, would need to be obscurely-glazed. However, this is the largest 4-bed dwellinghouse and it is considered to be an acceptable compromise in the context of the overall quality of accommodation and amenity that this dwellinghouse would offer. Officers have also identified scope for additional clear-glazing in the rear elevation at first and second floor level (without resulting in any significant loss of privacy to neighbouring occupiers) and this would further improve the quality of the accommodation.

51. Floor-to-ceiling heights

All of the dwellings would also be provided with generous floor to ceiling heights. On the ground-floor due to its split level nature the entrance hallway and home-working office at the front would have a floor-to-ceiling height of 3.1m while the WC and integral garage at the rear would have a floor-to-ceiling height of 2.3m. At first-floor level the height would be 2.75m throughout, it would be 2.5m at the second-floor level and 2.6m high on the top third-floor.

52. Exposure to environmental noise

The applicant has submitted a noise impact assessment with the application. The assessment has measured the noise and vibration levels generated by traffic travelling along Denmark Hill that the proposed development and its future occupiers would be potentially exposed to. The report concludes that notwithstanding average background noise levels at the site of 76dB(A) (daytime) and 72dB(A) (night-time) compliance with the maximum noise exposure thresholds in BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' can be achieved providing that the outer walls of the building are constructed of blockwork and windows/glazed doors are good quality double or triple glazed units. A planning condition requiring the attenuation of environmental noise to an acceptable level is suggested.

53. Outdoor amenity space

The residential design standards SPD advises that new housing should provide a minimum of 50sqm private garden space and that the garden should be at least 10m in length, at the rear and should extend across the entire width of the dwelling.

Unit	Front gardens (sqm)	Roof terraces (sqm)	Total (sqm)
1	75	23.2	98.2
2	40.6	21.3	61.9
3	34.2	18.8	53
4	31.3	17.1	48.4
5	25	14.6	39.6
6	22.2	12.8	35
7	16.4	10.2	26.6
8	13.6	8.2	21.8
9	8	7.4	15.4
10	56.9	18.4	75.3

54. All of the dwellings would benefit from both soft-landscaped gardens at ground level and from roof terraces. Both areas would be located on the west side of the development, i.e., on its front side.
55. The ground-floor gardens would not comply with the guidance in the SPD in that they would be located to the front of the dwellings rather than to the rear and in some of the dwellings the combined floor areas of the garden and roof terrace would fall short of the required 50sqm. However, given the physical constraints and configuration of the site the arrangement is nevertheless considered to be acceptable having regard to the need to also protect the privacy and relative peace and quiet enjoyed by the occupiers of Swinburne Court as well as the need to accommodate on-site car parking and access to it from the estate road at the rear of the site.
56. In the interests of good design it is also considered important that the front gardens would retain an open character in the traditional manner of dwellings with front gardens so that the development would have a satisfactory impact on the streetscene, so that the trees and other soft-landscaping within the gardens will be readily visible and will soften the appearance and enhance the setting of the development and in the interests of deterring crime and anti-social behaviour. Therefore even if low, open boundaries around the front gardens are required (a planning condition to this effect is suggested) and consequently the gardens are not entirely private, it is considered that the amount, quality and relative privacy that they would still provide, together with the roof terraces (which would be more private) is acceptable.

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

57. Strategic policy 13 of the core strategy 'High environmental standards' seeks to ensure that development sets high standards for reducing air, land, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work; saved policy 3.2 of the Southwark Plan states that permission will not be granted for developments where a loss of amenity, including disturbance from noise, would be caused. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.

58. Daylight and sunlight received by neighbouring properties

A technical daylight and sunlight report to accompany the application has been prepared by Right to Light Consulting Ltd in line with the established industry guide from the Building Research Establishment (BRE).

59. The report analyses the impact of the proposed development on the levels of daylight and sunlight reaching properties in close proximity to the site. It does this via two methods of analysis:

- Daylight: vertical sky component test (VSC)
- Sunlight: annual probable sunlight hours test (APSH).

60. The report details the potential impacts of the proposed development on a wide number of neighbouring residential properties, including 1 to 69 Swinburne Court, 25 to 36 Mayhew Court, 196, 198, 200, 200a, 202, 202a and 202b Denmark Hill and Rutland Court.

61. With the exception of several windows in the west elevation of Swinburne Court (which sits to the east of the site), the assessment found that all main habitable room windows in all of the neighbouring properties passed the VSC test. However, the report also found that all of the non-compliant Swinburne Court windows are obstructed by overhanging balconies. The BRE guidance advises that as overhanging balconies cut out light from the top part of the sky, even a modest obstruction opposite (the proposed new development) may result in a large relative impact on the VSC and it advises that in such circumstances a further test may be carried out to calculate the VSC for the existing and proposed situations, without the balconies. This type of assessment is used to give an indication of the reduction of light from the scheme, without the 'self-limiting' effect of balconies.

62. Swinburne Court

The VSC tests undertaken here looked at the windows in the west elevation between the ground and the third floor levels (as the proposed development would only be four storeys high). In the assessment of the proposal's impact, with the balconies in Swinburne Court in place, 71 out of 141 habitable room windows (50%) would be left with a VSC of less than 0.8 of its existing value, below which the loss of daylight would be noticeable. Some of the windows that would be affected have balconies above them which limits the existing amount of daylight to them. The impact is exacerbated by the fact that greater weight is given to light received from higher in the sky when undertaking a VSC analysis.

63. The BRE guidance allows for a more refined assessment to be undertaken without balconies, to give an indication of the impact the proposed development would have were it not for the self-limiting effect of balconies. Using this method, all but two would experience a VSC of equal to or more than 0.8 its existing value; the remaining two would have a VSC of 0.7 of their present value. This shows that a significant factor in the loss of light in the 'with balconies' scenario is the self-limiting effect of the balconies themselves and that any reasonable scale of development on this site would have a similar effect.
64. There are some windows on Swinburne Court without balconies that would be left with VSCs of less than 0.8 their present value, however most of these currently experience very good VSCs, so while the proportional reduction may be relatively high, the resultant absolute VSCs would remain good. Three windows would have low VSCs but this is in part because of their low present values.
65. Overall, the proposed development would not significantly affect most of the windows in Swinburne Court. In the main, those that would be affected to a noticeable degree presently have limited light because of overhanging balconies, and would retain good absolute VSCs.
66. The report also found that the proposed development would satisfy the recommended guidelines (the annual probable sunlight hours test) in relation to the sunlight impacts on neighbouring properties.
67. Privacy of neighbouring properties

The design and access statement demonstrates the manner in which the development has been designed to avoid potential harmful overlooking of the nearest residents living in Mayhew Court immediately to the north and Swinburne Court immediately to the east. The staggered nature of the rear wall has allowed for south-facing clear glazing within the exposed rear part of each dwelling at first and second floor levels. The outlook available in this direction has enabled the rear windows that would directly face Swinburne Court to be obscure glazed to avoid any perception of overlooking of the flats in this block. The design and access statement also suggests that all of the windows in the north end wall would be obscure-glazed so as to avoid similar harm to Mayhew Court residents.

68. The southern end of Mayhew Court would be separated from the northern end of the proposed development by approximately 7.3m. Mayhew Court's southern gable end contains a clear-glazed window, a clear-glazed balcony access door and a balcony on each floor. It is therefore considered to be appropriate for any windows from first-floor level upwards in the north end gable to be glazed with obscure-glass.
69. In relation to Swinburne Court the proposed development would be separated from its west façade by distances ranging between 13.5-17 metres, although the most common distance between the two elevations is approximately 15 metres.
70. In relation to achieving appropriate separation distances between existing and new developments the residential design standards advises that,

'To prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve the following distances:

- A minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway
- A minimum distance of 21 metres at the rear of the building.

Where these minimum distances cannot be met, applicants must provide justification through the design and access statement.'

71. The 12m minimum distance guide is considered to be most relevant to the situation between the proposed development and Swinburne Court as they would be separated by a road and neither has, or would have, private or communal gardens in the intervening gap between them. At the same time due regard has been had to the fact that the flats in Swinburne Court also have balconies on this west elevation. (It is noted that there are also some, albeit smaller, balconies on the east elevation of Swinburne Court). Nevertheless it is considered that it would not be necessary or appropriate for all of the windows in the rear elevation of the proposed development to be obscure-glazed, notwithstanding the applicant's intention that this be the case. Rather, officers consider that with the separation distances that can be achieved there is scope for the narrower of the two rear windows at first-floor level and at second floor level to be clear-glazed without causing any significant loss of privacy to the occupiers of the adjacent Swinburne Court flats. This concession would improve the quality of the accommodation for the future occupiers of the proposed development and would also enhance the appearance of the development's rear elevation as well as improving the natural surveillance of the estate road.
72. For the avoidance of any doubt the 'Linit' glass clad top-floor is essentially also obscure glass which would prevent any overlooking to the north, south or east. A condition requiring the submission of external materials for approval will ensure that officers can agree a specification for this 'Linit' glass that is adequately obscure.
73. All of the roof terraces are located on the front/west side of the development adjacent to Denmark Hill (A215). With the exception of Unit 10 none of the terraces would offer any scope for overlooking neighbouring properties. A condition is suggested requiring the submission of details of an appropriate privacy screen to be erected along the rear edge of the roof terrace for Unit 10. This would satisfactorily address any concerns about overlooking toward Swinburne Court from this part of this terrace.
74. The dwellings and flats on the opposite side of Denmark Hill (A215) are adequately distant from the development to prevent any overlooking.
75. Overbearing impact on neighbouring properties

It is considered that the proposal would not have an overbearing impact on the nearest neighbouring properties at Swinburne Court and Mayhew Court, nor any other existing residential properties which would be sited further away.
76. In relation to Swinburne Court the distance between it and the new development would be, as a minimum, no less than 12.2m. As stated above, the gaps range from between 13.5-17 metres and this is considered to be sufficient to ensure that it would not create an overbearing sense of enclosure around these flats. It is also important to note that all of the flats in Swinburne Court are dual aspect as they also benefit from an outlook toward the circular 'green' to their east side.
77. Similarly, as the predominant orientation of primary habitable windows in Mayhew Court is toward the west (front elevation) and east (rear elevation) and as its southern gable end is narrow and does not contain many windows at all (some of the windows are also secondary windows), it is also considered that it would also not suffer any overbearing sense of enclosure from the proposed development.

Transport issues

78. Having regard to the fact that the site has a PTAL of 3 (average), is not located within

a controlled parking zone and seeks to provide large family dwellinghouses, the principle of on-site parking provision is considered to be acceptable.

79. The parking would be provided as single-car integral garages (1 space per dwelling). Access to and from the garages would be from the existing estate road to the rear of the site.
80. The internal dimensions of the garages for units 1-9 would be 2.5m wide and the point of their shortest depth would be 5m deep. The garage for the wheelchair accessible dwelling at Unit 10 would be 3.6m wide and at its shortest point its depth would be 5.3m deep.
81. It is considered that the proposed development would not result in a significant increase in local traffic movements as compared to the existing B1 use of the site as the 10 integral garage spaces provided would constitute an increase of only 3 on-site car parking spaces compared to what currently exists on site.
82. The application has been accompanied by a highway access appraisal which looks at the highways and transport impact implications of the proposed car parking.
83. A 20mph speed limit applies to the estate road and there are also two full-width speed bumps along it, one approximately halfway along the site's eastern boundary and another just beyond its southern extremity. The road itself is approximately 4.5m wide. A footpath is available for pedestrians along the east side of the estate road (adjacent to Swinburne Court).
84. The rear elevation of the proposed terrace would be set in from the site boundary (the kerbed edge of the estate road) by 0.9m to enable the provision of a 'crossover' between the garages and the road. The highway access appraisal demonstrates that the combination of the combined 5.4m width of the paved 'crossover' facility and the estate road, the retained kerbed footpath opposite, the 20mph speed limit and speed bumps and the good forward visibility available along the estate road would ensure that occupiers of the development will be able to easily and safely manoeuvre their vehicles into and out of the integral garages without causing a threat to the safety of other road users (pedestrians or motorists). It is also observed that there are double-yellow lines along both sides of the estate road which would deter other motorists from parallel parking opposite the site in a way that would block access to and from the integral garages.
85. The paved crossover would be gently sloping and be 'at grade' therefore there would be no kerb between it and the existing carriageway. It would be paved with a contrasting material to the bitumen of the estate road and so will not be perceived as widening the road. However, being at grade will allow it to be used if needed to facilitate passing motorists as well as making it easier for cars to enter and leave the garages.
86. It is suggested that it should be surfaced with a slightly uneven material (e.g. cobbles or setts) so as to provide further encouragement to pedestrians to use the existing footpath on the opposite side of the estate road which is wider, evenly-paved and kerbed. This would mean that there is a lower risk of vehicles entering or leaving the parking spaces coming into conflict with other highway users.
87. In summary officers are satisfied that the transport and highways impact of the development would be acceptable.

Impact on trees

88. While there are trees on the site, none of them have a tree protection order. The largest, most significant tree is located at the southern extremity of the site and it would be retained in the new development. Another significant tree is sited in the public footpath along Denmark Hill just outside the site boundary. A condition has been recommended to ensure that these trees would be properly protected during demolition and construction works. Some of the deeper front gardens in the development are capable of accommodating small trees, to replace those that would be lost, and the details of this planting scheme will also be secured by a condition. The impact of the development on trees is therefore considered to be acceptable.

Planning obligations (S.106 undertaking or agreement)

89. Saved policy 2.5 of the Southwark Plan and Policy 6A.5 of the London Plan advise that planning obligations should be secured to overcome the negative impacts of a generally acceptable proposal. Saved policy 2.5 of the Southwark Plan is reinforced by the Supplementary Planning Document (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations, and Circular 05/05, which advises that every planning application will be judged on its merits against relevant policy, guidance and other material considerations when assessing planning obligations.
90. A draft s106 agreement has been negotiated with the application to secure the following:

1 x affordable dwelling at social rent (Unit 9)
1 x wheelchair accessible dwelling (Unit 10)

and the following contributions (all of which are in accordance with the Council's s106 and CIL SPD):

Public open space: £14,145
Children's play equipment: £4,726.3
2% Admin charge: £377.4
Total: £19,246

91. In the absence of a satisfactory legal agreement being completed by 31st May 2016, the applicant will have failed to adequately mitigate against the impacts of the development on the local community and infrastructure. In such circumstances, the development would therefore fail to be in accordance with saved policy 2.5 (Planning contributions) of the Southwark Unitary Development Plan (2007) and the Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015) and it would be recommended that the application be refused on this basis.

Sustainable development implications

92. The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards the achievement of sustainable development. Sustainable development is described as consisting of three broad dimensions, economic, social and environmental.
93. The development, will make efficient and effective use of the site, providing for good quality residential development including affordable family housing in a sustainable location within reasonable walking distance of local facilities and public transport.

94. Energy use

Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. Of note is that developments must reduce their carbon dioxide emissions by 40% when compared to the 2010 Building Regulations requirement (or 35% based on the 2013 Building Regulations).

95. The applicant has submitted an energy statement in support of the application and in relation to the Major's energy hierarchy, and the following is proposed:

- Be lean (use less energy)
 - Building fabric (walls and windows) with enhanced thermal efficiency of is proposed.
- Be clean (supply energy efficiently)
 - A Mechanical Ventilation with Heat Recovery system
 - High efficiency gas boilers
 - Smart meters
 - CFL (Compact Fluorescent Lamp) and/or LED (Light Emitting Diode) light-fittings.
- Be green (use renewable energy)
 - Photovoltaic panels.

96. The approach above has been tailored to the site and would achieve the required 35% improvement over the 2013 Building Regulations in relation to the Target Emissions Rate for CO₂ emissions. A condition is suggested which requires the incorporation of the energy efficient and renewable energy features into the development as indicated in the energy report.

97. Saved policy 3.3 of the Southwark Plan advises that planning permission will not be granted for major development unless the applicant demonstrates that the economic, environmental and social impacts of the proposal have been addressed through a sustainability assessment; a sustainability assessment has been submitted in support of the application.

98. The applicant has submitted a sustainability assessment which has applied an analysis similar to a code for sustainable homes assessment. Officers are satisfied that the scheme would provide economic sustainability by re-using and making best use of the site and by helping to address London's housing shortfall. Social sustainability would be delivered by the fact that the scheme would deliver much needed large family dwellinghouses, an affordable 3-bed dwellinghouse for social rent and a wheelchair accessible dwellinghouse. Environmental sustainability would be delivered by the re-use of a brownfield site, an attractive, durable and sustainable design, by avoiding harm to the environment or to visual and residential amenity, by ensuring that the development would use less energy and water and would generate a proportion of its own energy needs from on-site renewable energy and by providing cycle storage to encourage occupiers to use more sustainable modes of travel to and from the site.

99. Flood risk

The site is within Flood Zone 1 therefore no objections are raised on flooding grounds.

100. Air Quality

PM10 and NO2 concentrations are not expected to exceed the relevant air quality objectives. Although the site is located on a busy road traffic generally moves freely along this part of Denmark Hill (A215). The dwellings are also intended to have a high level of air-tightness so to reduce heat loss but this have the further beneficial impact of providing a more robust barrier to air pollution. Furthermore the dwellings would be set back from Denmark Hill and be buffered by their front gardens. Suitable planting within the front gardens can be secured by condition so as to contribute to reducing exposure to traffic-generated air pollution.

101. The development will not result in any significant air quality impacts on existing properties given the modest increase in on-site parking as compared to the existing office use of the site. The provision of integral garages would also increase the feasibility of owning and charging an electric vehicle for future occupiers of the development.

Other matters – Mayoral and Southwark Community Infrastructure Levies (CIL)

102. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

103.	GIA(sq m)	Existing GIA	Proposed GIA
	G/F	291.63	
	1/F	291.97	
	2/F	n/a	
	Total	584 (app form)	1517.5 sqm (DAS)

104. Southwark CIL for residential development in Zone 2 is charged at £200 per sqm.

Southwark CIL (Resi Zone 2) = 933.5sqm x £200x275/260 = £197,471

Mayoral CIL = 933.5sqm x £35x275/223 = £40,291

Conclusion on planning issues

105. For the reasons set out above and subject to the suggested conditions and the satisfactory completion of an appropriate s106 legal agreement the proposal is considered to be acceptable.

Community impact statement

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

Consultations

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

Consultation replies

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

109. Summary of consultation responses: (11)

London Borough of Lambeth: No objection

Thames Water Plc.: No objection

The Camberwell Society: Support the application

Southwark Transport Planning Team: The only concern is the limited visibility for vehicles leaving the properties.

Southwark Environmental Protection Team: No objection subject to addition of conditions in relation to adequate attenuation of environmental noise and potential noise from adjoining dwellings across internal party walls.

6 letters of objection were received by neighbouring occupiers in response to the public consultation. The issues raised include:

- Concern at proximity of the development to Swinburne Court
- Concern at the area between the Swinburne Court and the new development becoming prone to anti-social behaviour.
- Loss of light
- Loss of privacy
- Loss of outlook
- Detrimental impact on highway safety
- Concern at loss of the existing pedestrian thoroughfare between the estate and Denmark Hill
- Poor design: in terms of the quantity and quality of dwellings
- Impact on trees
- Noise from use of garages
- No account taken of bus stop in front site along Denmark Hill set back on the pavement which is liable to block access to at least one of the proposed houses.

All of the above issues are addressed in the relevant section of the report above.

Human rights implications

110. 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.
111. This application has the legitimate aim of providing for a redevelopment of this site for residential development. 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/2511-161 Application file: 15/AP/3399 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 4877 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-application advice
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Ciaran Regan, Senior Planning Officer	
Version	Final	
Dated	14 April 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 of 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		14 April 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 15/09/2015**Press notice date:** 24/09/2015**Case officer site visit date:** 21/09/2015**Neighbour consultation letters sent:** 02/09/2015**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:London Borough of Lambeth
Thames Water - Development Planning**Neighbour and local groups consulted:**

Flat 32 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 71 Swinburne Court SE5 8ER
Flat 31 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 72 Swinburne Court SE5 8ER
Flat 34 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 75 Swinburne Court SE5 8ER
Flat 33 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 78 Swinburne Court SE5 8ER
Flat 30 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 76 Swinburne Court SE5 8ER
Flat 28 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 77 Swinburne Court SE5 8ER
Flat 27 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 70 Swinburne Court SE5 8ER
Flat 3 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 63 Swinburne Court SE5 8ER
Flat 29 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 64 Swinburne Court SE5 8ER
Flat 8 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 61 Swinburne Court SE5 8ER
Flat 7 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 62 Swinburne Court SE5 8ER
Denmark Hill Neighbourhood Housing Office 161 Denmark Hill SE5 8EF	Flat 65 Swinburne Court SE5 8ER
Flat 9 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 68 Swinburne Court SE5 8ER
Flat 6 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 69 Swinburne Court SE5 8ER
Flat 36 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 66 Swinburne Court SE5 8ER
Flat 35 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 67 Swinburne Court SE5 8ER
Flat 5 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 40 Swinburne Court SE5 8ER
Flat 4 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 20 Swinburne Court SE5 8EP
Flat 26 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 21 Swinburne Court SE5 8EP
Flat 15 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 19 Swinburne Court SE5 8EP
Flat 14 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 2 Swinburne Court SE5 8EP
Flat 17 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 22 Swinburne Court SE5 8EP
Flat 16 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 25 Swinburne Court SE5 8EP
Flat 13 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 26 Swinburne Court SE5 8EP
Flat 10 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 23 Swinburne Court SE5 8EP
Flat 1 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 24 Swinburne Court SE5 8EP
Flat 12 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 18 Swinburne Court SE5 8EP
Flat 11 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 11 Swinburne Court SE5 8EP
Flat 23 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 12 Swinburne Court SE5 8EP
Flat 22 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 1 Swinburne Court SE5 8EP
Flat 25 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 10 Swinburne Court SE5 8EP
Flat 24 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 13 Swinburne Court SE5 8EP
Flat 21 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 16 Swinburne Court SE5 8EP
Flat 19 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 17 Swinburne Court SE5 8EP
Flat 18 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 14 Swinburne Court SE5 8EP
Flat 20 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 15 Swinburne Court SE5 8EP
Flat 2 Mayhew Court Denmark Hill Estate SE5 8HG	Flat 27 Swinburne Court SE5 8EP
Flat 53 Swinburne Court SE5 8ER	Flat 33 Swinburne Court SE5 8ER
Flat 54 Swinburne Court SE5 8ER	Flat 34 Swinburne Court SE5 8ER
Flat 51 Swinburne Court SE5 8ER	Flat 31 Swinburne Court SE5 8ER
Flat 52 Swinburne Court SE5 8ER	Flat 32 Swinburne Court SE5 8ER

Flat 55 Swinburne Court SE5 8ER
Flat 58 Swinburne Court SE5 8ER
Flat 59 Swinburne Court SE5 8ER
Flat 56 Swinburne Court SE5 8ER
Flat 57 Swinburne Court SE5 8ER
Flat 50 Swinburne Court SE5 8ER
Flat 43 Swinburne Court SE5 8ER
Flat 44 Swinburne Court SE5 8ER
Flat 41 Swinburne Court SE5 8ER
Flat 42 Swinburne Court SE5 8ER
Flat 45 Swinburne Court SE5 8ER
Flat 48 Swinburne Court SE5 8ER
Flat 49 Swinburne Court SE5 8ER
Flat 46 Swinburne Court SE5 8ER
Flat 47 Swinburne Court SE5 8ER
Flat 60 Swinburne Court SE5 8ER
Flat 73 Swinburne Court SE5 8ER
Flat 74 Swinburne Court SE5 8ER

Flat 35 Swinburne Court SE5 8ER
Flat 38 Swinburne Court SE5 8ER
Flat 39 Swinburne Court SE5 8ER
Flat 36 Swinburne Court SE5 8ER
Flat 37 Swinburne Court SE5 8ER
Flat 30 Swinburne Court SE5 8ER
Flat 3 Swinburne Court SE5 8EP
Flat 4 Swinburne Court SE5 8EP
Flat 28 Swinburne Court SE5 8EP
Flat 29 Swinburne Court SE5 8EP
Flat 5 Swinburne Court SE5 8EP
Flat 8 Swinburne Court SE5 8EP
Flat 9 Swinburne Court SE5 8EP
Flat 6 Swinburne Court SE5 8EP
Flat 7 Swinburne Court SE5 8EP
45 Swinburne Court Basingdon Way SE5 8ER
32 Swinburne Court Basingdon Way SE5 8ER
81a Grove Park London SE5 8LE
51 Swinburne Court Basingdon Way SE5 8ER

Re-consultation: n/a

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

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

Statutory and non-statutory organisations

London Borough of Lambeth
Thames Water - Development Planning

Neighbours and local groups

Flat 24 Swinburne Court SE5 8EP
Flat 25 Swinburne Court SE5 8EP
Flat 31 Swinburne Court SE5 8ER
Flat 32 Swinburne Court SE5 8ER
Flat 32 Swinburne Court SE5 8ER
Flat 45 Swinburne Court SE5 8ER
32 Swinburne Court Basingdon Way SE5 8ER
45 Swinburne Court Basingdon Way SE5 8ER
45 Swinburne Court Basingdon Way SE5 8ER
51 Swinburne Court Basingdon Way SE5 8ER
81a Grove Park London SE5 8LE

Pre-application advice



Chief executive's department
 Planning division
 Development management (5th floor - hub 2)
 PO Box 64529
 LONDON SE1P 5LX

Ms Valeria Piras
 John Smart Architects
 XXXXXXXXXXXXXXXX

SE1 XXX

Your Ref:
Our Ref: 14/EQ/0217
Contact: Dipesh Patel
Telephone: 020 7525 1778
E-Mail:
 planning.applications@southwark.gov.uk
 k
Web Site: <http://www.southwark.gov.uk>
Date: 20/07/2015

Dear Ms Piras

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: 161 DENMARK HILL, LONDON, SE5 8EF

Proposal: Demolition of the existing two storey building and construction of eight 3 bedroom houses and one 2 bedroom house arranged over 3 to 4 storeys with associated bin and bike stores and landscaped private amenity spaces

I write further to your pre-application enquiry and meetings with council officers on 25/03/2015 and 18/06/2015.

Description of proposal

- I. The proposal is for the demolition of the existing two storey detached office building and erection of a part 3/part 4 storey row of 10 x 3-bedroom terraced dwelling houses with associated parking and amenity space.

Policies

13. The Development Plan is made up of the Further Alterations to London Plan 2015, Southwark Core Strategy 2011 and Southwark Unitary Development Plan 2007 saved policies, along with Supplementary Planning Documents. The National Planning Policy Framework is a material consideration.

Key issues

- n. The proposed development raises the following issues:
 - Principle of development
 - Design
 - Impact on Amenity of Neighbouring Residents
 - Transportation
 - Sustainability

Principle

- o. As previously identified the site was previously used as a housing office by Southwark Council and is currently being used as a temporary office by Kings College Hospital. It will be necessary to demonstrate that the loss of the office space is acceptable as required by saved policy 1.4 of the Southwark Plan 2007. The principle of residential use in this location is acceptable.

Design

- p. The relevant design policies seek to ensure that the proposed development is of a layout, scale and massing that is appropriate to its context and that the design and appearance reflects the positive characteristics of neighbouring development while also making a positive contribution to the character and appearance of the area on its own.

Layout

- 17. The alterations to the layout respond to the positive characteristics of the neighbouring residential block fronting onto Denmark Hill providing an area of soft landscaping in front of the building which will complement the existing green buffer which exists between the built environment and the main road. This provides a setting more in keeping with a building of the scale proposed and helps integrate the proposed development with the surrounding streetscape.
- 18. The site tapers inwards to the south west and finishes with a very limited set in from the south west boundary of the site. The land immediately adjacent to this point is currently occupied by a single storey brick structure, which appears to be a substation of some kind and some soft landscaping. It is recommended that the proposed development is set in from this boundary to improve the setting of the building and the outlook of the end residential unit. The other option is to explore the potential for acquiring this strip of land and incorporating it within the development site.

Scale and Massing

- s. London Plan and Southwark planning policies seek to ensure that the scale of development is appropriate to the location in which it is situated in terms of the scale of neighbouring development and the availability of public transport and other infrastructure. In addition to these policies also require buildings to make a positive contribution to the public realm commensurate to the significance of the site location.
- t. The proposed development at 3 storeys with a recessed fourth storey is considered to be the maximum extent of the scale of development for this site. It is noted that the neighbouring buildings rise up to 6 storeys in height but that they also benefit from a greater set in from the estate road to the rear. The design detail and landscaping in the frontage should be used to break down the massing of the building.
- u. The design of the south west elevation with the introduction of windows, the framed recess balcony and over-sailing upper storeys provides an elevation which addresses this prominent edge of the site. However this would benefit from a set in from the boundary which allowed for the provision of soft landscaping and does not seem to take into account the existing single storey structure directly outside of the site.

Material and Design Detail

- v. Proposed materials and the treatment of elevations should complement but not necessarily replicate the local architectural character. The proposed red clay brick tile and timber framed double glazed windows for the frontage are considered to be appropriate given the context and are indicative of the quality of materials that the council would expect on a new development such as this. We remain to be convinced that the proposed linited glazing is an appropriate finish for the upper storeys although it is recognised that the proposed building benefits from lighter material finish

on the upper storeys.

Landscaping

- w. The provision of a landscaping setting to the front of the development and the indicative tree, planting and sedum roof information is welcomed as this will make a valuable contribution to the design and appearance of the development. A tree survey will also need to be submitted to ensure that there will be no damage to the existing mature trees located just outside of the site boundary. The provision of a front boundary wall similar to that which extends to the north east along Denmark Hill should be provided.

Quality of residential accommodation

- x. The proposed dwellings are all shown to comply with the minimum space standards set out within the Residential Design Standards SPD (RDS). It should be noted that details of space standards for individual rooms should be provided to demonstrate compliance with the standards set out in RDS.
- y. All of the units are dual aspect and are generally laid out to ensure that levels of daylight, sunlight and outlook are maximised. The distances between facing habitable room windows are considered to appropriately maintain privacy.
- z. However there are concerns with the quality of the residential units closest to the south west boundary. As the site tapers inwards the proposed residential units are narrower with rooms closer to both the front and rear boundaries. In particular the last two units have very little in the way of defensible space and the end unit includes habitable room windows on and very close to the boundary which would not provide adequate separation from the neighbouring public spaces.
- aa. As the proposed development is for 10 new homes at least one of these should be a disabled unit with a wheelchair user parking space. The proposed parking spaces all appear to be a maximum width of 2.5m and would therefore not be suitable for wheelchair parking. The proposed development will have to be amended to include a disabled unit with parking provision.
- bb. The provision of amenity space on the roof as well as in the frontage is welcomed. These spaces should have appropriate screening along boundaries to ensure that each has appropriate levels of privacy and the privacy of neighbouring residents is preserved.
- cc. The proposed residential units are separated by party walls which are shown to be no wider than 20cm. It will be necessary to confirm that this depth is achievable while also achieving suitable levels insulation for sound and sustainability purposes.

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

- dd. The nearest residential properties are those situated to the north east and south east of the site within the 6 storey apartment blocks that form part of the Circle Estate. A full BRE compliant daylight and sunlight assessment will be required with any application.

Transport

- ee. The site is situated in an area with moderate accessibility to public transport (Ptal 3) and is approximately 700m from Denmark Hill Station, 950m from North Dulwich and 1250m from Herne Hill Station with good bus links along Denmark Hill. The provision of a parking space for each of the family units is considered to be acceptable in this location. The application will need to be accompanied by a Transport Statement

demonstrating that the proposed development will have an acceptable impact on local highway conditions while also providing a justification for the level of parking proposed and confirmation that the proposed development will have an acceptable impact on parking on neighbouring streets.

32. The London Plan states that for residential units there is a requirement for a minimum of 2 spaces per each 2 bed and above unit. In accordance with Table 15.4 of the Southwark Plan there is a requirement to provide visitor cycle parking at 1 space per 10 units; at least one space should be provided. Policy 5.3 of the Southwark Plans requires cycle parking to be secure, convenient and weather proof. We recommend Sheffield stands as the preferred cycle storage method in all cases and request that the applicant makes every attempt to provide these in the design of the development. The details submitted appear to indicate that this will be complied with.
33. The proposed development will need to provide disabled access units in accordance with London Plan standards. All wheelchair accessible units should have access to a disabled accessible parking bay in accordance with Section 9.1.2 of Southwark Council's Sustainable Transport Supplementary Planning Document.
34. Waste/Recycling storage will need to be provided in accordance with the Council's standards set out in *Waste Management Guidance Notes for Residential Developments*.

Sustainability

- ii. Any proposed development will be required to demonstrate how carbon dioxide emissions will be minimised in accordance with the Be Lean, Be Clean, Be Green hierarchy set out in London Plan and Southwark planning policies. A detailed energy assessment to demonstrate how the targets for emissions reductions are to be met should be submitted. Development proposals should also demonstrate that sustainable design standards are integral to the proposals, including its construction and operation and the potential for on-site renewables, and ensure that they are considered at the beginning of the design process.

Community Infrastructure Levy

- jj. 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.
- kk. In Southwark Cil the Mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Mayoral CIL in Southwark currently is calculated on the basis of £40.02 per sqm.. The Southwark CIL rate is based on the type and location of the development. Southwark CIL for residential development in Zone 2 is charged at £200 per sqm.

List of documents required at application stage

- ii. At application stage the applicant should include the following documents: Design and Access Statement, Transport Statement and Parking Study, Noise Report, Air Quality Assessment, Land Contamination Assessment, Energy / Sustainability Statement, Daylight / Sunlight Report, and a CIL form. The following link will take you to the council's webpage where you can view the list of documents that should accompany

the application:

https://www.southwark.gov.uk/downloads/download/2021/full_planning_permission

Conclusion

mm. The principle of the development is acceptable, subject to satisfying saved Policy 1.4 on loss of office space. However further consideration will have to be given to the issues raised above in relation to design, quality of residential accommodation, impact on amenity and transportation before any application is made.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Yours sincerely

Rob Bristow
Group Manager- Major Applications.

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	SoJoBo Ltd	Reg. Number	15/AP/3399
Application Type	Full Planning Permission	Case	TP/2511-161
Recommendation	Grant subject to Legal Agreement	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing office building (B1a) and construction of a four-storey terrace comprising 10 dwellinghouses (9no. 3-bed houses and 1no. 4-bed house) together with on-site car parking spaces (integral garages), outdoor amenity space and refuse and cycle storage.

At: 161 DENMARK HILL, LONDON SE5 8EF

In accordance with application received on 18/08/2015

and Applicant's Drawing Nos.

034-X001 Rev.A, 034-X010 Rev.A, 034-X100 Rev.A, 034-X101 Rev.A, 034-X102 Rev.A, 034-X200 Rev.A, 034-X201 Rev.A, 034-P001 Rev.A, 034-P010 Rev.A, 034-P100 Rev.01 (version received by LPA on 14/10/2015), 034-P101 Rev.01 (version received by LPA on 14/10/2015), 034-P102 Rev.01 (version received by LPA on 14/10/2015), 034-P103 Rev.01 (version received by LPA on 14/10/2015), 034-P104 Rev.B, 034-P105 Rev.01 (version received by LPA on 14/10/2015), 034-P200 Rev.A, 034-P201 Rev.A, 034-P202 Rev.A, 034-P203 Rev.A, 034-P300 Rev.01, 034-P301 Rev.A, 034-P303 Rev.01, 034-P304 Rev.01, 034-P500 Rev.A, 034-P501 Rev.A, 034-P502 Rev.A, 034-P503 Rev.00, 034-P504 Rev.A, 034-P600 Rev.A (Daylight Study Pt 1), 034-P601 Rev.A (Daylight Study Pt 2), 034-P900 Rev.A (3D rendered image), 034-P901 Rev.A (3D rendered image), 034-P902 Rev.A (3D rendered image), Highway Access Appraisal Report (Ref: JSA006 by Lillington Consultancy Ltd, dated December 2014), Noise Impact Assessment (Rev.B), Energy Statement, Sustainability Statement, Daylight and Sunlight Impact Assessment and a Design and Access Statement.

Subject to the following twenty-two conditions:

Time limit for implementing this permission and the approved plans

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

Reason

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

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

034-P001 Rev.A, 034-P010 Rev.A, 034-P100 Rev.01 (version received by LPA on 14/10/2015), 034-P101 Rev.01 (version received by LPA on 14/10/2015), 034-P102 Rev.01 (version received by LPA on 14/10/2015), 034-P103 Rev.01 (version received by LPA on 14/10/2015), 034-P104 Rev.B, 034-P105 Rev.01 (version received by LPA on 14/10/2015), 034-P200 Rev.A, 034-P201 Rev.A, 034-P202 Rev.A, 034-P203 Rev.A, 034-P300 Rev.01, 034-P301 Rev.A, 034-P303 Rev.01, 034-P304 Rev.01, 034-P500 Rev.A, 034-P501 Rev.A, 034-P502 Rev.A, 034-P503 Rev.00, 034-P504 Rev.A.

Reason:

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

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

- 3 Detailed drawings (elevations and sections) of;

external doors including garage doors and windows (showing heads, sills, jambs and reveals) at a scale of 1:5/1:10,
 eaves, gutters and roof junctions at a scale of 1:5/1:10,
 photovoltaic panels at roof level at a scale of 1:20 and manufacturers specifications,

shall be submitted to, and approved in writing by, the Local Planning Authority before any works in connection with this permission is carried out and 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 a high quality of design will be achieved that will complement the character and appearance of the local area in accordance with the National Planning Policy Framework (2012), policies 7.4 (Local character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 4
- a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.
- b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.
- d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

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

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

- 5
- Prior to any above grade works commencing, material samples of all external facing materials to be used in the carrying out of this permission shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 6 Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roofs shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);
 - laid out in accordance with agreed plans; and
 - planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roofs shall be carried out strictly in accordance with the approved details and shall be maintained as such thereafter.

Reason:

To ensure that the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with sections 7, 8, 11 and 12 of the National Planning Policy Framework (2012), policies 2.18 (Green infrastructure: the network of open and green spaces), 5.3 (Sustainable design and construction), 5.10 (Urban greening) and 5.11 (Green roofs and development site environs) of the London Plan (2015), strategic policy 11 (Open spaces and wildlife) of the Southwark Core Strategy (2011) and saved policy 3.28 (Biodiversity) of the Southwark Unitary Development Plan (2007).

- 7 Notwithstanding the requirements of Condition 5, prior to any above grade works commencing a 1m² sample panel of the brick tile cladding for the elevations to be used in the carrying out of this permission shall be presented on site, and approved in writing by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 8 Prior to any above grade works commencing, a detailed drawing of the rear (east-facing) elevation of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The drawing shall show clearly which, of those windows directly facing the estate road, would be obscure-glazed and which would be clear-glazed. The development shall not be carried out otherwise than in strict accordance with any such approval given and any obscure-glazed windows shall not be replaced or repaired otherwise than with obscure glazing.

In order to protect the privacy and amenity of the residents of Swinburne Court from undue overlooking in accordance with section 11 of the National Planning Policy Framework (2012), policy 7.6 (Architecture) of the London Plan (2015), strategic policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).

- 9 Before any above grade work hereby authorised begins, detailed drawings [select scale 1:50, 1:100 or 1:500] of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

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

Reason:

So that the Council may be satisfied with the details of the landscaping scheme in accordance with sections 7, 8, 11 and 12 of the National Planning Policy Framework (2012), policies 5.3 (Sustainable design and construction),

5.10 (Urban greening), 5.11 (Green roofs and development site environs) and 7.21 (Trees and woodland) of the London Plan (2015), strategic policy 11 (Open spaces and wildlife), 12 (Design and conservation) and 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policies 3.2 (Protection of amenity), 3.12 (Quality in design), 3.13 (Urban design) and 3.28 (Biodiversity) of the Southwark Unitary Development Plan (2007).

- 10 Before any above grade work hereby authorised begins, a detailed drawing (at a scale 1:10) of a privacy side screen to be erected along the east (rear) edge of the roof terrace of Unit 10 shall be submitted to, and approved in writing by, the Local Planning Authority. The privacy screen shall be installed in strict accordance with any such approval given before the first occupation of the development and shall be retained thereafter.

Reason:

To safeguard the privacy and amenity of existing occupiers at Swinburne Court in accordance with policy 7.6 (Architecture) of the London Plan (2015), strategic policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of amenity) of the Southwark Unitary Development 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.

- 11 Before the development hereby permitted is commenced, the applicant shall submit written confirmation from the appointed building control body that the specifications for each dwelling identified in the detailed construction plans meet the standard of the Approved Document M of the Building Regulations (2015) required in the schedule below and as corresponding to the approved floor plans. The development shall be carried out in accordance with the details thereby approved by the appointed building control body and shall be retained for the lifetime of the development.

Units 1-9 (inclusive): M4(2) - Accessible and adaptable dwellings
Unit 10: M4(3)(2)(a) - Wheelchair adaptable dwellings

Reason:

To ensure the development complies with policy 3.8 (Housing choice) of the London Plan (2015) and strategic policy 5 (Providing new homes) of the Southwark Core Strategy (2011).

- 12 Before the first occupation of any part of the development hereby permitted the cycle storage facilities as shown on drawings 034-P500 Rev.A and 034-P502 Rev.A 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 section 4 of the National Planning Policy Framework (2012), policy 6.9 (Cycling) of the London Plan (2015), strategic policy 2 (Sustainable transport) of the Southwark Core Strategy (2011) and saved policy 5.3 (Walking and cycling) of the Southwark Unitary Development Plan (2007).

- 13 Before the first occupation of any part of the development hereby permitted, the refuse storage facilities shown on drawings 034-P100 Rev.A and 034-P501 Rev.A shall be provided and made available for use by the occupiers of the dwellings and they shall be retained and shall not be used nor 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 section 7 of the National Planning Policy Framework (2012), policy 5.17 (Waste reduction) and 7.6 (Architecture) of the London Plan (2015), policies 12 (Design and conservation) and 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).

- 14 Before the first occupation of the development the car parking shown on the drawings hereby approved shall be made available and be retained thereafter for the purposes of car parking for vehicles of residents of the development and no trade or business shall be carried out thereon.

Reason:

To ensure the permanent retention of the integral car parking garages for their intended purpose, to avoid

obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of the adjoining properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity, Policy 5.2 Transport Impacts and 5.6 Car Parking of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

- 15 Prior to the first occupation of any part of the development hereby permitted the following environmental sustainability features, as set out in the application, shall be installed and thereafter retained for the lifetime of the development.

Photovoltaic panels

A Mechanical Ventilation with Heat Recovery system

High efficiency gas boilers

Smart meters

CFL (Compact Fluorescent Lamp) and/or LED (Light Emitting Diode) light-fittings

Reason:

To ensure that the development provides the environmental sustainability features that were specified in the energy strategy for the application so as to deliver compliance with section 10 of the National Planning Policy Framework (2012), policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable design and construction) of the London Plan (2015), strategic policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policy 3.4 (Energy efficiency) of the Southwark Unitary Development Plan (2007).

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

- 16 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 section 11 of the National Planning Policy Framework (2012), policy 7.15 (Reducing and managing noise, etc) of the London Plan (2015), strategic policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policies 3.2 (Protection of amenity) and 4.2 (Quality of residential accommodation) of the Southwark Unitary Development Plan (2007).

- 17 No meter boxes, flues, ducts, soil stacks or vent pipes (other than rainwater pipes) or other appurtenances not shown on the approved drawings shall be fixed or installed on the front (west) elevation of the building, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that approved design is not later compromised by the proliferation of such appurtenances and thus to ensure that the design and detailing of the building will remain of a high quality in accordance with the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 18 Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the development hereby approved shall not be extended, enlarged or altered without the prior permission in writing of the Local Planning Authority.

Reason:

To safeguard the character and the amenities of the development and the wider local area premises in accordance with sections 7 and 12 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policies 13 (High environmental standards) and 12 (Design and conservation) of the Southwark Core Strategy (2011) and saved policies 3.2 (Protection of

amenity) and 3.12 (Quality in design) of the Southwark Unitary Development Plan (2007).

- 19 No structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be erected on the roof terraces.

Reason:

To make sure that the character and appearance of the building is suitable and that it contributes to the character and appearance of the area in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 20 The windows in the flank (north) elevation of Unit 1 shall be obscure-glazed and fixed-shut up to at least 1.8m above the finished floor level of the rooms they serve and they shall not be replaced or repaired otherwise than with obscure glazing.

Reason:

In order to protect the privacy and amenity of the residents of Mayhew Court from undue overlooking in accordance with section 11 of the National Planning Policy Framework (2012), policy 7.6 (Architecture) of the London Plan (2015), strategic policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).

- 21 Notwithstanding the details shown on approved drawing ref. 034-502 Rev.A or any other approved drawing in which they are similarly represented, the fences to be erected on the side boundaries between the front gardens of each dwellinghouse shall be no higher than 1.1m above the ground and shall be retained such thereafter.

Reason:

In the interests of retaining a visually open frontage to enhance the setting of the development and the appearance of the streetscene in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 22 Any existing trees retained and shown on the approved plans shall be protected by the erection of fencing as recommended by current British Standard BS 5837:(2012) (Trees in relation to demolition, design and construction: recommendations) or in accordance with other specifications agreed in writing with the Local Planning Authority. All fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purpose of development. Within the area of the protective fencing the following is prohibited: -

- a) the placing or storage of any equipment, plant, machinery or materials,
- b) raising or lowering the ground level,
- c) the lighting of fires,
- d) excavation of trenches or pits,
- e) the disposal of any substance above or below ground level.

In the event that any part of the protective fencing is damaged or removed during the course of development it shall be promptly repaired or replaced. No protective fencing shall be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with sections 7, 8, 11 and 12 the National Planning Policy Framework (2012), policy 7.21 (Trees and woodland) of the London Plan (2015) and policies 11 (Open spaces and wildlife), 12 (Design and conservation) and 13 (High environmental standards) of the Southwark Core Strategy (2011) and saved policies 3.2 (Protection of amenity), 3.12 (Quality in Design), 3.13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Unitary Development Plan (2007).

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service.

The scheme was submitted in accordance with guidance following pre application discussions.

Informative

The applicant is advised that the full discharge of condition 6 will only be granted on receiving the details of the green/brown roofs and Southwark Council agreeing the submitted plans, and once the green/brown roofs are completed in full accordance to the agreed plans. A post-completion assessment will be required to confirm that the roofs have been constructed to the agreed specification.

Ordnance Survey

Date 12/4/2016



© Crown copyright and database rights 2011 Ordnance Survey (0)100019252.

Newington Gardens

Item No. 7.2	Classification: Open	Date: 26 April 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/0388 for: Full Planning Permission Address: 301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON SE1 1DB Proposal: Construction of a new third and fourth (mansard) floor extension to the Borough High Street frontage and the demolition of the rear part of the building to be replaced with a three storey extension fronting Trinity Street for additional office floorspace (Class B1); change of use of some retail (A1) floorspace at basement and ground level to office (B1); associated external alterations including the creation of a new shopfront on the Borough High Street frontage.		
Ward(s) or groups affected:	Chaucer		
From:	Director of Planning		
Application Start Date 08/02/2016		Application Expiry Date 04/04/2016	
Earliest Decision Date 05/03/2016			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is a part three, part one storey building located on the corner of Trinity Street and Borough High Street. The application property is now vacant but formerly comprised of a carpet shop on the ground floor with vacant offices on the first and second floors.
3. To the northeast is a six-storey commercial property at 291-299 Borough High Street, to the southeast is a three-storey commercial property at 5 Trinity Street and to the north east, at the rear, is a residential development in Hulme Place comprising of x2 three-storey houses, and a part four, part five, part six-storey building containing flats and a live-work unit.
4. The building is not statutorily or locally listed nor is it sited within a conservation area. However the site is located just outside both the Borough High Street conservation area and Trinity Church square conservation area and is located directly opposite Listed Buildings at 2-12 Trinity Street. It is not located within a protected shopping frontage.
5. **Planning policy designations (Proposals Map)**
 - Central activities zone (CAZ)

- Bankside and Borough district town centre (part of)
- Bankside, Borough and London Bridge opportunity area (part of)
- Archaeological priority zone
- Air quality management area.

Other designations which relate to the site are:

- Public Transport Accessibility Level (PTAL): 6a (Excellent)
- Flood Zone 3
- Borough High Street is a classified A road (A3).

Details of proposal

6. The retail area utilises the lower ground as ancillary storage (126m²), and the ground floor retail as the primary A1 shop floor (157m²). The ground floor fronting Borough High Street is predominantly glazed with a corner entrance and small section of returned shop-front glazing. Access to the basement is within the shop demise.
7. The front part of the block on first and second floors of the building has an established office use (B1a) and is served by a separate access on Trinity Street. The first floor provides 73sqm of office accommodation and the second floor provides 78sqm of office accommodation. The building has been vacant for a number of years.
8. The proposal seeks to add another two floors to the front part of the existing building, i.e., the part sited directly on the corner of Borough High Street and Trinity Street. Visually this would appear as an additional floor with another floor of accommodation contained above in the roofspace of a dormered Mansard roof. To the rear (east) of this the remainder of the building (which is currently part three-storey, part single-storey) would be demolished and this part of the proposal would be three-storeys high.

PROPOSED	B1 floorspace	A1 floorspace
4 th Floor	66.5sqm (Borough High Street)	
3 rd Floor	85.5sqm (Borough High Street)	
2 nd Floor	133sqm (Borough/Trinity)	
1 st Floor	156sqm (Borough/Trinity)	
Ground Floor	77.0sqm (Trinity Street)	63.0sqm (Borough High Street)
Basement Floor	77.5sqm (Trinity Street)	57.0sqm (Borough High Street)
TOTALS	595.5sqm	120.0sqm

10. The retail unit on the ground floor will have a clearly identified entrance and a glass shop front to Borough High Street, returning along the front corner of Trinity Street. The upper elevations above the ground floor, from first to the third floor, will have matching brickwork, to three elevations of front, side and rear. All new installed windows to these elevations will be timber painted sliding sashes to match existing in size and style. The fourth floor will be within a slate-tiled mansard roof, with timber painted sliding-sash dormer windows, framed with lead tiled top and cheeks, matching those opposite on Trinity Street. The principal entrance to the enlarged office accommodation will be from Trinity Street and is completely separate from the existing entrance to the retail unit.

11. Relevant planning history

15/EQ/0125

Pre-Application Enquiry (ENQ): Demolition of existing building and erection of a part 6, part 8 (plus basement) mixed use building (commercial and residential)
Enquiry closed: 17/11/2015

13/EQ/0231

Application type: Pre-Application Enquiry (ENQ): Redevelopment to provide 9 or less residential units
Enquiry closed: 11/07/2014

12/AP/1230

The demolition of the existing building and the erection of a predominantly part 5/part 6 storey building with three storey rear element comprising of 222.5 sqm of commercial floor space, flexible A1 retail/A2 financial and professional services at ground floor level and B1 office space at basement level; provision of 4 x 2 bedroom apartments with balconies above; along with a two bedroom, three storey house with basement and associated cycle parking facing Trinity Street.

REFUSED: 14/08/2012

APPEAL DISMISSED: 02/07/2013

Reason for refusal:

1. The proposal due to its inappropriate height, scale and massing will result in an overdominant appearance when viewed from the nearest properties in Hulme Place to the rear creating an undue sense of enclosure for those residents, significantly impacting on their residential amenity contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 – 'High environmental standards' of the Core Strategy 2011.
2. The proposal, due to its contemporary form and detailed elevational treatment, fails to reach an acceptable level of design quality in this prominent corner location which acts as a gateway and sign post to the neighbouring Trinity Church Square Conservation Area. The proposal therefore fails to integrate successfully into this sensitive context and will harm the setting of the Conservation Area, thereby contrary to Saved Policies 3.12 Quality in Design and 3.18 Setting of Conservation Areas, Listed Buildings and World Heritage Sites of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.

10/AP/1724

Renewal of planning permission 07/AP/0424 for: Demolition of the existing building and redevelopment of the site to provide a 6 storey building with basement fronting Borough High Street comprising offices (Class B1), retail (Class A1) and financial services office (Class A2) at basement, ground and first floor areas, provision of 4 x 2 bedroom flats above with balconies onto Trinity Street and a roof terrace for the top flat and the erection of a three storey, a 2 bedroom house with additional basement and balconies to the rear fronting Trinity Street.

REFUSED: 29/12/2011

Reason for refusal:

1. The proposal due to the dominance and obtrusiveness of the six storey element would create an undue sense of enclosure to the property at 1 Hulme Close SE1 and to a lesser extent on 2 Hulme Close SE1 to the rear of the

development site, significantly impacting on their residential amenity, contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and 'Strategic Policy 13 – High environmental standards' of the Core Strategy 2011.

2. The proposal provides inadequate outside amenity area to the detriment of future occupiers' amenities. The proposal is therefore contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, the Residential Design Standards SPD 201, and 'Strategic Policy 5 - Providing new homes' of the Core Strategy 2011.

07/EQ/0028

Pre-Application Enquiry (ENQ): Redevelopment of site to provide a mixed use development

Enquiry closed (Planning application submitted): 17/02/2016

06/EQ/0764

Pre-Application Enquiry (ENQ): Proposed demolition of existing building and redevelopment to provide a 6 storey building comprising 298 sqm of commercial floor space at basement and ground floor level.

Enquiry closed: 07/01/2014

12. Planning history of neighbouring sites

280 Borough High Street

15/AP/4770

Full Planning Permission: Demolition of existing building and erection of a part five-storey, part seven-storey building comprising a commercial unit at lower-ground and ground-floor level (Use Class A1/A2/A3), 9no. self-contained dwellings above and associated refuse, recycling and cycle storage facilities and roof terraces.

GRANTED: 22/01/2016

218-220 Borough High Street

10/AP/2304

Full Planning Permission: Redevelopment of site for a mixed use development comprising six storeys (basement and five floors above ground) including retail/professional services/cafe - restaurant (Use Classes A1/A2/A3) at ground floor and basement and seven residential units (Class C3) at upper floors to comprise three studio apartments, three one bed units and one two bed unit.

GRANTED WITH A LEGAL AGREEMENT: 18/05/2011

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13. The main issues to be considered in respect of this application are:
 - a) Principle of development
 - b) Impact on residential amenity of neighbouring properties
 - c) The design of the development and its impact on the character and appearance of the host building and the local area.
 - d) The impact on the setting of designated heritage assets (conservation areas and listed buildings)
 - e) Transport impacts
 - f) Flood risk

g) All other relevant material planning considerations.

Planning policy

14. National Planning Policy Framework (Published 27 March 2012)

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

15. The London Plan (2015) (consolidated with alterations since 2011)

Policy 2.10 - Central activities zone – strategic priorities

Policy 2.11 - Central activities zone – strategic functions

Policy 2.15 - Town centres

Policy 4.1 - Developing London's economy

Policy 4.2 - Offices

Policy 4.3 - Mixed use development and offices

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.17 Waste capacity

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

16. Mayor of London Supplementary Planning Guidance

Town Centres (2014)

Accessible London: Achieving an inclusive environment (2014)

17. Southwark Core Strategy (2011)

Strategic Policy 1 - Sustainable development

Strategic Policy 2 - Sustainable Transport

Strategic Policy 3 - (Shopping, leisure and entertainment)

Strategic Policy 10 - (Jobs and businesses)

Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

18. 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.

19. Southwark Unitary Development Plan (2007) - Saved policies

- Policy 1.1 - Access to employment opportunities
- Policy 1.4 - Employment sites outside the preferred industrial locations
- Policy 1.7 - Development within town and local centres
- Policy 3.1 - Environmental effects
- Policy 3.2 - Protection of amenity
- 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 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.19 - Archaeology
- Policy 5.1 - Locating developments
- Policy 5.2 - Transport impacts
- Policy 5.3 - Walking and cycling
- Policy 5.6 - Car parking

Supplementary Planning Document: Sustainable Transport (2010)

Principle of development

20. The proposal would not introduce any new uses. However, the existing balance between the proportion of A1 and B1 floorspace in the building would be altered primarily as a result of the proposed increase in B1 floorspace. The shop (A1) floorspace would be reduced from 283sqm to 120sqm (a loss of 58%). The shop's ground-floor would be reduced from 157sqm to 63sqm (60%) and the ancillary basement storage area would be reduced from 126sqm to 57sqm (55%).
21. The proposal requires assessment against saved policy 1.7 of the Southwark Plan, strategic policy 3 (Shopping, leisure and entertainment) of the Southwark Core Strategy, policy 2.15 (Town Centres) of the London Plan (2015) and sections 1 and 2 of the National Planning Policy Framework (2012).
22. Although the proposal would result in a significant loss of A1 floorspace on the site it is nevertheless considered that it would not meaningfully conflict with this saved policy 1.7 when the remaining criteria in the policy are considered, particularly considering that the replacement floorspace would be office - a town centre use. In terms of the other main criteria in the policy it is considered that: the scale and nature of the proposal would be appropriate to the character and function of the centre/catchment area it seeks to serve; the proposal would maintain a mix of uses on the site which is appropriate; it would be located in a part of the borough that is highly accessible to public transport; the proposal would not give rise to any significant additional servicing traffic, and; it would address the street and retain an active frontage onto pedestrian routes (Borough High Street/Trinity Street). One of the other criteria in the policy requires that the proposal would not materially harm the amenity of surrounding occupiers. This criteria will be considered under its own section below as the proposal must also be assessed more generally against saved policy 3.2 (Protection of amenity).
23. Given that the existing building (including the shop) has been vacant for several years (a carpet retailer was the previous occupier) and given that the building would retain an active shopfront frontage (a new shopfront would be installed) onto Borough High Street and partly along the Trinity Street elevation, it is considered that the new

smaller shop unit would still present an attractive viable proposition to a retail occupier which will positively contribute to the vitality of the district town centre in this edge of centre location.

24. The increase in office floorspace on the site will also support the economic role of the town centre and will generate more local job opportunities in keeping with the stated aims of SP10 of the Core Strategy. The increase in office floorspace is therefore also compliant with saved policy 1.4 of the Southwark Plan.

Environmental impact assessment

25. The proposal lies outside the scope of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 and as such there is no requirement for an EIA.

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

26. Sense of enclosure on properties in Hulme Place / St. Michael's Court

One of the two main issues considered at appeal (in respect of the refused application from 2012, ref. 12/AP/1230) was whether the proposed replacement building would be over-dominant and create an unacceptable sense of enclosure when viewed from nearby residential properties in Hulme Place.

27. The building that presently occupies the site is lower than its neighbours. The elevation fronting onto Borough High Street has only 3 storeys compared to the 6 storeys of its neighbour to the north east and the 5 storeys of the building on the opposite side of Trinity Street. The 3 storey height of the Borough High Street elevation extends round the corner into Trinity Street, then steps down to a short section with a slightly lower 3 storey height at 1 Trinity Street before falling sharply to a single storey section at 3 Trinity Street. Beyond this the terrace of residential buildings at 5-13 Trinity Street rises to 3 storeys.
28. In the appeal decision following the council's refusal of application ref. 12/AP/1230, the Inspector concluded that apart from the resultant reduction in natural light and sunlight, the increased building heights would appear over-dominant and would create an oppressive feeling of enclosure.
29. The Inspector also stated that he recognised, 'that both the natural light received by the Hulme Place properties and their outlook is already compromised by the existing building on the appeal site but this does not justify the additional effect of the proposed development.'
30. He continued, 'It should also be recognised that the existence of a development that has taken advantage of the relatively low height of the existing building on the appeal site should not prevent all redevelopment of that building. Nevertheless any redevelopment scheme should achieve a reasonable compromise between legitimate commercial interest and maintaining an acceptable level of residential amenity. I consider that the proposed scheme does not achieve that objective'
31. In assessing the impact of the current proposal on the amenity of the residents of Hulme Place (which includes St. Michael's Court) it is important to bear this useful commentary in mind. At the same time the current proposal is significantly different to that which was considered by the Inspector and it is therefore important to draw out the distinctions between the two schemes in terms of their height, bulk and mass.

32. An analysis of the 2012 refused scheme and the current scheme finds that the highest part of the current scheme would be 0.8m higher (15.92m as compared to 15.12m) but that the depth of the highest part of the current scheme (i.e., the extent to which it would extend back from Borough High Street parallel to Trinity Street) would be 5.87m less deep than the refused scheme (12.38m as compared to 18.25m). In the current proposal much more of site would therefore be occupied by the lower 3 storey element as compared to the refused 2012 application
33. Furthermore, the top (second-floor) of the 3 storey element would be set away much more substantially (3.5m) from the rear boundary of the dwellinghouse at 1 Hulme Place than was the case in the refused scheme (1.4m-1.6m).
34. In addition, in the refused scheme the five storey element of that development extended rearwards (parallel with Trinity Street) up to half the width of the rear garden boundary of 1 Hulme Place (with a similar minimal setback of 1.4m-1.6m). By contrast, in the current application, only three storeys would sit directly opposite the rear garden boundary of 1 Hulme Place and indeed the south-east facing rear elevation of the five-storey part of the current proposal would encroach no closer toward 1 Hulme Place as it would result from the simple vertical extrusion of the existing main body of the building through the addition of two floors to it.
35. A further clear distinction between the two schemes is that the refused scheme included a further sixth storey which is not included in this proposal.

36. Daylight and sunlight

A technical daylight and sunlight report to accompany the application has been prepared by Right to Light Consulting Ltd in line with the established industry guide from the Building Research Establishment (BRE) titled 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (Littlefair, P. 2nd Ed. 2011).

37. The report analyses the impact of the proposed development on the levels of daylight and sunlight reaching properties in close proximity to the site. It does this via three methods of analysis:
- Daylight: vertical sky component test (VSC)
 - Sunlight to windows: Annual probable sunlight hours test (APSH)
 - Sunlight to neighbouring gardens and open spaces: spring equinox overshadowing test.
38. The report presents the potential impacts of the proposed development on a wide number of neighbouring properties, both domestic and non-domestic, including 305 Borough High Street, 2, 4, 5 & 6 Trinity Street, 1 to 12 St. Michaels Court (Hulme Place), 1 and 2 Hulme Place and 297 and 299 Borough High Street.
39. The neighbouring properties likely to be most affected are the existing dwellings at 1 and 2 Hulme Place and the flats at 1-12 St. Michaels Court, in this order of importance / magnitude of impact.
40. Taking each test in turn, out of all the properties assessed the only windows that would be left with a VSC of less than 27% and the reduction experienced being also more than the recommended 20% loss are 3 windows in the ground-floor conservatory at 1 Hulme Place and 1 window in the ground-floor conservatory at 2 Hulme Place.
41. However, in respect of the 3 conservatory windows at 1 Hulme Place, the reduction of VSC that they would experience ranges between 0.7 and 0.74 and therefore is only

marginally below the level at which it becomes noticeable. The single window in the ground-floor conservatory at 2 Hulme Place would have its VSC reduced to 0.79 which is an even more marginal, arguably inconsequential, loss.

42. The Sunlight to windows: annual probable sunlight hours (APSH) test finds that all neighbouring windows except for a single non-domestic (office) window in the rear elevation of at 299 Borough High Street would comply with the APSH test, i.e., although some windows may receive less than 25% of total annual probable sunlight hours or less than 5% of winter annual probable sunlight hours (21 September – 21 March) all would still receive at least 80% of their former annual probable sunlight hours during either period.
43. Four key garden / outdoor amenity areas were examined in the Spring Equinox Overshadowing test. These were at 1 and 2 Hulme Place, 1-12 St. Michael's Court and 297 Borough High Street. All of the areas assessed complied with the requirements of the first and most fundamental aspect of the test, i.e., that at least half of the outdoor amenity areas would still continue to receive at least 2 hours of direct sunshine on 21 March. The spaces easily passed the test with 1-12 St. Michael's Court and 297 Borough High Street seeing no reduction in the existing sunlit area at all. The sunlit part of the outdoor amenity area at 1 Hulme Place would be reduced by only 8% and the sunlit area of the outdoor amenity area at 2 Hulme Place would be reduced by only 1%.
44. The substantial reduction in the height, bulk and mass of this scheme as compared to the 2012 refused scheme is sufficient to ensure that it would not result in an unacceptable sense of enclosure for nearby residents at 1 and 2 Hulme Place or at 1-12 St. Michael's Court, Hulme Place. There would also be no significant impact on daylight and sunlight for neighbouring properties. Furthermore, as there are no rear facing windows proposed in the development there will be no privacy issues created from the nearest residential neighbours at Hulme Place.

The design of the development and its impact on the character and appearance of the host building and the local area.

45. Additional storeys, including a mansard roof, could be accommodated without harm to the character of the building or the street scene. The details of the Borough High Street façade include traditional sliding sash windows in a diminishing hierarchy, reflecting the historic character of the building. The mansard is proposed to be set back from the parapet with dormer windows that are in proportion to the size of the roof and set traditionally back from the façade. Some minor adjustment to the design (or control by condition requiring section drawings) is recommended to the dormers so that their cheeks and roofs are of traditional proportion. A condition requiring section drawings of proposed windows is also required. The proposed extension to the rear (facing Trinity Street) is also of an acceptable proportion to the existing building and the general street scene. Its three-storey nature and scale, fronting the street responds to the existing surrounding context, scale and massing of the adjacent properties and the buildings opposite. The fenestration corresponds with a secondary elevation of a traditional building, subject to details of the windows (including sections) to be provided by way of condition, this element of the design is acceptable. The proposed contemporary entrance design is simple and does not overwhelm the elevation.
46. The existing shopfront is of traditional proportions with a stall riser and timber windows although it appears to be a modern and altered insertion. There is no objection to the alteration of the shopfront in principle, however the proposed shopfront makes little reference to the proportions of the building above. A larger window display could be accommodated; however the design should be modified to include proportional reference to the fenestration pattern above. This may include a small stall riser and

columns between windows corresponding to the areas of brickwork between the windows above. A suitably worded condition to this effect has been suggested.

47. In conclusion, the form, scale and massing of the extensions respond appropriately to the existing building, its context and street scene, creating a positive relationship to the corner of Trinity Street and Borough High Street. The general materials, and design details are also appropriate for a traditional building in this context. Conditions are recommended to control the material and design details of the window reveals, dormers, glazing sections and opening methods.

The impact on the setting of designated heritage assets (conservation areas and listed buildings)

48. The potential impacts identified are the setting of the Grade II Listed buildings situated on the opposite, southern side of Trinity Street (2-12 Trinity Street) and the settings of the Borough High Street Conservation Area and Trinity Church Square conservation area.
49. The proposal is considered to have a positive impact on the setting of all of these designated heritage assets by reason of its appropriate height, scale, bulk and mass and its traditional architectural design and choice of materials. Officers consider that the traditional architectural design of the proposal is an appropriate response bearing in mind the Victorian architecture of the host building and that of the buildings located across Trinity Street on the south side, including the listed terrace of buildings at No.s 2-12. The three-storey scale of the part which fronts onto Trinity Street is appropriate in terms of the continuity of enclosure of the street that it would create (repairing the somewhat anomalous existing single-storey part) and the proposal as a whole is considered to create a sympathetic, coherent piece of townscape that will sit comfortably within the surrounding street scene.
50. The higher 5 storey part fronting onto Borough High Street would resonate with the similar building on the opposite southern corner of Borough High Street (No.305) and Trinity Street and together they will create a pleasing gateway at the entrance to Trinity Street nicely framing the eastward view of Trinity Church Square Conservation Area from Borough High Street and Great Suffolk Street beyond.
51. It is therefore concluded that the proposal would have a positive, enhancing impact on the setting of these designated heritage assets. There would be no harm to any heritage assets.

Transport impacts

52. The site benefits from a public transport accessibility level of 6a (Excellent), is located in a controlled parking zone and proposes no on-site car parking. As it would only involve modest extensions to the existing building there are no significant transport impacts identified.
53. Cycle storage for up to 7 cycles in a vertical two-tier stacking system would be provided for the office accommodation at basement level. A lift would provide access to and from this cycle parking area and the office's street-level entrance. A shower facility close to the cycle parking area within the basement would also be provided and would be a benefit to cycle users. The amount and type of cycle storage proposed is considered to be an acceptable level of provision given the constraints of also providing a lift and a shop and office accommodation with separate entrances within the existing, relatively small ground-floor footprint and must also be seen against the existing situation of no on-site cycle parking.

Flood risk

54. The council's flood and drainage team have been consulted and have raised no objections to the proposal.

Planning obligations (S.106 undertaking or agreement)

55. The application does not trigger the need for any specific undertakings or financial contributions as can be sought in accordance with Section 106 of the Town and Country Planning Act 1990 (as amended).

Sustainable development implications

56. The proposal will create additional employment floorspace in a sustainable town centre location, well served by public transport.

Other matters – Mayoral and Southwark Community Infrastructure Levies (CIL)

57. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
58. The application is not liable for Southwark CIL as B1 floorspace in Charging Zone 2 attracts a nil rate while the existing retail floorspace would be reduced by proposal.
59. However, the application would be liable for Mayoral CIL. Based on the CIL information form received on 09/02/2016 the Mayoral CIL liability has been calculated as follows; $281.5\text{sqm} \times \text{£}35 \times 275/223 = \text{£}12,150$

Conclusion on planning issues

60. The application is considered to have satisfactorily addressed the two reasons for the refusal of the 2012 application (which ultimately was dismissed at appeal on both grounds) as has been explained above and is therefore recommended for permission.

Community impact statement

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

Consultations

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

Consultation replies

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

64. Summary of consultation responses: (5)

Flood and Drainage Team: No objections

Design and Conservation Team: No objections but conditions recommended in respect of detailed design considerations.

Responses to public consultation:

Trinity Newington Residents' Association: Support application but are keen to see that the proposal should replicate some of the architectural features of the Grade II Listed Buildings opposite at 2-12 Trinity Street. Also suggest that the scheme is liable for the local Southwark CIL and that this money should be allocated to repairing/improving the public footpath on the north side of Trinity Street between the junctions with Borough High Street and Swan Street.

Officer response: The application is not liable to make a financial contribution in respect of the Southwark CIL for the reason detailed above.

Flat 3 and Flat 4 St Michael's Court, Hulme Place: Object on grounds of overbearing enclosure (loss of outlook) and loss of daylight and sunlight. These matters have been discussed above.

Human rights implications

65. 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.
66. This application has the legitimate aim of seeking planning permission to partially demolish and extend the existing building to provide additional office accommodation whilst retaining a smaller shop unit on the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1140-301 Application file: 16/AP/0388 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 4877 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	Ciaran Regan, Senior Planning Officer	
Version	Final	
Dated	14 April 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 of 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		14 April 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 09/02/2016**Press notice date:** 11/02/2016**Case officer site visit date:** 02/03/2016**Neighbour consultation letters sent:** 09/02/2016**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

Flat 11 St Michaels Court SE1 1HY	Flat 1 305 Borough High Street SE1 1JH
Flat 9 St Michaels Court SE1 1HY	Flat 4 305 Borough High Street SE1 1JH
Flat 7 St Michaels Court SE1 1HY	Flat C 307 Borough High Street SE1 1JH
Flat 12 St Michaels Court SE1 1HY	Flat B 307 Borough High Street SE1 1JH
301-303 Borough High Street London SE1 1JH	Flat A 307 Borough High Street SE1 1JH
1-3 Trinity Street London SE1 1DB	Second Floor Flat 4 Trinity Street SE1 1DB
1 Hulme Place London SE1 1HX	Second Floor And Third Floor Flat 2 Trinity Street SE1 1DB
8 Trinity Street London SE1 1DB	First Floor Flat 2 Trinity Street SE1 1DB
2 Hulme Place London SE1 1HX	Basement And Ground Floor 4 Trinity Street SE1 1DB
Flat 6 St Michaels Court SE1 1HY	First Floor Flat 4 Trinity Street SE1 1DB
Flat 3 St Michaels Court SE1 1HY	Fifth Floor 291-299 Borough High Street SE1 1JG
Flat 1 St Michaels Court SE1 1HY	Fourth Floor 291-299 Borough High Street SE1 1JG
Flat 1 6 Trinity Street SE1 1DB	Flat D 307 Borough High Street SE1 1JH
Ground Floor 293-295 Borough High Street SE1 1JG	12 Trinity Street London SE1 1DB
Flat 10 St Michaels Court SE1 1HY	307 Borough High Street London SE1 1JH
Flat 8 St Michaels Court SE1 1HY	6 Trinity Street London SE1 1DB
Basement And Ground Floor 305-307 Borough High Street SE1 1JH	2 Trinity Street London SE1 1DB
12b Trinity Street London SE1 1DB	
Second Floor Flat 8 Trinity Street SE1 1DB	299 Borough High Street London SE1 1JG
Flat 3 6 Trinity Street SE1 1DB	10 Trinity Street London SE1 1DB
Flat 2 6 Trinity Street SE1 1DB	299a Borough High Street London SE1 1HR
Third Floor Flat 8 Trinity Street SE1 1DB	2c Trinity Street London SE1 1DB
Flat 5 St Michaels Court SE1 1HY	Rise House 5 Trinity Street SE1 1DB
Flat 4 St Michaels Court SE1 1HY	297 Borough High Street London SE1 1JG
Flat 2 St Michaels Court SE1 1HY	8a Trinity Street London SE1 1DB
Flat 3 305 Borough High Street SE1 1JH	12a Trinity Street London SE1 1DB
Flat 2 305 Borough High Street SE1 1JH	Flat 4 Hulme Place London SE1
	42 Trinity Church Square SE1 4HY

Re-consultation: n/a

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

Flood and Drainage Team

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 3 St Michaels Court SE1 1HY

Flat 4 Hulme Place London SE1

42 Trinity Church Square SE1 4HY

RECOMMENDATION

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

Applicant	Mr Ray Ormiston Overcourt C/O Lewis Berkeley Limited	Reg. Number	16/AP/0388
Application Type	Full Planning Permission	Case Number	TP/1140-301
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of a new third and fourth (mansard) floor extension to the Borough High Street frontage and the demolition of the rear part of the building to be replaced with a three storey extension fronting Trinity Street for additional office floorspace (Class B1); change of use of some retail (A1) floorspace at basement and ground level to office (B1); associated external alterations including the creation of a new shopfront on the Borough High Street frontage.

At: 301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON SE1 1DB

In accordance with application received on 02/02/2016 08:01:14

and Applicant's Drawing Nos. 0/5858/15-01, 0/5858/15-02, 0/5858/15-03, 0/5858/15-04, 0/5858/15-05, 0/5858/15-06, 0/5858/15-07, 0/5858/15-08, 0/5858/15-09, 0/5858/15-10 Rev.A, 0/5858/15-11 Rev.A, 0/5858/15-12, 0/5858/15-14, 0/5858/15-15, 0/5858/15-16, 0/5858/15-17, 0/5858/15-18, 0/5858/15-19, 0/5858/15-20, 0/5858/15-22, 0/5858/15-23, 0/5858/15-24, 0/5858/15-25 Rev.A, 0/5858/15-26 Rev.A, 0/5858/15-27 Rev.A, 0/5858/15-28 Rev.A, 0/5858/15-29, a Daylight and Sunlight Assessment, a Design and Access Statement, a Flood Risk Assessment and a Site Location Plan (0/5858/15-00).

Subject to the following twelve conditions:

Time limit for implementing this permission and the approved plans

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

Reason

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

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

0/5858/15-12, 0/5858/15-14, 0/5858/15-15, 0/5858/15-16, 0/5858/15-17, 0/5858/15-18, 0/5858/15-19, 0/5858/15-20, 0/5858/15-22, 0/5858/15-24, 0/5858/15-25 Rev.A, 0/5858/15-26 Rev.A, 0/5858/15-27 Rev.A and 0/5858/15-29.

Reason:

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

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

- 3 Section detail-drawings at a scale of (1:1m, 1:2m, 1:5m) through (i) parapets; (ii) roof edges; (iii) 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 section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 4 Prior to the commencement of the development and notwithstanding the details shown on approved drawings referenced 0/5858/15-15, 0/5858/15-22 and 0/5858/15-24, detailed drawings of a revised shopfront design, at a scale of 1:10 for elevations and 1:2 for sections through all principal details, shall be submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design of the shopfront in the interest of achieving an appropriate high quality contextual design in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 5 Before any work hereby authorised begins, excluding demolition, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, 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 for the archaeological mitigation 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 National Planning Policy Framework (2012), policy 7.8 (Heritage Assets and Archaeology) of the London Plan (2015), strategic policy 12 (Design and conservation) of the Southwark Core Strategy (2011) and saved policy 3.19 (Archaeology) of the Southwark Unitary Development Plan (2007).

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.

- 6 Sample panels/boards of all external facing materials to be used in the carrying out of this permission shall be either presented on site, or submitted, 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 to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development 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.

- 7 Before the first occupation of any part of the extension hereby permitted, the refuse storage arrangements shown on the approved drawing referenced 0/5858/15-15 shall be provided and made available for use by the occupiers of the 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 Southwark Core Strategy (2011) and saved policies 3.2 (Protection of amenity) and 3.7 (Waste reduction) of the Southwark Unitary Development Plan (2007).

- 8 Before the first occupation of the extended office accommodation hereby permitted the cycle storage facilities as shown on the approved drawing referenced 0/5858/15-14 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 cycle 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 Southwark Core Strategy (2011) and saved policy 5.3 (Walking and cycling) of the Southwark Unitary Development Plan (2007).

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

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

Reason

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

- 10 No meter boxes, flues, vents or pipes [other than rainwater pipes] or other appurtenances not shown on the approved drawings shall be fixed or installed on the street elevations of the building without the prior agreement in writing from the Local Planning Authority.

Reason:

To ensure such works do not detract from the appearance of the building and the wider streetscene in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

- 11 No roof plant, equipment or other structures, other than as shown on the plans hereby approved shall be placed on the roof or be permitted to project above the roofline of any part of the building as shown on elevational drawings.

Reason

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with section 7 of the National Planning Policy Framework (2012), policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and conservation) of the Southwark Core Strategy (2011) and saved policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Unitary Development Plan (2007).

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

- 12 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 National Planning Policy Framework (2012), policy 7.8 (Heritage Assets and Archaeology) of the London Plan (2015), strategic policy 12 (Design and conservation) of the Southwark Core Strategy (2011) and saved policy 3.19 (Archaeology) of the Southwark Unitary Development Plan (2007).

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service.

The scheme was submitted in accordance with guidance following pre application discussions.

Ordnance Survey

Date 12/4/2016



© Crown copyright and database rights 2011 Ordnance Survey (0100019252)

Item No. 7.3	Classification: Open	Date: 26 April 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/0166 for: Full Planning Permission Address: 2-4 GROVE LANE, LONDON SE5 8SY Proposal: Change of use from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3/A5) with associated takeaway delivery only between 10:00 and 23:00 (Monday - Sunday).		
Ward(s) or groups affected:	Camberwell Green		
From:	Director of Planning		
Application Start Date 27/01/2016		Application Expiry Date 23/03/2016	
Earliest Decision Date 04/03/2016			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. 2-4 Grove Lane is located on the western side of the carriageway and is 14m from the junction with Camberwell Church Street. The building is a detached villa with residential on the upper floors and a single commercial unit at ground floor operating as the restaurant.
3. The site is located within the following:
 - Air quality management area
 - Archaeological priority zone
 - Camberwell action area
 - Camberwell Green conservation area.

Details of proposal

4. The proposal is to extend the existing use of the restaurant (Use Class A3) to a restaurant and hot food takeaway (Use Class A3/A5) with associated takeaway delivery only between 10:00 and 23:00 (Monday - Sunday).
5. There are no physical changes proposed to the interior or exterior of the building.
6. **Planning history**

10/AP/2565 Application type: S.73 Vary/remove conds/minor alterations (VAR)

<p>Variation of Condition 3 on application 07-AP-1516 dated 21/08/2007 for the erection of a single storey building for use as a temporary marketing suite in connection with the adjoining residential development and thereafter as a pavilion for the adjoining tennis courts, to extend the permitted time for use as a marketing suite from 30/09/2010 until 30/09/2011. Decision date 08/12/2010 Decision: Granted (GRA)</p>
<p>14/AP/2686 Application type: Full Planning Permission (FUL) Installation of extract flue to restaurant 200 mm in diameter for Pizza oven running adjacent to existing larger flue to oven canopy Decision date 25/09/2014 Decision: Refused (REF) Reason(s) for refusal:</p>
<p>14/AP/3521 Application type: Tree Works in Conservation Area (TCA) Sycamore - Fell. It has grown very close to back wall of garden and is touching adjacent building's wall. Decision date 04/11/2014 Decision: Works acceptable - no intervention (TCAA)</p>
<p>15/EN/0068 Enforcement type: Breach of condition (BOC) Non compliance with condition limiting hours of use. Sign-off date 18/03/2015 Sign-off reason: Final closure - no breach of control (FCNB)</p>
<p>15/AP/1113 Application type: S.73 Vary/remove conds/minor alterations (VAR) Continued use as a restaurant (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday Decision date 03/07/2015 Decision: Granted (GRA)</p>
<p>15/EN/0339 Enforcement type: Unauthorised building works (UBW) 1) Installation of extractor fan/ air cooling unit 2) Unauthorised structure in rear garden Sign-off date 17/11/2015 Sign-off reason: Final closure - not expedient to enforce (FCNE)</p>

7. Planning history of adjoining sites

<p>14/AP/2701. Address: 30 CAMBERWELL CHURCH STREET, LONDON, SE5 8QZ. Description: Certificate of Lawfulness for the existing advertisement signs. Refused</p>
<p>11/AP/1760. Address: 4A-6A GROVE LANE, LONDON, SE5 8SY. Description: Erection of a part 2, part 3 and part 4 storey building to provide a retail shop (A1 Class use) on part of the ground floor and a two bedroom residential unit on part ground and upper floors with terrace at second floor level. Granted</p>
<p>14/AP/3570. Address: 4A-6A GROVE LANE, LONDON, SE5 8SY. Description: Details of Shop drawings (external doors and new shop front) required by Condition 3 of planning application dated 17/10/2011 [LBS ref no.11AP1760] for erection of a part 2, part 3 and part 4 storey building to provide a retail shop (A1 Class use). Granted</p>

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

Planning policy

9. National Planning Policy Framework (the Framework)

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 12: Conserving and enhancing the historic environment

10. London Plan July 2015 consolidated with alterations since 2011

Policy 2.15 Town centres

Policy 4.7 Retail and town centre development

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

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

11. Core Strategy 2011

Strategic Policy 1 Sustainable development

Strategic Policy 2 Sustainable transport

Strategic Policy 12 Design and conservation

Strategic Policy 13 High environmental standards

12. Southwark Plan 2007 (July) - saved policies

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

Policy 1.7 Development within town and local centres

Policy 3.1 Environmental effects

Policy 3.2 Protection of amenity

Policy 3.11 Efficient use of land

Policy 3.16 Conservation areas

Policy 5.2 Transport impacts

Principle of development

13. The proposal is to offer a delivery service from an existing restaurant that is set within a commercial premise provided the amenity of the neighbouring occupiers is protected.

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

14. The existing restaurant (Use Class A3) was granted with two specific conditions. The conditions imposed controlled operational times and that no meal delivery service by vehicle would take place from the premises. The reason for the conditions were to protect the amenity of adjoining occupiers and to ensure that the proposal would not have an significant impact on the highway network .
15. The proposal is to provide a takeaway delivery service during the hours of 10:00 and 23:00 (Monday - Sunday). The impact on the amenity of adjoining occupiers has been considered against the two pre-existing conditions and saved policy 3.2 (Protection of amenity) of the Southwark Local Plan (2007) and Strategic Policy 13 (High Environmental Standards) of the Core Strategy (2011).
16. The applicant has proposed that the takeaway delivery service would be provided by non-motorised vehicles only (bicycles). While the stated intention is to secure deliveries by non-motorised vehicles there is insufficient scope to control this absolutely. Therefore the potential exists that mopeds could be used for an occasional delivery.
17. It is considered that non-motorised vehicles would not cause any harm to the amenity of adjoining occupiers or the public highway as ample cycle parking is provided adjacent the site and therefore couriers would not block the footway.
18. The capacity of the restaurant to provide takeaway food, by delivery, would only generate a few additional trips on the highway network. Therefore the use of an occasional moped is not considered to be harmful to the amenity of adjoining occupiers given the existing noise levels created from the existing traffic on Camberwell Church Street and Grove Lane. Further, mopeds would not block the highway as adequate motorcycle parking is provided across from the site.
19. However, to enhance the protection to the adjoining occupiers conditions are recommended that would exclude deliveries by cars and that no associated delivery vehicle can be stored at the site.
20. The proposal does not seek to provide a takeaway service whereby customers can remotely order and collect themselves.
21. As such the introduction of a takeaway delivery service would not significantly affect the amenity of adjoining neighbours, and in particular those located above the premises.

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

22. None.

Transport issues

23. The applicant has proposed a takeaway delivery service predominantly operated by

non-motorised vehicles. There is ample on street cycle parking adjacent the proposed A3/A5 unit and as a result a courier would be able to safely park a cycle while collecting. This would also allow couriers to collect without blocking the footway, which has been a previous concern.

24. The introduction of motorised vehicles (mopeds) collecting from the site is not considered to be detrimental to the integrity or safety of the highway.
25. It is considered that the transport impact of the proposal has been assessed and is satisfactory because it would not be detrimental to highway safety or convenience of other users.

Design issues

26. There are no proposals as part of this planning application to alter the internal or external appearance building. The applicant is advised that any changes would require a separate planning application to be submitted.

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

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

Other matters

28. While it is not a planning material consideration the applicant was contacted by a delivery company who seek to operate the delivery service on behalf of the restaurant. The delivery company operates 23 courier locally and out of these 22 operate by bicycle. The applicant has stated each courier is advised on arrival where to collect and can be banned from servicing the site if they breach the agreed terms and conditions. The applicant is happy with applying restrictions if conditions reasonable.

Planning obligations (S.106 undertaking or agreement)

29. The proposal does not generate reasons to secure a planning obligation.

Conclusion on planning issues

30. The proposal would not give rise to an inappropriate increase in noise pollution or highway safety impacts. The proposal would lead to additional movements to and from the site but as these would be predominantly on bicycle the impact is negligible and therefore does not warrant refusal.
31. In conclusion, the use of Nose. 2 - 4 Grove Lane as restaurant and takeaway delivery service only (Use Class A3/A5 restricted), with the following hours of delivery service: 10:00 - 23:00 Monday to Sunday is considered acceptable and reasonable. It is therefore recommended that planning permission be granted.

Community impact statement

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

Consultations

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

Consultation responses

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

No public responses have been registered through the formal public consultation process. However, a local resident had contacted a councillor for the area regarding the proposals. It is considered the concerns have been addressed by the applicant agreeing to a non-motorised delivery service that operates within the pre-existing hours of operation.

Human rights implications

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2135-2 Application file: 16/AP/0166 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 4877 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	Craig Newton, Planning Officer	
Version	Final	
Dated	14 April 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 of 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		14 April 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 10/02/2016**Press notice date:** 04/02/2016**Case officer site visit date:** 07/04/2016**Neighbour consultation letters sent:** 05/02/2016**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

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

Re-consultation: n/a

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

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

Statutory and non-statutory organisations

None

Neighbours and local groups

None

RECOMMENDATION

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

Applicant	Mr S Leaver East 12th Restaurants Ltd	Reg. Number	16/AP/0166
Application Type	Full Planning Permission	Case Number	TP/2135-2
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3/A5) with associated takeaway delivery only between 10:00 and 23:00 (Monday - Sunday).

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

In accordance with application received on 18/01/2016 08:00:28

and Applicant's Drawing Nos. Location Plan as Existing 1597 & Cover Letter

Subject to the following four conditions:

Time limit for implementing this permission and the approved plans

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

Reason

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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: Location Plan as Existing 1597 & Cover Letter

Reason:

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

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

- 3 The use hereby permitted for a restaurant/bar (Use Class A3) shall not be carried on outside of the hours 08:00 to 23:00 on Sunday to Thursday and 08:00 -00:00 on Friday to Saturday. The extended use hereby permitted to (Use Class A5) takeaway delivery service shall not be conducted by car and shall only operate during the hours 10:00 to 23:00 on Monday to Sunday.

Reason:

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

- 4 Vehicles associated to the delivery of goods from the use hereby permitted shall not be stored at the premises.

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.

Statement of positive and proactive action in dealing with the application

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

This page is intentionally blank.

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		Environmental Protection Team	1
Councillor Cleo Soanes (Chair)	1	Communications	
Councillor Maria Linforth-Hall (Vice-Chair)	1	Louise Neilan, media manager	By email
Councillor Sunil Chopra	1	Total:	
Councillor Nick Dolezal	1		24
Councillor David Hubber	1	Dated: 13 April 2016	
Councillor Eleanor Kerslake	1		
Councillor Leo Pollak	1		
(Reserves to receive electronic versions only)			
Councillor Stephanie Cryan			
Councillor Lucas Green			
Councillor Octavia Lamb			
Councillor David Noakes			
Councillor Johnson Situ			
Officers			
Constitutional Officer, Hub 2 (2 nd Floor), Tooley Street	10		
Jacquelyne Green/Abrar Sharif, Hub 2 (5 th Floor), Tooley Street	4		
Alex Gillott/Jon Gorst, Legal Services, Hub 2 (2 nd Floor), Tooley Street	2		