

Planning Committee

Wednesday 25 May 2016

5.30 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Nick Dolezal (Chair)
Councillor Lorraine Lauder MBE (Vice-Chair)
Councillor Samantha Jury-Dada
Councillor Hamish McCallum
Councillor Darren Merrill
Councillor Michael Mitchell
Councillor Jamille Mohammed
Councillor Adele Morris

Reserves

Councillor Catherine Dale
Councillor Helen Dennis
Councillor Ben Johnson
Councillor Eleanor Kerlake
Councillor Sarah King

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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Contact

Victoria Foreman on 020 7525 5485 or email: victoria.foreman@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 17 May 2016



Planning Committee

Wednesday 25 May 2016
5.30 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
	PROCEDURE NOTE	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES	3 - 5
	To approve as a correct record the minutes of the open section of the meeting held on 12 April 2016.	

Item No.	Title	Page No.
6.	PLANNING SUB-COMMITTEE ARRANGEMENTS FOR 2016/17	6 - 12
7.	DEVELOPMENT MANAGEMENT	13 - 17
	7.1. FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1 8LE	18 - 62
8.	TO RELEASE £939,113 OF SECTION 106 MONIES TOWARDS IMPROVING THE PARKS AND OPEN SPACES IN THE ELEPHANT AND CASTLE AND BLACKFRIARS ROAD	63 - 73
9.	ARTICLE 4 DIRECTIONS TO WITHDRAW PERMITTED DEVELOPMENT RIGHTS	74 - 112

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the 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: 17 May 2016



PLANNING 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 committee.
3. Your role as a member of the planning 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 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 committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning 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 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 committee.
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: General Enquiries
Planning Section, Chief Executive's Department
Tel: 020 7525 5403

Planning Committee Clerk, Constitutional Team
Finance and Governance
Tel: 020 7525 5485



Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 12 April 2016 at 5.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Nick Dolezal (Chair)
 Councillor Sarah King (Vice-Chair)
 Councillor Helen Dennis
 Councillor Hamish McCallum
 Councillor Michael Mitchell
 Councillor Jamille Mohammed
 Councillor Adele Morris
 Councillor Kieron Williams

OFFICER SUPPORT: Simon Bevan, Director of Planning
 Jon Gorst, Legal Representative
 Sonia Watson, Team Leader
 Michael Tsoukaris, Group Manager, Design and Conservation
 Victoria Foreman, Constitutional Officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers which had been circulated at the meetings:

- Addendum report relating to agenda item 6.1
- Members pack relating to agenda item 6.1.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Adele Morris declared a non-pecuniary interest in relation to item 6.1 as she had been invited to take part in the consultation process, but had not done so. Councillor Morris was not required to withdraw from the meeting during consideration thereof.

5. MINUTES

RESOLVED:

The minutes of the meeting held on 22 March 2016 were agreed as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT

RESOLVED:

- i. That the determination of planning applications, for formal observations and comments, the instigation of enforcement action and the recipient of the report included in the agenda be considered.
- ii. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the reports unless otherwise stated.
- iii. That where reasons for decisions or conditions are not included or not as included in the reports to an individual item, they be clearly specified.

7. 61 WEBBER STREET, LONDON SE1 0RF AND 24 - 28 RUSHWORTH ROAD, LONDON SE1 0RY

Planning application reference 15/AP/2705

Report: see pages 10 - 40 of the agenda and pages 1 to 3 of the addendum report.

PROPOSAL

Demolition of the existing building and erection of part six part eight storey (plus basement) mixed use building comprising 39 residential units (15 x 1 bed, 18 x 2 bed and 7 x 3 bed) (use class C3) and 2241 sq. m (GIA) flexible commercial space (use class B1) and associated works.

The committee heard an officer's introduction to the report and asked questions of the officer.

The committee heard representations from objectors to the application and asked questions of the objectors.

The applicant and applicant's agent addressed the committee and answered questions arising from their submission.

The committee debated the application and asked further questions of officers.

A motion to refuse planning permission was proposed but not seconded, and so fell.

A motion to grant planning permission was proposed, seconded, put to the vote and declared granted as follows:

RESOLVED:

1. a) That planning permission be granted, subject to conditions as set out in the report and addendum and the applicant entering into a s106 legal agreement.

b) That in the event that a s106 legal agreement is not entered into by 29 July 2016 the Director of Planning refuse planning permission, if appropriate, for the reason set out in paragraph 77 of the report.

The meeting ended at 7.55pm.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 25 May 2016	Meeting Name: Planning Committee
Report title:		Planning Sub-Committee Arrangements for 2016/17	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. To note the size and composition together with the roles and functions of the planning committee as agreed by annual council assembly on 14 May 2016.
2. To note the role and functions of planning sub-committees (see Appendix 1) as agreed by annual council assembly on 23 May 2012.
3. To establish two planning sub-committees with the size and composition to be determined having regard to the guidance set out in paragraph 9 of this report.
4. To appoint chairs and vice-chairs of the planning sub-committees.

BACKGROUND INFORMATION

5. This report is presented to the planning committee in accordance with Part 3F, paragraph 4 of the constitution, which requires the planning committee to establish planning sub-committees to consider applications and other matters reserved as defined in the constitution.

KEY ISSUES FOR CONSIDERATION

Proportionality

6. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. When making appointments, committees (in appointing sub-committees) have a duty to give effect to the following principles, as far as is reasonably practicable:
 - (i) That not all the seats on a committee or sub-committee are allocated to the same political group.
 - (ii) That the majority group must have the majority of seats on each committee or sub-committee.
 - (iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on 'ordinary committees' reflects as closely as possible their proportion of seats on full council.

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for licensing committee and community councils.

Planning sub-committees

7. The committee is invited to note the roles and functions of the planning committee and planning sub-committees as set out in Appendix 1, which were approved by council assembly on 23 May 2012 and amended in November 2013.
8. Sub-committees are not 'ordinary' committees and are each considered individually for the purposes of proportionality. So far as it is reasonably practicable to do so, the allocation of seats on each sub-committee should bear the same proportion to the number of the seats held by that group on the council. The planning committee can agree an allocation that is disproportionate, provided no member votes against this.
9. The most proportionate allocation will depend on the number of members of the sub-committee. The following sub-committee sizes would provide the following allocation of places:

Size of sub-committee	Labour	Liberal Democrats	Conservative
Nine seats	7	2	0
Eight seats	6	2	0
Seven seats	5	2	0
Six seats	5	1	0
Five seats	4	1	0
Four seats	3	1	0

Appointments to seats

10. Section 16 (1) of the Local Government and Housing Act 1989 provides that it is the duty of the authority or committee to exercise their power to make appointments to a body as to give effect 'to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group'.
11. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore groups have the discretion to allocate seats as they wish, including to a member of another group.

Community impact statement

12. There are no specific implications.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Annual council agenda dated 22 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Ian Millichap Constitutional Manager 020 7525 7236

APPENDICES

No.	Title
Appendix 1	Planning committee and planning sub-committees roles and functions

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Victoria Foreman, Constitutional Officer	
Version	Final	
Dated	17 May 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		17 May 2016

PART 3F: PLANNING COMMITTEE AND PLANNING SUB-COMMITTEES

Role and functions

1. To comment on local development framework documents in respect of all significant planning matters and make recommendations to the cabinet.
2. To consider the future process by which the decisions with respect to planning applications are to be taken.
3. To consider and determine all the following applications:
 - strategic and major planning applications (as defined in the matters reserved to the committee)
 - designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance
 - any other planning responsibilities of the authority created by statute (and delegated to the committee).
4. It is the responsibility of the planning committee to consider strategic planning applications and to establish planning sub-committees to consider applications and other matters reserved as defined in the constitution
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider expenditure of section 106 monies.
7. To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the cabinet.

Matters reserved for decision by the planning committee

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500m² of commercial floor space or a mixed use development with more than 3,500m² of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
 - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval.
 - b) those which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except:

- i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
 - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
 - iii) where the application is a straightforward refusal.
 - c) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
 - d) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations).
 - e) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
2. To consider the expenditure of funds over £100,000 of strategic importance secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
 3. The designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995.
 4. To consider and determine all planning applications of strategic importance in the borough, including:
 - a) applications which require referral to the Mayor of London
 - b) applications which are required to be notified to the Secretary of State as departures from the development plan document (including the unitary development plan)
 - c) applications where the submission of an environmental impact assessment is required by regulation or following a screening application
 - d) applications for the development of metropolitan open land
 - e) applications for the development of contaminated land
 - f) specific applications not covered by the above but determined as strategic by the appropriate chief officer.
 5. To comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.
 6. To comment on draft supplementary planning documents during their consultation periods and make recommendations to the cabinet, as appropriate.

7. To report to the cabinet on matters relating to the implementation of planning policy.
8. To comment on national and regional consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the cabinet, as appropriate.
9. To consider planning enforcement cases where the appropriate chief officer¹ decides that the matter is of a strategic or controversial nature and should be referred to the committee to consider and determine the taking of enforcement steps.

Matters reserved for decision by a planning sub-committee

10. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 10-49 housing units or 1,000m² - 3,500m² of commercial floor space or a mixed use development with more than 1,000m² - 3,500m² of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
 - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval.
 - b) those which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) except:
 - i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
 - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
 - iii) where the application is a straightforward refusal.
 - c) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations).
 - d) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.

¹ The appropriate chief officer has a broad discretion to refer enforcement matters to the committee. In practice, the sort of enforcement cases likely to be considered appropriate for member decision would be in particular:

- where officers propose not to take enforcement action on a controversial issue
- on matters of strategic importance
- on matters which, though minor individually, have a considerable cumulative effect
- where a decision could set a precedent establishing or varying priorities for enforcement action.

Operational or routine enforcement issues will not be referred to the committee.

11. To consider applications for the development of metropolitan open land.
12. To consider the expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
13. To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officer to resolve it, or which officer consider incapable of resolution by negotiation).
14. To consider applications requested by two councillors to be determined by the planning sub-committee, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

Item No. 7.	Classification: Open	Date: 25 May 2016	Meeting Name: Planning Committee
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

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

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of 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	Victoria Foreman 020 7525 5485
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 General Enquiries 020 7525 5403

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Victoria Foreman, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	17 May 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		17 May 2016

ITEMS ON AGENDA OF THE PLANNING COMMITTEE
on Wednesday 25 May 2016

Appl. Type Full Planning Permission
Site FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1

Reg. No. 15-AP-3024

TP No. TP/1232-B

Ward Cathedrals

Officer Amy Lester

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT

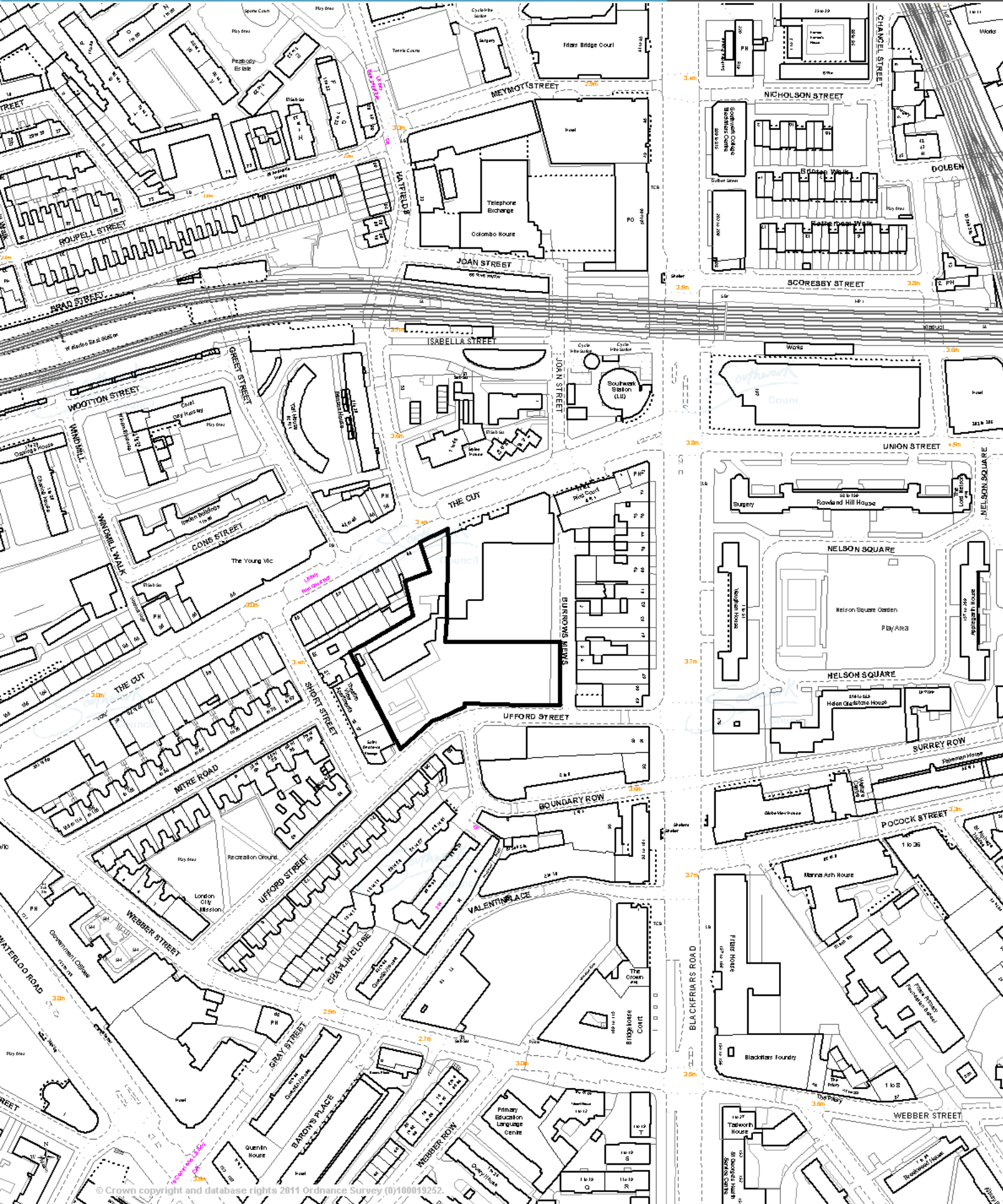
Item 7.1

Proposal

Demolition of existing college buildings and redevelopment of the site to provide 60 residential units (1 studio, 18x1 bed, 29x2 bed, 8x3 bed and 4x4) in two blocks - being a part single to part five (plus basement) storey block, and a part four to part seven storey block; 852sqm of B1/A1/A2/D1 floorspace and a new street linking The Cut to Ufford Street, together with associated amenity space, landscaping and ancillary works.

Ordnance Survey

Date 12/5/2016



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Item No. 7.1	Classification: Open	Date: 25 May 2016	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 15/AP/3024 for: Full Planning Permission Address: FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1 8LE Proposal: Demolition of existing college buildings and redevelopment of the site to provide 60 residential units (1 studio, 18x1 bed, 29x2 bed, 8x3 bed and 4x4 bed) in two blocks - being a part single to part five (plus basement) storey block, and a part four to part seven storey block; 852sqm of B1/A1/A2/D1 floorspace and a new street linking The Cut to Ufford Street, together with associated amenity space, landscaping and ancillary works.		
Ward(s) or groups affected:	Cathedrals		
From:	Director of Planning		
Application Start Date 26/08/2015		Application Expiry Date 25/11/2015	
Earliest Decision Date 09/10/2015		PPA Date 31/07/2016	

RECOMMENDATIONS

1. a) That planning permission be granted, subject to conditions and the applicant entering into a satisfactory legal agreement; and
 b) that in the event that the legal agreement is not entered into by 31 July 2016 the Director of Planning be authorised to refuse planning permission if appropriate for the reasons set out in paragraph 125 of this report.

BACKGROUND INFORMATION

Site location and description

2. The site measures 0.4ha site and is located to the south and west of LeSoCo Further Education College, fronting Ufford Street. It was formerly part of the college campus and retains a short frontage onto The Cut to the north and a return frontage to Burrows Mews to the east.
3. Apart from the further education college, neighbouring uses are a mixture of retail, commercial and residential in buildings which are predominantly 3 and 4 storeys in height, although heights on Blackfriars Road to the east rise up to around 10 storeys. Ufford Street, which forms the main site frontage, is residential in nature and predominately comprised of two storey terraced properties. To the west the site is bounded by the rear elevation of Theatre View Apartments, a 5 storey mixed use block with residential flats at first floor and above, and the rear of St Andrews Church and Vicarage which sits on the corner of Ufford Street and Short Street.
4. Southwark underground station and Waterloo East rail station are within 100m walking distance, and Waterloo main station within 500m; the site is also well situated for regular bus services along Blackfriars Road and Waterloo Road. This results in an

excellent PTAL rating of 6b. The borough boundary with Lambeth lies approximately 15m to the west of the site.

5. The site is not within a conservation area but the Mitre Road and Ufford Street Conservation Area (located within Lambeth) partly faces the site to the south and encompasses the residential terraces along Ufford Street. The Valentine Place Conservation Area (CA) is located further to the south with views out of this CA towards the site along Boundary Row. There are no listed buildings on the site; however, there are Grade II listed buildings close by on Blackfriars Road. The site is not subject to any Tree Preservation Orders.

Details of proposal

6. Full planning permission is sought for the erection of a two blocks referred to in the application documents as Block A and Block B. The development would comprise 60 residential units and 852sqm of B1/A1/A2/D1 floorspace. A new public pedestrian street would link the development to The Cut; vehicle access on the southern stretch of this new route would wrap around the north and west of Block A. Three disabled parking spaces would be located to the north of Block A. Pocket areas of public open space would be sited to the north east of block A and to the north west of Block B.

Block A

7. This would be located to the south of the new LeSoCo college building (which is nearing completion) with a return frontage to Burrows Mews. It is a part 4 storey building with receding set backs from Burrows Mews, rising to 7 storeys in height with the upper 2 storeys set back from the building face (maximum height 26.1m AOD). Its main frontage would be onto Ufford Street to the south with a residential entrance lobby running centrally through the building, with a commercial unit on either side. Refuse stores, cycle storage and a substation would also be located at ground floor.
8. At basement level ancillary commercial storage, residential storage and cycle storage would be provided. The upper floors would accommodate 35 residential flats and a communal roof terrace. This block would be finished in two different tones of brickwork, reconstituted stone detailing, decorative metal work and glazed brickwork to the ground floor.

Block B

9. This is a part single to part 5 storey block sited to the east of Theatre View apartments and arranged around a west facing courtyard garden providing areas of both private and communal amenity space. 25 units of residential accommodation would be provided at basement to 5th storey levels. Private entrances to ground floor units would be provided on all elevations with two communal cores accessed from the new link route to the east.
10. Residential storage and cycle storage would be provided at basement level, with further areas of cycle storage and refuse provided at ground floor. This block would be finished in two different tones of brickwork, reconstituted stone detailing, aluminium metal work and a rusticated brick base.

Amendments

11. The plans have been amended during the course of the application. The changes included:
 - a reduction in the number of units from 62 to 60

- a reduction in the massing of Block A at 6th storey level
- the re-modelling of the basement and ground floor duplex unit adjacent to no.21 Short Street
- the refinement of materials and detailing
- changes to the internal layout of units and the relocation of wheelchair units.

12. The amendments were subject to a neighbour re-consultation which took place in February 2016.

13. **Planning history**

<p>13/EQ/0171 Application type: Pre-Application Enquiry (ENQ)</p> <p>Demolition and redevelopment of part college campus for approximately up to 55 residential units B1 floorspace, space substations creating up to 10,400 sqm of D1 floorspace (4,500 sqm of additional floorspace). a sports roof, public footway and related ancillary works.</p> <p>Decision date 28/01/2015 Decision: Pre-application enquiry closed (EQC)</p>
<p>13/AP/3534 Application type: Screening Opinion (EIA) (SCR)</p> <p>Request for a Screening Opinion to determine whether an Environmental Impact Assessment is required for the following development: Redevelopment of the Waterloo Campus site for new educational buildings accessed from The Cut and for up to 54 new residential units accessed from Ufford Street.</p> <p>Decision date 20/12/2013 Decision: Screening Opinion - EIA Regs (SCR)</p>
<p>13/AP/4094 Application Type: Outline Planning Permission (OUT)</p> <p>Outline application for: The demolition of existing college buildings and redevelopment of the site to provide up to 44 residential units in two blocks of two to four, and three to six storeys, up to 35sqms of B1/D1 floorspace, new street linking The Cut and Ufford Street, amenity space, landscaping and associated ancillary works.</p> <p>Decision date 25/03/2014 Decision: Granted with Legal Agreement (GWLA)</p>

14. Pre-application advice was provided in advance of this application, the details of which are held electronically by the council. A number of meetings were held with the applicant prior to the submission of this application. Discussions around the layout, height, scale and massing of the development, impact upon neighbouring properties, the quality of accommodation to be provided, affordable housing, and transport impacts.

15. **Planning history of adjoining sites**

<p>12-AP-3558 Application type: Full Planning Permission (FUL) 90-92 Blackfriars Road, SE1 (includes land fronting Ufford Street)</p> <p>Demolition of existing buildings and erection of a replacement building of five to eight storeys in height (max height of 27.5m), plus basement, comprising 53 residential units, 633 sqms of retail floorspace (Use Class A1) and 767sqms of office floorspace (Use Class B1), disabled parking spaces and roof top landscaped amenity areas.</p> <p>Decision date 04/06/2013 Decision: Granted with Legal Agreement (GWLA)</p>

13/AP/4093 Application type: Full Planning Permission (FUL)
LeSoCo, The Cut, SE1

Demolition of existing college buildings and the redevelopment of site to provide new college buildings of between two and six storeys in height (7779sqms of new floorspace), together with associated access and landscaping and ancillary facilities.

Decision date 04/04/2014 Decision: Granted (GRA)

KEY ISSUES FOR CONSIDERATION

Summary of main issues

16. The main issues to be considered in respect of this application are:
- a) Principle of the proposed development
 - b) Density
 - c) Affordable housing
 - d) Quality of accommodation and dwelling mix
 - e) Impact upon the amenities of neighbouring residents and occupiers
 - f) Transport
 - g) Design and Impact on Listed Buildings and Conservation Areas
 - h) Trees and landscaping
 - i) Planning obligations (s106) and community infrastructure levy
 - j) Sustainability
 - k) Flood risk
 - l) Air quality.

Planning policy

17. National Planning Policy Framework (the Framework)

Section 1 - Building a strong, competitive economy

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

18. National Planning Policy Guidance (2014)

19. London Plan July 2015 (consolidated with alterations since 2011)

Policy 3.3 Increasing housing supply

Policy 3.5 Quality and design of housing developments

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

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.11 Affordable housing targets

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

Policy 3.16 Protection and enhancement of social infrastructure

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.21 Contaminated land
 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
 Policy 7.21 Trees and woodlands
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

20. Core Strategy 2011

Under the Southwark Core Strategy, the site is situated in the Central Activity Zone, the Bankside Borough and London Bridge Opportunity Area, an Air Quality Management area and a Flood Risk Zone. The site is not situated in a conservation area, however there are conservation areas nearby and Grade II listed buildings to the north east on Blackfriars Road. The site has a Public Transport Accessibility Level (PTAL) of 6b, which indicates excellent access to public transport. The site is also located within the Blackfriars Road SPD area.

Strategic Targets Policy 1 - Achieving growth
 Strategic Targets Policy 2 - Improving places
 Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles
 Strategic Policy 5 - Providing new homes
 Strategic Policy 6 - Homes for people on different incomes
 Strategic Policy 7 - Family homes
 Strategic Policy 10 - Jobs and businesses
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards
 Strategic policy 14 - Implementation and delivery

21. Southwark Plan 2007 (July) – saved policies

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

Policy 1.1 - Access to employment opportunities
 Policy 2.3 – Enhancements of educational establishments
 Policy 2.5 - Planning obligations
 Policy 3.1 - Environmental effects
 Policy 3.2 - Protection of amenity
 Policy 3.3 - Sustainability assessment
 Policy 3.4 - Energy efficiency
 Policy 3.6 - Air quality

Policy 3.7 - Waste reduction
 Policy 3.9 - Water
 Policy 3.11 - Efficient use of land
 Policy 3.12 - Quality in design
 Policy 3.13 - Urban design
 Policy 3.14 - Designing out crime
 Policy 3.19 – Archaeology
 Policy 4.2 - Quality of accommodation
 Policy 4.3 - Mix of dwellings
 Policy 4.4 - Affordable housing
 Policy 4.5 - Wheelchair affordable housing
 Policy 5.1 - Locating developments
 Policy 5.2 - Transport impacts
 Policy 5.3 - Walking and cycling
 Policy 5.6 - Car parking
 Policy 5.7 - Parking standards for disabled people and the mobility impaired

22. Supplementary Planning Guidance (SPG) / Documents (SPD)

Bankside Borough and London Bridge draft SPD (2010)
 Residential Design Standards SPD (2011)
 Section 106 planning obligations and community infrastructure levy (CIL) SPD (2015)
 Affordable housing SPD (2008)
 Sustainable design and construction SPD (2009)
 Sustainable transport SPD (2010)
 Draft Affordable housing SPD (June 2011)
 Blackfriars Road SPD (2014)
 Development Viability SPD (2016)

Principle of development

23. The National Planning Policy Framework (2012) states that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan and every decision.
24. There is a pressing need for housing in the borough and a requirement under saved policy 3.11 of the Southwark plan to make an efficient use of land. Policy 3.3 of the London Plan supports the provision of a range of housing and sets the borough a target of 27,362 new homes between 2015 and 2025. This is reinforced through strategic policy 5 of the Core Strategy which requires development to meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive areas, particularly growth areas.

Outline permission

25. The current application follows the grant of outline planning permission in 2014 to demolish the existing college buildings and redevelop the site to provide up to 44 residential units (13/AP/4094). The current application is an application for full planning application, rather than the submission of reserved matters pursuant to the outline permission. However, the outline permission is a material consideration with significant weight, and it established the principle of developing this site for residential purposes. The educational floorspace formerly provided on the site has been re-provided within the redevelopment of the LeSoCo campus which gained consent by way of permission 13/AP/4093 and which is currently under construction and nearing completion.
26. Saved policy 2.3 of the Southwark Plan seeks to protect D class educational

establishments. It states that planning permission for a change of use from D class use will not be granted unless:

- i) Similar or enhanced provision within the catchment areas is secured
 - ii) Opportunities are taken wherever possible to ensure that provision is made to enable the facility to be used by all members of the community.
27. As the educational use has been transferred to an enhanced facility on the adjacent site, there would be no loss of educational floorspace and the proposal would be in accordance with saved policy 2.3 of the Southwark Plan. The principle of developing the land for residential use is therefore acceptable, and the new dwellings will make a contribution to meeting the targets for the supply of new housing in the borough
28. The inclusion of two flexible retail/commercial units at ground floor level is appropriate on this site within the CAZ and a town centre, and will provide an active frontage where the site is closer to Blackfriars Road.

Environmental impact assessment

29. In 2015 the Town and Country Planning (Environmental Impact Assessment (Amendment) Regulations were issued, which raised and amended the thresholds at which certain types of development project need to be screened in order to determine whether an environmental impact assessment is required.
30. EIA Development is defined as meaning either:
- a) Schedule 1 development
 - b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
31. The proposed development does not fall within the definition of Schedule 1 development (which includes developments such as power stations and waste transfer stations).
32. Schedule 2 development is defined by the EIA Regulations as development of a description mentioned in Column 1 of the table in Schedule 2 where:
- a) any part of that development is to be carried out in a sensitive area
 - b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development.
33. The site is not located in a sensitive area as defined by the Regulations. Column 1 of the table in Schedule 2, Category 10 (b), relates to 'Urban Development Projects'. The proposed development would be an Urban Development Project and as such is development of a description mentioned in Column 1 of the table in Schedule 2. Consequently the proposed development would constitute Schedule 2 development within the meaning of the EIA Regulations if the corresponding threshold in Column 2 of the table in Schedule 2 is exceeded or met.
34. The corresponding threshold was amended by the 2015 Regulations. In the case of urban development projects, the existing threshold of 0.5 hectares is raised and amended such that a project will need to be screened if:
- The development includes more than 1 hectare of development which is not dwellinghouse development
 - The development includes more than 150 dwellinghouses
 - The area of the development exceeds 5 hectares.

35. None of the above is applicable in this instance. In light of this no further screening is required and it is concluded that the development would not constitute EIA development. It is noted that the earlier outline application was not subject to an EIA.

Design and appearance

36. Strategic policy 12 of the Core Strategy 'Design and conservation' states that 'Development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in'. Saved policy 3.12 of the Southwark Plan asserts that developments 'should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit' and saved policy 13 requires the principles of good urban design to be taken into account in all developments. This includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape.

Site layout

37. The proposed development is arranged as two blocks, Block A and Block B, separated by the introduction of a new public route running north to south through the site and linking The Cut to Ufford Street (referred to on the drawings as New Marlborough Street). There is a gentle curve along the route which terminates on Ufford Street opposite the Boundary Row junction to the south. Glimpsed views exist along the extent of the street and the link would be a significant benefit of the scheme and increase options for permeability through the area and towards The Cut and Southwark Underground station.
38. Block A is located to the rear of the new LeSoCo College building with its main frontage onto Ufford Street to the south. The building would align with the college building to the north along Burrows Mews, and is separated from the college building by a new mews-style street referred to on the drawings as 'East Mews'. On its north-west corner, the mews widens to create a small area of public landscaping. Residential units occupy the upper floors with commercial spaces at ground floor level providing activity and animation to both the existing and new street scenes. Disabled parking is provided on this 'East Mews' frontage giving easy access to wheelchair accessible units.
39. Block B is located within the western section of the site to the east of Theatre View Apartments, and forms a horse-shoe shape fronting Ufford Street, 'New Marlborough Street' and a new 'West Mews' to the north. To the rear of this block is a generous central private courtyard garden space providing areas of private and communal amenity space for the residential occupants of the development, whilst maintaining views out of Theatre View Apartments. Block B provides a series of residential units, with a mix of dwelling houses, duplexes and flats. Private front doors for many of the units would be located on all frontages with areas of defensible space, this emphasises a sense of ownership and activity within the development and responds to the grain of development along Ufford Street to the west. Kitchens overlook the public areas providing outlook and natural surveillance. Two communal entrances would be provided to the flats on the 'New Marlborough Street' frontage.
40. The layout differs from the outline permission in the alignment of the New Marlborough Street route. The current layout places the route slightly further to the east, effectively increasing the size of the Block B plot. The new position better aligns with Boundary Row, offering longer views and a clearer route to The Cut. The layout of the proposed

blocks and the arrangement of the areas of public space are considered to be a logical and positive response to the site.

Height, scale and massing

41. The surrounding area is characterised by a range of building heights which increase towards Blackfriars Road to the east and The Cut to the north, while to the south and west the smaller scale terraces of Ufford Street predominate. The application site is at a point which needs to mediate between these two characters and the proposed organisation of height across the scheme seeks to respond to the existing and emerging pattern of development.
42. Block A, located to the rear of the college building, rises to a maximum of 7 storeys and responds to the height of the college building to the north and the consented development at 90-92 Blackfriars Road which is located directly opposite the site on the southern side of Ufford Street and which is currently under construction. The new college building to the north, which is 30.95m in height, exceeds the height of the proposed Block A by the equivalent of almost two storeys. The parapet of the proposed Block A would rise to 26.1m. Block A therefore provides a step down in height onto the Ufford Street frontage. The lower 5 storeys form the base of the block with the upper two floors set back creating areas of roof top amenity space and rising to the highest point on the corner of New Marlborough Street.
43. The upper floors are set back from the Burrows Mews elevation which reduces the dominance of the upper floors in views along Ufford Street from the west. This allows the building to be read as a single entity with glimpses of the sky between it and the adjacent buildings. The 2-storey top of Block A is designed as a roof-top pavilion set back from the parapet at the bend in Ufford Street. The form steps and folds away deliberately towards Blackfriars Road. This articulation at the top, along with generous inset balconies and an indented central set back on Ufford Street, breaks the massing of the block and articulates its form appropriately in response to its context.
44. Block B varies in height from 1/2 to 5 storeys with the upper storeys setting back to provide areas of amenity space. Rising to its highest point on the south eastern corner, this responds to the larger scale Block A and allows each block to respond to the adjacent built form.
45. The use of the new route through the site further emphasises the change in character between the two sections of the development. It reinforces the established height of the urban blocks on either side of the site. Officers consider this successfully allows the two blocks to sit comfortably on the site at their proposed heights.

Elevation design and materials

46. Both Blocks A and B are highly modulated, with recessive upper floors and a clearly expressed base. Frequent entrances minimise the extent of inactive frontages and aid legibility. Brick is the predominant material surrounding the site and both buildings use warm brick tones dressed with reconstituted stone and decorative metal cladding. The choice of materials adds interest and definition to each building, and the overall pallet is high quality and robust. The glass balustrades on the upper levels give a more recessive appearance. The use of brick as the main facing material seeks to resonate with the nearby conservation area, and emphasises the domestic character of the buildings.
47. The commercial base of Block A will be faced in robust glazed brickwork which will create interest and visually separate it from the residential uses above. The series of open corners and subtle chamfers creates interesting points of reference and breaks

down the massing of the block.

48. On New Marlborough Street Block B is enlivened with projecting balconies and large areas of full height glazing on the upper floors. At ground floor level is a rusticated brick base and projecting canopies over the front doors seek to reinforce the domestic language of this block.

Impact on the setting of conservation areas and listed buildings

49. Saved Policy 3.18 of the Southwark Plan seeks to protect the setting of listed buildings and conservation areas. The application site is not within a conservation area but the Mitre Rd and Ufford Street Conservation Area (located within LB of Lambeth) partly faces the site to the south and encompasses the residential terraces along Ufford Street. The Valentine Place Conservation Area (CA) is located further to the south with views out of this CA towards the site along Boundary Row.
50. Block A will be seen in views along Ufford Street from the nearby CA and in views from the Valentine Place CA along Boundary Row. The increase in scale above the terraced cottages is apparent in this view, in particular when seen from further back when the full scale of the building is seen conjunction with the two storey cottages along Ufford Street.
51. However in these views Block A will appear in the context of the larger scale developments of the LeSoCo college and the buildings on Blackfriars Road. Where the immediate relationship between the development and the adjacent CA is more prominent, Block B seeks to respond to the smaller scale of the terraced cottages and mediates the transition in scale. The bend in Ufford Street brings the development more fully into the view from the Ufford Street Conservation Area, however, the deliberate arrangement of the design into a 5-storey base and a recessive and highly articulated top, ensures that the new development does not clash with the roof profile of the conservation area and respects the prevailing scale of Ufford Street. Therefore, while views out of both conservation areas will change, this is not considered to be harmful to the extent that permission should be refused. Officers are satisfied that the new development will conserve and enhance the Ufford Street Conservation Area and its setting.
52. In relation to any 'harm' perceived by others, council officers consider that the harm, if any, to the heritage assets is minimal. Councils are required to give special regard to any possible harm to heritage assets, and if a Council considers that there is some harm to heritage assets, there is a strong presumption against granting planning permission. However, taking together the public interest benefits of the proposal including the new pedestrian public route between Ufford Street and The Cut, the characteristics of the design which minimises the impact of the proposal on the conservation area and improvements to the public realm and the amenity of the area, Officers are satisfied that any possible harm is significantly outweighed by the public benefits of the development.
53. There are no listed buildings on the site; however, there are Grade II listed buildings close by on Blackfriars Road. It is concluded that there would be no harm caused to the setting of these listed buildings which are separated from the site by other adjacent development.

Comments of the Design Review Panel (DRP)

54. An earlier iteration of the scheme was presented to the DRP on the 28 April 2015. The panel broadly welcomed the proposal in particular Block B and the re-alignment of the new street from that approved under the outline consent.

55. It was considered that Block A was less well resolved and the panel had concerns about the quality of accommodation. They suggested that some additional height might be considered on the corner of the new street but this should be balanced against reductions in height elsewhere. The panel were unconvinced by the top of the blocks, in particular Block A. Officers consider that the current proposal addresses the concerns raised.

Design conclusions

56. Overall it is considered that the proposed development would be of a high quality design, which would successfully manage the transition in scale between the low rise cottages at Ufford Street, and the larger scale of buildings at LeSoCo and towards Blackfriars Road. The New Marlborough Street Road would be a welcome addition to the pattern of pedestrian routes towards Southwark Station and The Cut, and incorporates pocket open spaces which green the development and offer casual seating. The facing materials are good quality, robust and attractive, and the variety of window openings and terraces add interest and modulation to the form.

Affordable housing

57. Strategic policy 6 of the Core Strategy 'Homes for people on different incomes' requires at least 35% of the residential units to be affordable. For developments of 15 or more units affordable housing is calculated as a percentage of the habitable rooms, and further information can be found in the council's draft Affordable Housing SPD (2011). In accordance with saved policy 4.5 of the Southwark Plan, for every affordable housing unit which complies with the wheelchair design standards, one less affordable habitable room will be required. With regard to tenure, saved policy 4.4 of the Southwark Plan requires a split of 70% social rented: 30% intermediate housing. All of the affordable units should be provided on site and a mix of housing types and sizes for the affordable units would be required; saved policy 4.3 of the Southwark Plan advises that studio flats are not suitable for meeting affordable housing need.
58. The proposed development would provide 13 affordable housing units which would equate to 31.5% habitable rooms. The overall development provides 190 habitable rooms. In order to achieve 35% affordable housing the development would need to provide 66 affordable habitable rooms, although this could be reduced to 60 because six wheelchair affordable units would be provided. The proposal would provide 60 affordable habitable rooms and would therefore be policy compliant. The 8 social rented units would be located within Block B and the 5 shared ownership units within Block A.
59. Out of the 60 affordable habitable rooms 44 would be social rented (73%) and 16 would be shared ownership (27%). This complies with policy.

Units	Social rented	Shared ownership	Total
1-bed	-	-	-
2-bed	-	5	5
3-bed	4	-	4
4-bed	4	-	4
Total	8	5	13

60. The proposal would provide a good mix of affordable units including larger family sized social rented units which is a positive aspect of the scheme. The larger units are provided as duplex units with small private gardens and direct access onto a generous communal garden and, as such, will create very high quality family housing. A s106 agreement is recommended to secure the delivery of these units including a clause

preventing more than 50% of the private units from being occupied until the affordable units have been completed. It is noted that when the application was first submitted it was supported by a viability appraisal which sought to demonstrate that the provision of shared ownership units in this location would not be viable. This was subsequently superseded by a policy compliant affordable housing offer. The applicant has since submitted a full Financial Viability Appraisal, and Viability Statement demonstrating that the scheme can support the proposed policy compliant level of affordable housing. This accords with the requirements of the Development Viability SPD 2016.

Housing mix

61. Strategic policy 7 of the Core Strategy 'Family homes' requires developments of 10 or more units to provide at least 60% 2+ bedroom units and 20% 3+ bedroom units. No more than 5% studio units can be provided and these can only be for the private housing. The proposal would provide 1.7% studio units, 68.3% 2+ bed units and 20% 3+ bed units which would be policy compliant; a full breakdown is provided below:

- 1 x studios = 1.7%
- 18 x 1 bed = 30%
- 4 x 2b3p = 6.7%
- 25 x 2b4p = 41.7%
- 8 x 3b4/5p = 13.3%
- 4 x 4b5/6p = 6.7%

Density

62. The site is in the Central Activity Zone where a density of between 650 and 1100 habitable rooms per hectare is expected. The only exceptions to this should be when development is of an exemplary design standard.
63. The Southwark Plan sets out the methodology for calculating the density of mixed use schemes and requires areas of non-residential space to be divided by 27.5 to create an equivalent number of habitable rooms per hectare. Based on this methodology the density of the proposed development would equate to 500 habitable rooms per hectare. However, this takes into account the entire extent of the site including the proposed New Marlborough Street and therefore the density appears low. When each element of the scheme is looked at individually excluding the street, Block A would result in a density of 820hr/ha and Block B 556hr/ha. The density for Block B is below the range normally expected for the Central Activities Zone, and therefore it needs to be considered whether the development fails to optimise the use of land in a highly accessible central area. The constraints of the site, relating to the character of the nearby conservation areas and the need to protect the amenity of neighbouring residents would suggest that a higher density could not be reasonably achieved on this site. It is concluded that the density of the development is appropriate; issues relating to neighbours amenity are considered later in the report.

Quality of accommodation

64. Saved policy 4.2 of the Southwark Plan 'Quality of accommodation' requires developments to achieve good quality living conditions. Further information is provided in the Residential Design Standards SPD which sets out minimum unit and room sizes together with amenity space standards.

Privacy

65. All of the proposed units would achieve good levels of privacy. At ground floor level those units within Block B have been designed with areas of defensible space to their

frontages to avoid direct overlooking from the street and privacy screens are proposed to terraces and balconies where required. The two blocks are separated across New Marlborough Street by a minimum distance of 8m. While this does not comply with the 12m recommended separation distance in the Residential Design Standards SPD, it affects only a small number of units and, where possible, windows have been off-set to avoid direct overlooking and none of the units have their only outlook across this distance. A suitable level of privacy for those limited number of units affected is therefore considered to be provided.

Aspect/outlook

66. All of the proposed units would have a good level of outlook. The majority of units within the scheme (85%) would be dual or triple aspect and none of the single-aspect units within the scheme would be fully north-facing (although three units in Block A have a window facing north-north-west so their aspect is somewhat limited).

Unit sizes

67. All of the units would comply with or exceed the new nationally prescribed space standards and the flats and individual room sizes would comply with the minimums set out in the council's Residential Design Standard SPD. All units would have storage space in accordance with the SPD, and additional bulk storage is provided within the basement of Block A. Not all of the units would have 10sqm of amenity space and this is discussed in the amenity space section below.

Internal light levels

68. A daylight and sunlight report based on the Building Research Establishment (BRE) Guidance has been submitted which considers light to the proposed dwellings using the Average Daylight Factor (ADF). ADF determines the natural internal light or day lit appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.
69. The report advises that 84% of the rooms would meet or exceed the recommended ADF level. Of those which would not meet the requirement, eight rooms fall short of the recommended levels by 0.1-0.2% only; this is unlikely to be perceived. The remainder of rooms falling short of recommendations are either generously sized, which leads to low levels of daylight at the back of the room and consequently reduced averages across the room, or located within units where the associated living areas are well lit. Nine of the rooms below the recommended levels of daylight are second bedrooms where the main one is well day-lit and five Living/Kitchen/Dining rooms, whilst falling short of the 2% recommended, are achieving an ADF level above 1.5%, which is the suggested minimum for living areas.
70. Those rooms achieving the lowest levels of light are within the most obstructed areas of the site and design techniques such as inset balconies have been employed. These facilitate greater levels of light to rooms which are deemed more important such as principle living areas but subsequently marginally reduce light to other rooms such as bedrooms. In those places where the BRE guidance is not met, the instances are isolated and such situations are considered typical of urban environments.

Amenity space

71. Section 3 of the Residential Design Standards SPD sets out the council's amenity space requirements for residential developments and states that all flat developments must meet the following minimum standards and seek to exceed these where possible:

- 50 sqm communal amenity space per development
 - For units containing three or more bedrooms, 10 sqm of private amenity space
 - For units containing two or less bedrooms, 10 sqm of private amenity space should ideally be provided. Where it is not possible to provide 10 sqm of private amenity space, as much space as possible should be provided as private amenity space, with the remaining amount added towards the communal amenity space requirement
 - Balconies, terraces and roof gardens must be a minimum of 3 sqm to count towards private amenity space.
72. All of the proposed residential units have access to an area of private amenity space in the form of a roof terrace, garden or balcony. This is with the exception of the one studio flat, for which an extra 10sqm has been added to the private communal amenity space proposed. All other units are provided with an area of usable amenity space, with all 3 bed family units having access to a minimum area of 10sqm. For those units containing 2 or less bedrooms which do not meet the recommended 10sqm the remaining amount has been added to the communal amenity space. This high level of useable private amenity space is considered a significant positive benefit of the scheme.
73. Taking into account those 2 bed or less units which do not provide the recommended 10sqm the required communal amenity space provision would be 288.5sqm. The development proposes a total of 378sqm of communal amenity space provided in the form of a courtyard garden in the centre of Block B and landscaped roof terraces to both Blocks A and B. This is considered sufficient to meet the needs of future occupiers and ensures that all residents would have good access to high quality private amenity space.

Overshadowing

74. All of the proposed public and communal amenity areas have been assessed for sun hours on the ground in accordance with the BRE guidelines. The results show that of the 6 areas tested 2 will receive excellent levels of sunlight on the ground with 82% and 100% seeing at least 2 hours of direct sunlight on the 21 March (the BRE recommended minimum is 50%). The remaining areas do fall short, and these are the courtyard and the areas to the north of Block A. While they are below the recommended levels in March, the majority of the areas would see good levels of light in the summer months.
75. The shadow path means that different areas of amenity space would be sunlit throughout the day so the use of the space will not be compromised. Residents of Block A would have access to the communal courtyard of Block B providing access to well lit spaces for all. Furthermore all residents would have direct access to the areas of public spaces throughout the development and it is therefore considered that a good level of amenity is achieved.

Children's play space

76. Children's play space requirements are set out in the Greater London Authority's 'Shaping Neighbourhoods: Play and informal recreation SPG' (September 2012). 214sqm of children's play space would be required in accordance with this policy. Areas are proposed within the communal amenity spaces of both Blocks A and B, and doorstep play within the public garden on New Marlborough Street amounting to 207sqm which would meet the needs of 0-4 year olds and a proportion of the requirement for 5-10 year olds. Details of the playspace would be required by way of condition. To meet the shortfall for 5-10 year olds and to provide for children aged 11-

18 years a contribution is proposed in accordance with the council's planning obligations and CIL SPD, and a clause to secure this has been included in the draft s106 agreement.

Wheelchair housing

77. 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.
78. The scheme would provide 6 wheelchair accessible units consisting of 5x2 bed and 1x3 bed units equating to 14 habitable rooms and 10.2%. The 5x2 bed units would be for shared ownership and the 1x3 bed unit social rent.
79. The social rented and shared ownership wheelchair accessible units must be fully fitted out rather than adaptable as the developer is benefiting from an affordable housing habitable room reduction ('discount') for each of these units. The shared ownership units would need to be marketed to eligible and suitable potential buyers, and then fitted out in accordance with the specific needs of the future occupier. The social rent units would need to be made available to households awaiting specialist wheelchair housing. If there is limited demand and a Registered Provider does not want to take on the units as fully fitted out, then it is recommended that this should trigger an affordable housing claw-back clause in the S106. This would equate to £100,000 per defaulted habitable room and the funds would be used by the Council to provide additional affordable housing within its Direct Delivery programme. The figure is derived from the minimum sum suggested in the Affordable Housing SPD payable in circumstances where a commuted sum is being paid in lieu of affordable housing in this area. The sum would be payable prior to any of the proposed wheelchair housing units being occupied.
80. A variation to the planning condition (recommended condition 16) would also be required to reflect the lower level of fit out as described (reverting to M4(3b)). This would mean that the 6 units would still be built to the lower 'adaptable' standard, and would therefore be capable of being fully fitted out at some point in the future if demand arose.
81. Overall it is considered that the site would provide a high quality of accommodation, in flats with good internal layouts and high levels of amenity for future occupiers.

Neighbour amenity

82. Saved policy 3.2 of the Southwark Plan states that permission will not be granted for developments where a loss of amenity would be caused. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenities in relation to privacy, daylight and sunlight. 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.

Daylight and sunlight

83. The daylight and sunlight report submitted with the application considers the impact of the development on the surrounding buildings and is in accordance with the BRE guidelines. The introduction to the guidelines state:

"The guide is intended for building designers and their clients, consultants and

planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the developer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design."

84. The following tests have been undertaken:
- Vertical Sky Component (VSC) - the amount of skylight reaching a window expressed as a percentage. The guidance recommends that the windows of neighbouring properties achieve a VSC of at least 27%, and notes that if the VSC is reduced to no less than 0.8 times its former value (i.e. 20% reduction) following the construction of a development, then the reduction will not be noticeable.
 - Sunlight - Annual Probable Sunlight Hours (APSH). This should be considered for all windows facing within 90 degrees of due south (windows outside of this orientation do not receive direct sunlight in the UK). The guidance advises that windows should receive at least 25% APSH, with 5% of this total being enjoyed during the winter months. If a window receives less than 25% of the APSH or less than 5% of the APSH during winter, and is reduced to less than 0.8 times its former value during either period and has a reduction in sunlight received over the whole year of greater than 4%, then sunlight to the building may be adversely affected.
85. The following properties achieve BRE compliance for daylight and sunlight:
- 21 Short Street
 - 25, 26, 27 and 28 Ufford Street
 - 33, 35, 37, 41, 43, 45, 47, 49, 51 and 53 The Cut
 - 2 Burrows Mews
 - 4 Burrows Mews and 84 Blackfriars Road.
86. Those properties which experience alterations outside the BRE guidelines are discussed in detail below.

19 Short Street (Theatre View apartments)

87. 25 windows were assessed for VSC, 19 of which (76%) would achieve BRE compliance. Of the 6 windows which would not meet recommendations, 2 are secondary side return windows to a room which would otherwise pass and 3 are situated beneath deep balconies, the projection of which limit the view of the sky. The final window, being first floor W3, would retain just over 24% VSC which is considered very good in an urban environment and is only just short of the recommended 27%. No material harm is considered to result.
88. 19 rooms have been assessed for No Sky Line (NSL) and 16 (84%) would achieve BRE compliance. The remaining rooms have windows which again are located underneath balconies and all retain a view of the sky to over 50% of the room which is again considered a reasonable level of daylight in an urban environment, especially for a room under a balcony. It is important to note that this property currently enjoys an unobstructed view across an open part of the site which leads to high existing levels of VSC and NSL; any development on the adjacent will inevitably impact on the daylight levels received, but the retained levels would be considered reasonable within an urban environment. All rooms assessed for APSH (sunlight) achieve full BRE compliance.

29 Ufford Street

89. Of the 3 windows assessed for VSC only one window would see a transgression. This would see a reduction of 22.4% and it would retain over 22% VSC, which is reasonable within an urban location. All rooms assessed for NSL achieve full compliance and the property has not windows that require assessment for APSH.

30 Ufford Street

90. 12 windows were assessed for VSC, 7 of which would not achieve BRE compliance. However all of the reductions are considered minor and all retain a VSC of over 20% which is considered reasonable in an urban situation. One room experiences a minor NSL transgression outside BRE guidelines with a reduction of 25%. No windows on this property require assessment for APSH.

35a The Cut

91. 12 windows were assessed for VSC, 10 of which (83%) would achieve BRE compliance. The remaining 2 would see reductions of 20.7% and 24.5%, which is only just above the guidance of 20% and is considered a minor transgression which is acceptable in such an urban situation. All rooms assessed for NSL achieve full compliance.
92. 12 windows were again assessed for APSH and 10 would satisfy the BRE guidelines. The two windows which would fall outside of guidelines both retain good levels of annual sunlight of over 20%. Both windows will see a minor reduction to their winter sun, 1 with a reduction of just 1% APSH, which is unlikely to be noticeable, the other would see a reduction down to 3% which is only marginally below the BRE guide for winter sun. No material harm is considered to result.

5 Burrows Mews and 85 Blackfriars Road

93. Of the 19 windows assessed 74% (14) would achieve BRE compliance. Of the 5 which do not meet the BRE guidance all would only see minor reductions of between 21.7% and 26.5%. These are considered minor transgressions which is acceptable in the context. All rooms assessed for NSL achieve full compliance and no windows require testing for APSH.

6 Burrows Mews and 86 Blackfriars Road

94. 7 out of 16 windows tested for VSC would achieve full compliance with the BRE. Of the 7 which do not meet the BRE guidance 6 would only see minor reductions of between 20.7% and 27.7% which are considered minor transgressions. One window would see a moderate transgression of 31.6%, however this window received high levels of existing light and therefore the reduction is more marked, it is also a secondary window to a room which is served from another source. All of those not complying would retain over 17% VSC with most retaining over 20%. All rooms assessed for NSL achieve full compliance and no windows are relevant for APSH testing for sunlight.

88-89 Blackfriars Road

95. This site is currently a builders merchant's with an extant planning permission for residential development. For the purposes of the light testing the approved plans were used to establish the position of rooms and windows. 36 windows were assessed for VSC, 30 of which saw compliance with the BRE. Four of the rooms experienced a minor transgression of between 22.2 and 29.3% and 2 would experience a moderate

transgression of 33.9% and 35%. The largest reduction is to a secondary window with the other window seeing no reduction in daylight and the other serves a bedroom which would experience unusually high levels of light, the reduction is therefore not considered to be detrimental to this currently un-built unit.

96. 22 rooms were assessed for NSL with 90% (19) achieving the BRE guidelines. 1 of the remaining 3 would retain a view of the sky from over 75% of the room and the other 2 from around 50% of the room, which are good levels of daylight distribution. It should also be noted that the 2 rooms which see the larger reductions are around 11m deep with only one window serving them. For a very deep room it will inevitably be difficult to ensure daylight penetration to the rear parts of the room and this is a result of the design of this adjacent building rather than the proposed development. All rooms assessed for APSH achieve full compliance.

90-92 Blackfriars Road

97. As with 88-89 Blackfriars Road, this site benefits from an approved consent for residential development, but is currently under construction. Again the approved plans have been used for the purposes of the sunlight and daylight test.
98. 149 of the 181 windows tested for VSC would achieve compliance with the BRE guidelines. 17 of the remaining rooms would retain over 15% VSC which can be considered a reasonable level in an urban context. The remaining 15 windows are located under balconies which limit the view of the sky from within the room. Given the context, the design of the approved development and the open nature of the current application site these transgressions are not unexpected. Of the 110 rooms assessed for NSL, 102 would not see reductions outside of the BRE guidance. Six would retain a view of the sky from over at least 50% of the room area. The remaining two rooms are first and second floor bedrooms which currently would enjoy a largely unobstructed view across the empty development site which is an unusual situation in such an urban location which leads to high existing daylight levels. Room R/20First would retain views of the sky from over 41% of the floor area and room R/19Second would retain views of the sky from over 48% of the of the floor area. This is a reduction from 79.47% and 90.81% respectively. The transgressions that occur are not considered to be significantly harmful enough so as to warrant refusal of the application. There are no windows requiring assessment for APSH on this site since all face northwards.

Comparison with the outline permission in relation to daylight/sunlight

99. The proposed scheme has been compared against the approved outline permission with regard to the impact on daylight and sunlight to neighbouring properties. The proposed scheme does have a slightly larger impact on three of the windows located underneath the balconies of Theatre View Apartments and for 30 Ufford Street. However the difference between the two schemes is very small and it is unlikely an occupier would notice the difference between the approved and proposed developments.
100. For the properties along The Cut and Burrows Mews, there is almost no increase in impact of the proposed scheme over the consented outline development.

Overlooking, outlook and sense of enclosure

101. In addition to impacts upon daylight and sunlight, it is necessary to assess any impact upon privacy levels and outlook for adjoining occupiers. The Residential Design Standards SPD states that in order to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve the following distances:

- A minimum distance of 12m at the front of the building and any elevation that fronts onto a highway
 - A minimum distance of 21m at the rear of the building.
102. There is potential to impact upon the privacy and outlook for residents on The Cut to the north and to those properties on Short Street to the west including Theatre View Apartments.
103. The Theatre View apartments sit to the west of Block B and the apartment block sits directly adjacent to the mutual site boundary, with flats on the 1st to 4th floors. Block B has been arranged as a U-shaped building set around a courtyard garden. The southern wing of the block aligns with St Andrews Church, which has no windows on that flank. A minimum separation distance between parallel existing and proposed windows across the courtyard would be 21.6m, thus being in accordance with the SPD. This distance is reduced on two elevations where a small roof terrace is provided. Outlook however is restricted through the positioning of privacy screens and therefore direct overlooking towards windows and balconies at Theatre View apartments would not result. The position of these screens would be secured through the use of a condition.
104. At first floor level on the west facing return elevation of Block B is a window which is approximately 12m from the rear elevation of no.21 Short Street. This is a secondary window to a living space of unit B11 and is proposed as obscured glazed. This would again be secured by way of condition. Existing levels of privacy would therefore be retained.
105. There are existing south facing windows to the rear of those properties fronting The Cut to the north. Where these windows are in close proximity to the first and second floor windows overlooking West Mews these windows would be obscured glazed and secured by way of a condition. This affects units B09 and B21.
106. There would be no loss of privacy to existing residential units on Burrows Mews or Blackfriars Road. The habitable rooms of which either exceed 21m in distance or which do not directly look towards the east elevation of Block A being set further to the north along Burrows Mews.
107. Given the scale of the proposed building and distance from neighbouring residential occupiers, the proposal is considered to have acceptable outlook and sense of enclosure and would not have an unacceptable impact on neighbouring residential amenity.

Construction

108. It is acknowledged that there will be impacts during construction, particularly to neighbouring residential occupiers within close proximity of the site. This has been raised in a number of representations. To reduce these potential impacts, a detailed Construction Environmental Management Plan will be required to be agreed via the S106 agreement prior to any works commencing on the site. This would ensure that the construction practices are carried out appropriately and minimise noise and dust, and control traffic routing and hours of operation for the development.

Trees and landscaping

109. Saved policy 3.13 of the Southwark plan requires high quality and appropriately designed streetscape and landscape proposals. The application site is not situated within a Conservation Area and none of the existing trees on or adjoining the site are

subject to a Tree Preservation Order (TPO). An Arboricultural Impact Assessment submitted with the application categorises the trees on the site which encompass 27 trees and 2 tree groups.

Trees

110. Overall the proposed development proposes the removal of 13 trees and 2 groups of trees. The majority of the trees and groups to be removed are Category C specimens which are of a low retention value and are not likely to make a lasting contribution to the landscape character. Trees have been retained where possible and include those situated on the frontage to The Cut, those located to the rear of those properties fronting The Cut, a large Red Oak to the east of Theatre View Apartments and a street Tulip Tree on Ufford Street.
111. Those to be lost are predominantly in the centre of the site where they are unable to be accommodated taking into account the building footprints and the required access. Also to be lost would be the Category U tree, which is an unknown species growing against Theatre View Apartments and a small young Cherry to the east of Theatre View Apartments. All those to be lost are consistent with the approved outline planning permission.
112. The council's Urban Forester has raised no objection to the loss of trees and welcomes the retention of those to the rear of The Cut. While basement excavation work would be undertaken close to the retained street tree on Ufford Street, this has been fully assessed as a feasible retention. The imposition of conditions ensuring the protection of retained trees is recommended.

Landscaping

113. The landscaping proposed for the development is welcomed with generous areas of private communal and public space provided. These have the potential to provide meaningful and interesting areas of soft landscaping for the use of both new residents of the development and the general public.
114. Existing trees have been retained where possible and the retention of these will provide maturity and screening. They will be supplemented with additional tree planting to the rear of Block A, along the new street route and with trees within the communal amenity space to the rear of Block B. This combined with a comprehensive hard/soft landscaping plan across the site will provide interest throughout the year, and will positively enhance the application site and its setting.

Traffic and transportation

115. Saved policy 5.1 of the Southwark Plan requires major developments to be located near transport nodes. Saved policy 5.2 states that planning permission will be granted for development unless there is an adverse impact on the transport network or if adequate provision for servicing is not made. Saved policy 5.3 requires provision to be made for pedestrian and cyclists and saved policies 5.6 and 5.7 relate to car parking. Core Strategy policy 2 'Sustainable transport' re-asserts the commitment to encourage walking, cycling and the use of public transport rather than travel by car and requiring transport assessments with applications to show that schemes minimise their impacts, minimise car parking and maximise cycle parking to provide as many sustainable transport options as possible. A Transport Statement has been submitted in support of the application.
116. The application site is extremely well located and has a PTAL rating of 6b, which is the highest level and indicates excellent access to various modes of public transport.

Servicing

117. Being a predominantly residential development, servicing requirements are likely to be low and would take place either from Ufford Street, Burrows Mews or via the vehicle access at the rear of Block A. Access to the new vehicle route has been tested and demonstrates that vehicles can satisfactorily negotiate the route.

Car Parking

118. The site is located in a CPZ and the development would be car-free with the exception of 4 disabled parking spaces. While the level of parking does not provide a 1:1 provision for the disabled units, it is acknowledged that space is extremely limited on the site. Given the very high PTAL level and excellent accessibility to local services and public transportation, this is considered acceptable in this instance. 20% of the parking spaces (1 space) should be secured with electric vehicle charging point by way of a condition. Future residents would be restricted from being able to purchase an on-street parking permit through the imposition of a condition on any permission, thereby preventing additional stress on on-street parking availability.
119. Three years car club membership should be provided for each eligible person within the residential aspect of the development. Car club membership can be conditioned, and discharged by the proof of an agreement between the applicant/ developer and the car club operator.

Cycle parking

120. The 2015 London Plan sets higher targets for cycle parking and is a more recent document than the saved 2007 Southwark Plan and therefore all developments should comply with the new London Plan Standards. A total of 139 cycle parking spaces are proposed across the development. For the residential units this would be provided within the basement areas of both Blocks A and B with a mixture of Sheffield stands and a two-tier system proposed. A cycle shelter would be provided within West Mews and a separate commercial storage space would be provided at ground floor level at the rear of Block A. Access to the basement spaces would be via lift. A further 4 cycle parking spaces would be provided within the area of public gardens to the north of Block A. This provision exceeds the requirements of the London Plan 2015 which would require a total provision of 113 spaces. This is considered to be acceptable and should be secured by condition.

Refuse storage

121. Internal refuse stores would be provided, the sizes of which have been calculated in accordance with the council's standards. Collection would take place on street from those duplex units fronting Ufford Street within Block B. A separate refuse store would be provided for the commercial space on Burrows Mews. The refuse vehicle would then circle Block B, collecting refuse from the rear at a centralised storage area and then collecting waste from three dedicated areas from Block A on 'New Marlborough Street'. Drag distances are appropriate and no objections are raised to this proposed arrangement.

Construction management

122. Given the central nature of the development and high levels of pedestrian and cycle trips on the surrounding highway network a construction management plan will be required and will be secured by way of the s106.

Planning obligations (s.106 undertaking or agreement)

123. Saved policy 2.5 'Planning obligations' of the Southwark Plan and policy 8.2 of the London Plan advise that Local Planning Authorities should seek to enter into planning obligations to avoid or mitigate the adverse impacts of developments which cannot otherwise be adequately addressed through conditions, to secure or contribute towards the infrastructure, environment or site management necessary to support the development, or to secure an appropriate mix of uses within the development. Further information is contained within the council's adopted Planning Obligations and Community Infrastructure Levy SPD.
124. The draft s106 agreement would include clauses to secure the following:
- Provision of 13 units of affordable housing, social rent terms and shared ownership thresholds, no more than 50% of the private units to be occupied before the affordable housing units have been completed, and a viability review mechanism in the event that this provision is reduced by agreement post-decision, in line with the Development Viability SPD
 - 6 wheelchair accessible units to South East London Wheelchair Housing Design Guide standards and an affordable housing claw-back mechanism for any affordable units not fully fitted out
 - Three years car club membership for each eligible adult within the development
 - Archaeology contribution (£6,788)
 - Children's Play Space contribution (£11,174)
 - Employment during construction clauses
 - Potential for the development to connect to any future district heat and power network
 - Highway works to be secured through a s278 agreement, including resurfacing of the footways along the perimeter of the site
 - Provision of the new public route, including landscaping works to an agreement specification, and maintenance of public access.
125. In the event that a satisfactory legal agreement has not been entered into by 31 July 2016 it is recommended that the Director of Planning refuses planning permission, if appropriate, for the following reason:
- 'The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2015) and the Planning Obligations and Community Infrastructure Levy SPD (2015).'

Mayoral and borough community infrastructure levy

126. Section 143 of the Localism Act states that any financial contribution received as 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.
127. In this instance the proposed development would be liable for a Mayoral CIL payment of £207,779.15 and a Southwark CIL payment of £975,942.46.

Sustainable development implications

Energy

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

Be lean (use less energy)

129. Measures including high levels of insulation, high performance glazing, low energy lighting and low air permeability. These measures would reduce carbon dioxide emissions by 6.9% when compared to a scheme compliant with the Building Regulations.

Be clean (supply energy efficiently)

130. Combined heat and power (CHP) and gas boilers would be incorporated into the development to provide electricity and heat. It would reduce carbon dioxide emissions by 50%.

Be green (use renewable energy)

131. As the development would achieve a carbon dioxide reduction of over 50% through the energy efficiency measures and CHP, no renewable energy is proposed in this instance. Areas of flat roof would be available for photovoltaic panels and therefore these could be provided in the future if required.
132. Overall the scheme would reduce carbon dioxide emissions by over 50% when compared to a scheme compliant with the 2013 Building Regulations, which would exceed the policy requirement.
133. Strategic policy 13 of the Southwark Core Strategy 'High environmental standards' sets out a number of standards and those relevant to the proposed development are as follows:
- Office uses must achieve at least BREEAM 'excellent'
 - Major development must achieve a reduction in carbon dioxide of 20% from using on-site or local low and zero carbon sources of energy
 - Major developments must reduce surface water run-off by more than 50%
 - Major housing developments must achieve a potable water use target of 105 litres per person per day.
134. No information has been provided to demonstrate that the proposed office space would achieve BREEAM 'excellent', therefore a condition to secure this is recommended. As the proposal would reduce its carbon dioxide emissions by 50% in accordance with the London Plan no renewable energy is proposed, and whilst there could have been opportunities to provide renewable energy through roof-top PV panels, it is not considered that this should cause a major objection to this in this instance. Surface water run-off rates have not been provided, but the council's flood and drainage team have reviewed a flood risk assessment and drainage strategy

submitted with the application, and is satisfied with the information provided.

135. 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 checklist has been submitted in support of the application.
136. On economic impacts, employment and training during construction would be secured through the s106 agreement, and the proposed office space would create job opportunities. A policy compliant amount of affordable housing would be provided. The development would incorporate measures to reduce its carbon dioxide emissions and a condition to secure BREEAM 'excellent' for the office space is recommended.

Flood risk

137. The application has been submitted with a Flood Risk Assessment which has been reviewed by the Environment Agency. The site is located in Flood Zone 3 which is defined as having a 'high probability' of river and sea flooding. The EA have confirmed that they have no objection to the proposed development subject to conditions relating to contamination, piling methods and infiltration of surface water drainage.

Air quality

138. Saved policy 3.6 of the Southwark Plan states that planning permission will not be granted for development that would lead to a reduction in air quality. The site is located in an air quality management area. An air quality assessment has therefore been undertaken which considers the potential air quality impacts arising from the construction and operational phases of the development. The report has been reviewed by EPT and conditions are recommended, including for a construction management plan and to monitor emissions from the CHP.

Contaminated land

139. A desk-top study has been undertaken and submitted in support of the planning application. It has been reviewed by EPT and intrusive testing is required, and a condition to secure this is recommended.

Ecology

140. Saved policy 3.28 of the Southwark Plan states that the Local Planning Authority will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity, requiring an ecological assessment where relevant.
141. The site currently supports low ecological levels and the proposed development has the potential to enhance the ecological value of the site. It would incorporate landscaped areas with wildlife friendly gardens, bird and bat boxes and green/brown roofs all of which are welcomed.

Archaeology

142. The site is located in an Archaeological Priority Zone and an archaeological report has been submitted in support of the application. Conditions are recommended together with a clause in the s106 agreement to secure a contribution of £6,788 to monitor the archaeological works in accordance with the council's planning obligations and CIL SPD.

Statement of community involvement

143. A statement of community involvement has been submitted which sets out the consultation which the applicant undertook prior to the submission of the planning application. It advises that letters were sent to local residents and a meeting was held in the adjacent church on Short Street on the 27 November 2014. In addition details were sent to local Councillors and other stakeholders. A number of changes were made to the scheme following consultation with the public, the council and the Design Review Panel.

Conclusion on planning issues

144. The proposed development would be acceptable in land use terms and would provide much needed housing in the borough.
145. The outline permission granted in 2014 established the principle of residential use on the site and recognised that the educational use had been re-provided within the adjacent LeSoCo campus.
146. The current proposal has a larger number of units than the outline scheme (60 units as opposed to 44 in total), and the blocks are each one storey higher at their highest point than the outline scheme. The report sets out the impact of this increased scale on the townscape and on the amenity of the immediate neighbours, and concludes that whilst the impact is more pronounced, it is acceptable within this central urban location.
147. The provision of a new pedestrian route through the site linking Ufford Street to The Cut is a significant benefit of the scheme and the amended alignment of the route improves the link to Boundary Row. The route includes landscaped public spaces which are of value in this highly built-up area, and provides replacement tree planting which will have a higher visual and ecological value.
148. The proposal would be of an acceptable quality of design which would cause no substantial harm to the setting of the adjacent Conservation Area. The materials and elevation details are robust and good quality, and appropriate to the character of the context. The buildings would relate satisfactorily to both the historic context, and the emerging character of new buildings at LeSoCo and on Blackfriars Road.
149. The development would provide a good standard of accommodation in a range of sizes and unit types including wheelchair housing. The scheme would provide a policy compliant level of affordable housing including social rented family duplex units which is a significant benefit. A claw-back mechanism should be included in the s106 agreement which would capture additional funds for affordable housing in the event that the affordable wheelchair units, for which an affordable housing 'discount' has been applied, are not fully fitted out.
150. The site is well located for public transport, and no wider adverse transport impacts are anticipated. The commercial units in Block A would contribute to the economy of the Blackfriars area, and create active frontages close to Blackfriars Road.
151. In light of this and for the reasons set out in full in the report, it is recommended that planning permission should be granted subject to the timely completion of a s106 agreement.

Community impact statement

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

- a) The impact on local people is set out above
- b) Issues relevant to particular communities/groups likely to be affected by the proposal have been identified above
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultation

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

Consultation replies

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

Summary of consultation responses

155. 10 representations were received from neighbouring residential occupiers following the initial application consultation, including from within Theatre View Apartments, Short Street, Burrows Mews and The Cut. Grounds for objecting are:

- Increased intensity of development from that approved under the outline proposal, with more units, increased density, increased height and massing
- Loss of light, outlook, overshadowing and increased sense of enclosure to Theatre View apartments
- Increased use of amenity space will create disturbance
- The buildings are too tall for the surrounding context and too close to the neighbours
- Increased environmental pollution, disturbance, traffic dangers and construction noise
- The height and design is out of character with the Ufford Street and Mitre Road Conservation Area. Views into and out of it would be obscured
- Loss of light and outlook to property on Short Street with an enclosure of garden with increased boundary wall
- Unacceptable standard of accommodation proposed with limited outlook and short face to face distances
- The quality of the architecture and design is a result of too much development being put onto the site
- Overdevelopment of the site
- Loss of character within Burrows Mews
- Loss of light and privacy to dwellings within Burrows Mews
- Insufficient parking provided
- The proposed communal gardens should be made public to increase greenspace in the neighbourhood
- Loss of light and privacy to dwellings on The Cut to the north
- The introduction of commercial units will increase noise and disturbance
- Insufficient greenspace/trees/garden space proposed.

156. 1 letter of comment was received from a neighbouring resident noting the good level

of consultation and current good relationship with the developer and builders.

157. Following re-consultation in February 2016 on the amended plans 4 representations were received from those residents who had previously commented. 3 of these reiterated the former objections. 1 representation confirmed that their previous objections and concerns had been overcome as a result of the amendments proposed.
158. A representation from the Octavia Hill Residents Association has also been received. This raised concerns about the proximity to the adjacent Conservation Area, the height of the development, the loss of light to neighbouring dwellings and parking/delivery arrangements.

Historic England

159. Made no comments and did not consider that they should be notified given the proposal.

Environment Agency

160. Raised no objections subject to the inclusion of recommended conditions. Without these conditions, the proposed development on this site may pose an unacceptable risk to the environment.

Thames Water

161. Raised no objections and recommend the inclusion of conditions and informatives.

London Borough of Lambeth

162. No objections received.

Transport Planning

163. Raised no objections and note that the access, tracking, cycle parking and disabled parking are acceptable.

Ecology officer

164. Recommended conditions with regard to green roofs, bird boxes and native planting.

Flood and Drainage Team

165. Raised concerns with regard to sleeping accommodation being provided at lower ground floor level. Recommends a condition with regard to surface water run-off.

Human rights implications

166. 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.
167. This application has the legitimate aim of providing 60 residential units and 852sqm of B1/A1/A2/D1 floorspace. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1232-B Application file: 15/AP/3024 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 5452 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation
Appendix 4	Computer generated images

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Amy Lester, Senior Planning Officer	
Version	Final	
Dated	12 May 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director Finance and Governance	No	No
Strategic Director Environment and Leisure	No	No
Strategic Director Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		12 May 2016

APPENDIX 1

Consultation undertaken

Site notice date: 11/09/2015

Press notice date: 03/09/2015

Case officer site visit date: 11/09/2015

Neighbour consultation letters sent: 09/09/2015

Internal services consulted:

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

Statutory and non-statutory organisations consulted:

Environment Agency
 Historic England
 London Borough of Lambeth
 Metropolitan Police Service (Designing out Crime)
 Thames Water - Development Planning
 Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

21 Ufford Street London se18qd	Flat 13 Styles House SE1 8DF
41a The Cut London SE1 8LF	Flat 12 Styles House SE1 8DF
39a The Cut London SE1 8LF	Flat 15 Styles House SE1 8DF
51c The Cut London SE1 8LF	Flat 18 Styles House SE1 8DF
41b The Cut London SE1 8LF	Flat 17 Styles House SE1 8DF
45a The Cut London SE1 8LF	Flat 16 Styles House SE1 8DF
43b The Cut London SE1 8LF	Flat 33 Styles House SE1 8DF
43a The Cut London SE1 8LF	Flat 32 Styles House SE1 8DF
41c The Cut London SE1 8LF	Flat 31 Styles House SE1 8DF
St Andrews Vicarage Short Street SE1 8LJ	Flat 34 Styles House SE1 8DF
Flat 3 Milton House SE1 8LH	Flat 37 Styles House SE1 8DF
43c The Cut London SE1 8LF	Flat 36 Styles House SE1 8DF
49c The Cut London SE1 8LF	Flat 35 Styles House SE1 8DF
47c The Cut London SE1 8LF	Flat 27 Styles House SE1 8DF
45c The Cut London SE1 8LF	Flat 26 Styles House SE1 8DF
3 Ring Court The Cut SE1 8LB	Flat 25 Styles House SE1 8DF
2 Ring Court The Cut SE1 8LB	Flat 28 Styles House SE1 8DF
1 Ring Court The Cut SE1 8LB	Flat 30 Styles House SE1 8DF
4 Ring Court The Cut SE1 8LB	Flat 3 Styles House SE1 8DF
79-80 Blackfriars Road London SE1 8HA	Flat 29 Styles House SE1 8DF
6 Ring Court The Cut SE1 8LB	Flat 11 Styles House SE1 8DF
5 Ring Court The Cut SE1 8LB	First Floor 88-89 Blackfriars Road SE1 8HA
47b The Cut London SE1 8LF	Studio Flat Ground Floor 77 Blackfriars Road SE1 8HA
47a The Cut London SE1 8LF	92 Blackfriars Road London SE1 8HW
45b The Cut London SE1 8LF	Second Floor 88-89 Blackfriars Road SE1 8HA
49a The Cut London SE1 8LF	Ground Floor Flat 86 Blackfriars Road SE1 8HA
51b The Cut London SE1 8LF	Fourth Floor 88-89 Blackfriars Road SE1 8HA

51a The Cut London SE1 8LF
 49b The Cut London SE1 8LF
 Flat 2 Milton House SE1 8LH
 Flat 47 Styles House SE1 8DF
 Flat 46 Styles House SE1 8DF

 Flat 45 Styles House SE1 8DF
 Flat 48 Styles House SE1 8DF
 Flat 50 Styles House SE1 8DF
 Flat 5 Styles House SE1 8DF
 Flat 49 Styles House SE1 8DF
 Flat 40 Styles House SE1 8DF
 Flat 4 Styles House SE1 8DF
 Flat 39 Styles House SE1 8DF
 Flat 41 Styles House SE1 8DF
 Flat 44 Styles House SE1 8DF
 Flat 43 Styles House SE1 8DF
 Flat 42 Styles House SE1 8DF
 Flat 9 Styles House SE1 8DF
 Flat 8 Styles House SE1 8DF
 Flat 7 Styles House SE1 8DF
 Flat 1 Milton House SE1 8LH
 49 The Cut London SE1 8LF
 Flat 53 Styles House SE1 8DF
 Flat 52 Styles House SE1 8DF
 Flat 51 Styles House SE1 8DF
 Flat 54 Styles House SE1 8DF
 Flat 6 Styles House SE1 8DF
 Flat 56 Styles House SE1 8DF
 Flat 55 Styles House SE1 8DF
 Flat 8 84 Blackfriars Road SE1 8HA
 Flat 7 84 Blackfriars Road SE1 8HA
 Flat 6 84 Blackfriars Road SE1 8HA
 Basement Flat 77 Blackfriars Road SE1 8HA
 Fourth Floor Flat 1 The Cut SE1 8JZ
 Flat D 33 The Cut SE1 8LF
 Basement Flat 81 Blackfriars Road SE1 8HA
 Flat 1c 1 The Cut SE1 8JZ
 Flat 1b 1 The Cut SE1 8JZ
 Flat 1 84 Blackfriars Road SE1 8HA
 Flat 2 84 Blackfriars Road SE1 8HA
 Flat 5 84 Blackfriars Road SE1 8HA
 Flat 4 84 Blackfriars Road SE1 8HA
 Flat 3 84 Blackfriars Road SE1 8HA
 St Andrews Church Hall 4-15 Short Street SE1 8LJ
 8 Boundary Row London SE1 8HP
 Basement And Part Ground Floor 88-89 Blackfriars Road SE1 8HA
 Basement And Rear Of 25 Short Street SE1 8LJ
 First Floor 33 The Cut SE1 8LF
 Basement And Ground Floor 33 The Cut SE1 8LF
 Ground Floor 25 Short Street SE1 8LJ
 Third Floor Flat 81 Blackfriars Road SE1 8HA
 Second Floor Flat 81 Blackfriars Road SE1 8HA
 Ground Floor Flat 81 Blackfriars Road SE1 8HA
 7 Ring Court The Cut SE1 8LB
 Ground Floor 74 Blackfriars Road SE1 8HA
 9 Ring Court The Cut SE1 8LB
 8 Ring Court The Cut SE1 8LB
 First Floor Flat 81 Blackfriars Road SE1 8HA
 41 The Cut London SE1 8LF
 3-11 The Cut London SE1 8JZ
 2 Burrows Mews London SE1 8LD
 2-6 Boundary Row London SE1 8HP
 1 The Cut London SE1 8JZ
 37 The Cut London SE1 8LF
 87 Blackfriars Road London SE1 8HA
 Company Wine Bar 53 The Cut SE1 8LF
 47 The Cut London SE1 8LF
 39 The Cut London SE1 8LF
 51 The Cut London SE1 8LF
 Flat C 33 The Cut SE1 8LF
 Third Floor Flat 77 Blackfriars Road SE1 8HA
 Ground Floor Flat 77 Blackfriars Road SE1 8HA
 First Floor Flat 1 The Cut SE1 8JZ
 Second Floor Flat 77 Blackfriars Road SE1 8HA
 First Floor Flat 77 Blackfriars Road SE1 8HA
 53c The Cut London SE1 8LF
 53b The Cut London SE1 8LF
 53a The Cut London SE1 8LF

 Third Floor 88-89 Blackfriars Road SE1 8HA
 Ground Floor 19 Short Street SE1 8LJ
 Part 2 35 The Cut SE1 8LF
 Part 1 35 The Cut SE1 8LF
 Part First Floor And Part Second Floor St Andrews Church Hall SE1 8LJ
 Living Accommodation 72 Blackfriars Road SE1 8HA
 Part Second Floor St Andrews Church Hall SE1 8LJ
 Part First Floor St Andrews Church Hall SE1 8LJ
 85 Blackfriars Road London SE1 8HA
 90 Blackfriars Road London SE1 8HW
 Flat 10 Styles House SE1 8DF
 Flat 1 Styles House SE1 8DF
 21 Short Street London SE1 8LJ
 78 Blackfriars Road London SE1 8HF
 25 The Cut London SE1 8LF
 The Ring 72 Blackfriars Road SE1 8HA
 66 The Cut Lambeth SE1
 80 The Cut Lambeth SE1
 82 The Cut Lambeth SE1
 84 The Cut Lambeth SE1
 86 The Cut Lambeth SE1
 65 Mitre Road Lambeth SE1
 66 Mitre Road Lambeth SE1
 67 Mitre Road Lambeth SE1
 68 Mitre Road Lambeth SE1
 69 Mitre Road Lambeth SE1
 70 Mitre Road Lambeth SE1
 72 Mitre Road Lambeth SE1
 74 Mitre Road Lambeth SE1
 76 Mitre Road Lambeth SE1
 80 Mitre Road Lambeth SE1
 82 Mitre Road Lambeth SE1
 84 Mitre Road Lambeth SE1
 86 Mitre Road Lambeth SE1
 88 Mitre Road Lambeth SE1
 90 Mitre Road Lambeth SE1
 92 Mitre Road Lambeth SE1
 94 Mitre Road Lambeth SE1
 96 Mitre Road Lambeth SE1
 98 Mitre Road Lambeth SE1
 100 Mitre Road Lambeth SE1
 102 Mitre Road Lambeth SE1
 104 Mitre Road Lambeth SE1
 106 Mitre Road Lambeth SE1
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 111 Mitre Road Lambeth SE1
 112 Mitre Road Lambeth SE1
 1 Mitre Road SE1
 2 Mitre Road SE1
 3 Mitre Road SE1
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 55 Mitre Road SE1
 56 Mitre Road SE1
 57 Mitre Road SE1
 58 Mitre Road SE1
 59 Mitre Road SE1
 60 Mitre Road SE1
 61 Mitre Road SE1
 62 Mitre Road SE1
 63 Mitre Road SE1
 64 Mitre Road SE1
 56 Ufford Street SE1
 57 Ufford Street SE1
 58 Ufford Street SE1
 59 Ufford Street SE1
 1 Ufford Street SE1

1 Burrows Mews London SE1 8LD	3 Ufford Street SE1
Flat B 33 The Cut SE1 8LF	2 Ufford Street SE1
Flat A 33 The Cut SE1 8LF	4 Ufford Street SE1
Flat 38 Styles House SE1 8DF	5 Ufford Street SE1
Flat 7 Theatre View Apartments SE1 8LJ	6 Ufford Street SE1
Flat 6 Theatre View Apartments SE1 8LJ	7 Ufford Street SE1
Flat 5 Theatre View Apartments SE1 8LJ	8 Ufford Street SE1
Flat 8 Theatre View Apartments SE1 8LJ	9 Ufford Street SE1
Flat 11 Theatre View Apartments SE1 8LJ	10 Ufford Street SE1
Flat 10 Theatre View Apartments SE1 8LJ	11 Ufford Street SE1
Flat 9 Theatre View Apartments SE1 8LJ	12 Ufford Street SE1
Flat A 1c Burrows Mews SE1 8LD	13 Ufford Street SE1
Flat D 1c Burrows Mews SE1 8LD	14 Ufford Street SE1
Flat C 1c Burrows Mews SE1 8LD	15 Ufford Street SE1
Flat 1 Theatre View Apartments SE1 8LJ	16 Ufford Street SE1
Flat 4 Theatre View Apartments SE1 8LJ	17 Ufford Street SE1
Flat 3 Theatre View Apartments SE1 8LJ	18 Ufford Street SE1
Flat 2 Theatre View Apartments SE1 8LJ	19 Ufford Street SE1
First Floor Front 82-83 Blackfriars Road SE1 8HA	20 Ufford Street SE1
Third Floor 82-83 Blackfriars Road SE1 8HA	22 Ufford Street SE1
Second Floor 82-83 Blackfriars Road SE1 8HA	23 Ufford Street SE1
Ground Floor 82-83 Blackfriars Road SE1 8HA	24 Ufford Street SE1
Flat 37 The Cut SE1 8LF	25 Ufford Street SE1
Flat 6 6 Burrows Mews SE1 8LD	26 Ufford Street SE1
2a Burrows Mews London SE1 8LD	27 Ufford Street SE1
Flat 14 Theatre View Apartments SE1 8LJ	28 Ufford Street S.E.1
Flat 13 Theatre View Apartments SE1 8LJ	29 Ufford Street SE1
Flat 12 Theatre View Apartments SE1 8LJ	30 Ufford Street SE1
5 Burrows Mews London SE1 8LD	10 Chaplin Close SE1
First Floor Rear 82-83 Blackfriars Road SE1 8HA	11 Chaplin Close SE1
Fourth Floor 82-83 Blackfriars Road SE1 8HA	12 Chaplin Close SE1
Basement 82-83 Blackfriars Road SE1 8HA	13 Chaplin Close SE1
Flat B 1c Burrows Mews SE1 8LD	14 Chaplin Close SE1
Flat C 35a The Cut SE1 8LF	15 Chaplin Close SE1
Flat D 35a The Cut SE1 8LF	16 Chaplin Close SE1
Flat 3 Garrett House SE1 8LD	17 Chaplin Close SE1
Flat 1 75-76 Blackfriars Road SE1 8HA	18 Chaplin Close SE1
Flat 4 75-76 Blackfriars Road SE1 8HA	19 Chaplin Close SE1
Flat 3 75-76 Blackfriars Road SE1 8HA	20 Chaplin Close SE1
Flat 2 75-76 Blackfriars Road SE1 8HA	21 Chaplin Close SE1
35b The Cut London SE1 8LF	22 Chaplin Close SE1
Ground Floor 85 Blackfriars Road SE1 8HA	23 Chaplin Close SE1
Basement 75-76 Blackfriars Road SE1 8HA	24 Chaplin Close SE1
School House Southwark College SE1 8LE	25 Chaplin Close SE1
Flat 2 Garrett House SE1 8LD	26 Chaplin Close SE1
Flat 1 Garrett House SE1 8LD	27 Chaplin Close SE1
Flat 4 Garrett House SE1 8LD	28 Chaplin Close SE1
Flat 1 86 Blackfriars Road SE1 8HA	29 Chaplin Close SE1
First Floor Second Floor And Third Floor Flat 74 Blackfriars Road SE1 8HA	30 Chaplin Close SE1
Flat 5 6 Burrows Mews SE1 8LD	31 Chaplin Close SE1
Flat 2 86 Blackfriars Road SE1 8HA	32 Chaplin Close SE1
Flat 5 86 Blackfriars Road SE1 8HA	33 Chaplin Close SE1
Flat 4 86 Blackfriars Road SE1 8HA	34 Chaplin Close SE1
Flat 3 86 Blackfriars Road SE1 8HA	35 Chaplin Close SE1
Ground Floor 17 Short Street SE1 8LJ	36 Chaplin Close SE1
1c Burrows Mews London SE1 8LD	37 Chaplin Close SE1
Flat 5 75-76 Blackfriars Road SE1 8HA	37 Chaplin Close SE1
Flat 1 6 Burrows Mews SE1 8LD	38 Chaplin Close SE1
Flat 4 6 Burrows Mews SE1 8LD	42 The Cut SE1
Flat 3 6 Burrows Mews SE1 8LD	44 The Cut SE1
Flat 2 6 Burrows Mews SE1 8LD	46 The Cut SE1
Flat 20 Styles House SE1 8DF	48 The Cut SE1
Flat 2 Styles House SE1 8DF	40 The Cut SE1
Flat 19 Styles House SE1 8DF	42 The Cut SE1
Flat 21 Styles House SE1 8DF	38 The Cut SE1
Flat 24 Styles House SE1 8DF	36 The Cut SE1
Flat 23 Styles House SE1 8DF	35a The Cut London SE1 8LF
Flat 22 Styles House SE1 8DF	33c The Cut London SE1 8LF
Flat 14 Styles House SE1 8DF	Flat 10, Stopher House Webber Street SE1 ORE
	Theatre View Short Street SE1 8LJ

Re-consultation: 22/02/2016

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

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

Statutory and non-statutory organisations

Environment Agency
Historic England
Thames Water - Development Planning

Neighbours and local groups

Flat 10, Stopher House Webber Street SE1 0RE
Flat 13 Theatre View Apartments SE1 8LJ
Flat 3 6 Burrows Mews SE1 8LD
Theatre View Short Street SE1 8LJ
21 Short Street London SE1 8LJ
21 Ufford Street London SE1 8QD
33c The Cut London SE1 8LF
35a The Cut London SE1 8LF
41b The Cut London SE1 8LF
49 The Cut London SE1 8LF
5 Burrows Mews London SE1 8LD
8 Ufford Street SE1
85 Blackfriars Road London SE1 8HA

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	Ms Julie Greer GreerPritchard	Reg. Number	15/AP/3024
Application Type	Full Planning Permission	Case Number	TP/1232-B
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing college buildings and redevelopment of the site to provide 60 residential units (1 studio, 18x1 bed, 29x2 bed, 8x3 bed and 4x4) in two blocks - being a part single to part five (plus basement) storey block, and a part four to part seven storey block; 852sqm of B1/A1/A2/D1 floorspace and a new street linking The Cut to Ufford Street, together with associated amenity space, landscaping and ancillary works.

At: FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1

In accordance with application received on 27/07/2015

and Applicant's Drawing Nos.

Site Location Plan:
1429-HT-E-0101

Existing Drawings:
1429-HT-E-0201, 1429-HT-E-0202 and 1429-HT-E-0203

Proposed Drawings:

1429-HT-P-0101 Rev A, 1429-HT-P-0110 Rev A, 1429-HT-P-0111 Rev A, 1429-HT-P-0112 Rev A, 1429-HT-P-0113 Rev A, 1429-HT-P-0114 Rev A, 1429-HT-P-0115 Rev B, 1429-HT-P-0116 Rev A, 1429-HT-P-0120 Rev A, 1429-HT-P-0121 Rev A, 1429-HT-P-0122 Rev B, 1429-HT-P-0123 Rev B, 1429-HT-P-0124 Rev B, 1429-HT-P-0125 Rev A, 1429-HT-P-0126 Rev A, 1429-HT-P-0127 Rev A, 1429-HT-P-0128 Rev A, 1429-HT-P-0200 Rev A, 1429-HT-P-0200R Rev A, 1429-HT-P-0201 Rev A, 1429-HT-P-0201R Rev A, 1429-HT-P-0202 Rev A, 1429-HT-P-0203 Rev A, 1429-HT-P-0204 Rev A, 1429-HT-P-0205 Rev A, 1429-HT-P-0206 Rev A, 1429-HT-P-0210 Rev A, 1429-HT-P-0212 Rev A, 1429-HT-P-0213 Rev A, 1429-HT-P-0214R Rev A, 1429-HT-P-0300 Rev A, 1429-HT-P-0310 Rev A, 437-001 Rev I, 437-003 Rev B and 437-004 Rev B

Documents:

Planning Statement 2033 July 2015
Design & Access Statement (revised) February 15th 2016
Internal Daylight, Sunlight and Overshadowing Report Issue No: IS5-8487 02 February 2016
DAYLIGHT & SUNLIGHT REPORT 8487 09 July 2015
M&E Utilities Report L15109-ME-RP-001 - REV A 13/07/15
Flood Risk Assessment UK14-20621 July 2014
Drainage Capacity Assessment Rev A - July 2015 24174
WASTE MANAGEMENT STRATEGY- JULY 2015
TRAVEL PLAN STATEMENT - JULY 2015
TRANSPORT STATEMENT - JULY 2015
OUTLINE CONSTRUCTION MANAGEMENT PLAN - JULY 2015
Energy Statement L15109-ERP-001 - REV B 22/07/15
Sustainability Checklist L15109-ERP-002 - REV B 22/07/15
Biodiversity Statement Prepared by LUC Version 3 July 2015
Pre Assessment Code 4 L15109-ERP-003 - REV B 22/07/15
ARCHAEOLOGICAL DESK BASED ASSESSMENT July 2015
ARBORICULTURAL IMPACT ASSESSMENT RT-MME-118781 April 2015
Building for Life Assessment July 2015

RESIDENTIAL PLANNING NOISE ASSESSMENT Acoustics Report A863/R01 6th July 2015
 Air Quality Assessment Final | 13 July 2015
 DESK STUDY REPORT J15157 July 2015
 Landscape Statement July 2015

Subject to the following thirty 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:

1429-HT-P-0101 Rev A, 1429-HT-P-0110 Rev A, 1429-HT-P-0111 Rev A, 1429-HT-P-0112 Rev A, 1429-HT-P-0113 Rev A, 1429-HT-P-0114 Rev A, 1429-HT-P-0115 Rev B, 1429-HT-P-0116 Rev A, 1429-HT-P-0120 Rev A, 1429-HT-P-0121 Rev A, 1429-HT-P-0122 Rev B, 1429-HT-P-0123 Rev B, 1429-HT-P-0124 Rev B, 1429-HT-P-0125 Rev A, 1429-HT-P-0126 Rev A, 1429-HT-P-0127 Rev A, 1429-HT-P-0128 Rev A, 1429-HT-P-0200 Rev A, 1429-HT-P-0200R Rev A, 1429-HT-P-0201 Rev A, 1429-HT-P-0201R Rev A, 1429-HT-P-0202 Rev A, 1429-HT-P-0203 Rev A, 1429-HT-P-0204 Rev A, 1429-HT-P-0205 Rev A, 1429-HT-P-0206 Rev A, 1429-HT-P-0210 Rev A, 1429-HT-P-0212 Rev A, 1429-HT-P-0213 Rev A, 1429-HT-P-0214R Rev A, 1429-HT-P-0300 Rev A, 1429-HT-P-0310 Rev A, 437-001 Rev I, 437-003 Rev B and 437-004 Rev B

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 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.

Unit reference numbers

Access to and use of building standard

All other units

M4(2)

Units A13, A14, A18, A23, A33 and B05

M4(3a)

Reason

To ensure the development complies with Core Strategy 2011 Strategic Policy 5 (Providing new homes) and London Plan 2015 Policy 3.8 (Housing choice).

- 4 Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.

b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details

of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

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

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

Reason

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

- 5 Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological work 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 archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 6 a) Prior to the commencement of any development (excluding demolition), 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.
- i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.
- ii) Any 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 will 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 works 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 works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.
- d) In the event that potential 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 off-site receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

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

- 7 Samples of all external facing materials to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing prior to the commencement of above grade works; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; and Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites of The Southwark Plan (UDP) July 2007.

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

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

Reason

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

- 9 No above grade works shall commence until details of a surface water drainage scheme, that achieves a reduction in surface water run-off to greenfield run-off rates for storm events up to a 1% Annual Exceedance Probability (AEP), has been submitted to and approved in writing by Local Planning Authority. The surface water drainage scheme should incorporate Sustainable Drainage Systems (SuDS), in accordance with the recommendations of the Southwark Strategic Flood Risk Assessment (SFRA), the London Plan (2011). The SuDS hierarchy within the London Plan should be followed in the development of the surface water drainage scheme, with a preference for SuDS measures that control surface water at source.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with saved policy 3.9 Water of the Southwark Plan, Strategic policy 13 of the Core Strategy (2011) and guidance in the Sustainable Design and Construction SPD (2009).

- 10 Bird Boxes
Details of sparrow nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any above grade work. No less than 6 nesting boxes / bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with

the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 5.10 and 7.19 of the London Plan 2011, Policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

11 Green roofs for biodiversity

Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any above grade works commencing on site. The biodiversity (green/brown) roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plan Roof Plan, hereby approved; and
- c) 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 roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the green/brown roof(s) and Southwark Council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 2.18, 5.3, 5.10, and 5.11 of the London Plan 2011, saved policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

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

- 12 Before the first occupation of the buildings the cycle storage facilities as shown on the approved plans shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

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

- 13 Before the first occupation of the buildings hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the dwellings and business units and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

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

- 14 Prior to occupation of the wheelchair accessible units hereby approved, the wheelchair accessible parking spaces, at least one of which shall be fitted with an electric vehicle charging point, shall be completed in accordance with the approved plans and retained as such thereafter.

Reason

To ensure that the parking spaces for disabled people are provided and retained in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.7 Parking standards for disabled people and the mobility impaired of the Southwark Plan 2007.

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

- 15 No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted.

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 The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

- 16 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 buildings.

Reason

To ensure such works do not detract from the appearance of the buildings in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 17 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of unit reference B08, as shown on the hereby approved plans, shall be carried out under Classes A, B, C, D, F or H of the said Order. Full planning permission would be required.

Reason

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

- 18 Obscured Glazing/Screening

The following privacy screens shall be installed in accordance with the approved details prior to the occupation of the affected dwellings, and shall be retained as such thereafter:

- Screen to terrace of unit B09
- Screen to terrace of unit B11
- Screen to terrace of unit B15
- Screen to terrace of unit B20
- Screen to terrace of unit B21
- Screen to terrace of unit B25
- Screen to terrace of unit B33

- Screen between terraces of units B30 and B31
- Screen between terraces of units B32 and B33
- Screen to the west of fourth floor communal roof terrace
- Screen between terraces of units A13 and A14
- Screen between terraces of units A16 and A17
- Screen between terraces of units A25 and A26
- Screen between terraces of units A35 and A36
- Screen between terraces of units A40 and A41
- Screen between terraces of units A43 and A44
- Screen between terraces of units A45 and A46
- Screen between terraces of units A50 and A51

The following windows shall be obscure glazed and top opening only, and shall not be replaced or repaired otherwise than with obscure glazing:

- First floor north facing windows (x3) to unit B09
- First floor west facing window of unit B11
- Second floor north facing windows (x2) to unit B21

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises from undue overlooking, and to protect the amenity of occupiers of the hereby approved development in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 19 The development hereby permitted shall be carried out in accordance with the Energy Statement by edc dated 22/07/15 (reference L15109-ERP-001 - REV B), unless otherwise agreed in writing by the Local Planning Authority.

Reason

To reduce carbon dioxide emissions as required by the National Planning Policy Framework 2012, Strategic Policy 13 (High environmental standards) of the Core Strategy 2011, saved policies 3.3 Sustainability and Energy Efficiency of the Southwark Plan and Policy 5.15 of the London Plan 2015 (Minimising carbon dioxide emissions).

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

Bedrooms - 35dB LAeq, T * and 45dB LAFmax

Living rooms - 35dB LAeq, T **

Dining rooms - 40dB LAeq, T **

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

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

Reason

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

- 21 The Travel Plan Statement dated July 2015 shall be implemented in full, and shall include a target to increase the cycling modal share to 10%.

Reason:

To encourage sustainable transport modes, in accordance with saved policy 5.2 'Transport impacts' of the Southwark Plan (2007) and strategic policy 2 'Sustainable transport' of the Core Strategy (2011).

- 22 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.

- 23 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated July 2014 (reference UK14-20621) and Drainage Capacity Assessment dated July 2015 (reference Rev A 24174).

Reason

To ensure the development is designed safely in reference to flood risk in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.9 Water of the Southwark Plan 2007.

- 24 Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012)

Reason

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

- 25 The combined heat and power plant (CHP) shall use natural gas and shall meet the relevant standard for its size as stated in Appendix 7 of the London Mayor's Supplementary Planning Guidance on Sustainable Design and Construction. The CHP plant shall have a valid and up to date management plan which details the parties responsible for the maintenance, monitoring and operation of the installed plant and details how they will communicate with and inform each other about issues relevant to the effective operation of the CHP. The management plan shall be available to the LPA on request. As a minimum the CHP plant stack emissions shall be monitored and analysed annually to ensure compliance with the emissions standard. The result reports shall be available to the LPA on request.

Reason

To ensure the proposal minimises its impact on air quality in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.3 Sustainability Assessment, 3.4 Energy Efficiency and 3.6 Air Quality of the Southwark Plan 2007.

- 26 The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

Reason

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

- 27 The habitable rooms within the development sharing a party ceiling/floor element with the commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that noise from the commercial premises does not exceed NR25.

Reason

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

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).

- 28 Before any fit out works to the commercial premises hereby authorised begins, an independently verified

BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

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

- 29 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water and the Environment Agency. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 30 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 Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Statement of positive and proactive action in dealing with the application

Pre-application discussions were held with the applicant and the plans amended during the course of the application to address issues relating to design, quality of accommodation and neighbour amenity.





01

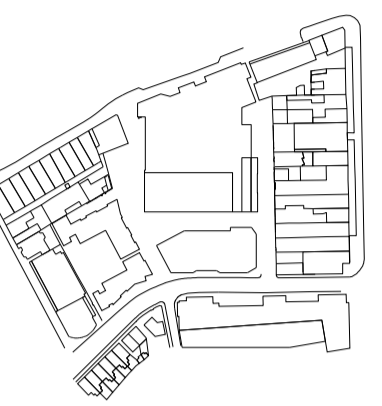
APPENDIX 4 - ADDITIONAL IMAGE 3



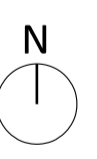
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NOTES:
INTERNAL LAYOUTS ARE FOR ILLUSTRATIVE PURPOSES ONLY



- KEY**
- STUDIO
 - 1B 2P
 - 2B 3/4P
 - 3B 4P/5P
 - 4B 5P/6P
 - SR SOCIAL RENT
 - SO SHARED OWNERSHIP
 - WC ACCESSIBLE UNIT



REV	DATE	DESCRIPTION
A	01.02.16	PLANNING AMENDMENT

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DRG GA SITE PLAN GROUND FLOOR [G+0]

DRG No:	REV
1429-HTP-0101	A

SCALE 1:200 A1 DATE JUL 15

DRAWN BY CM INSPECTED BY SH

DRAWING STATUS **PLANNING**

Item No. 8.	Classification: Open	Date: 25 May 2016	Meeting Name: Planning Committee
Report title:		To release £939,113 of section 106 monies towards improving the parks and open spaces in the Elephant and Castle and Blackfriars Road	
Ward(s) or groups affected:		Cathedrals, East Walworth, Faraday, Newington, and Borough Bankside and Walworth Community Council	
From:		Chief Executive	

RECOMMENDATION

1. That the Planning Committee agrees that the allocation of funds totalling £939,113 be released from the listed Legal Agreements associated with developments in the Borough, Bankside and Walworth Community Council area, towards delivery of six improvement projects as set out in paragraphs 13 to 52.

BACKGROUND INFORMATION

2. Planning obligations are used to address the impacts caused by development and contribute to providing infrastructure and facilities necessary to achieve sustainable communities. The council can enter into a legal agreement with a developer whereby the developer agree to provide planning contributions.
3. Section 106 payments are secured as part of the planning permissions for the developments set out in this report in order to mitigate the impact of large new developments on the Bankside and London Bridge and Elephant and Castle opportunity areas, and provide the infrastructure and services to support large new developments.
4. The proposed list of projects has been prepared by identifying section 106 funds available in the Borough, Bankside and Walworth Community Council and matching their purposes to priority projects from the community project bank and the Elephant and Castle Parks Programme.
5. The Elephant and Castle Parks Programme has been developed to deliver a network of high quality parks and open spaces that benefit both existing and new communities as part of the regeneration of Elephant and Castle. To provide community resources that meet the needs of local neighbourhoods and parks that are safe, accessible, coherent, easy to maintain and enhance the aesthetic appeal of the area.
6. Implementation of the programme is underway with successful completion of the new playground at St Mary's Churchyard in April 2015. A paved plaza with two new water features will be delivered in spring 2016 to coincide with opening of the Castle Leisure Centre and will further enhance this popular park.
7. This report seeks to allocate funding to support the Elephant and Castle Parks Programme and to specific open space projects in the environs of the new development at 128-150 Blackfriars Road. The proposals respond to feedback from the local community,

Councillors and local partnerships that the council should take a strategic approach to bringing separate historical section 106 legal agreements together to deliver a holistic programme of public realm improvements.

8. The proposal is to allocate section 106 receipts paid to the council by developers, to address shortfalls in existing investment in open spaces in the area. Whilst there is a capital budget to deliver the programme, this report seeks to secure available funding to enhance the quality of park improvements and offset the negative impacts of development.

KEY ISSUES FOR CONSIDERATION

9. In order to match available section 106 funding to priority projects in the programme, a mapping exercise was carried out to understand the distribution of unspent section 106 monies by "purpose".
10. The s106 monies already secured for Nelson Square Gardens is sufficient for the park's redevelopment that is currently underway. Significant CIL and site specific s106 contributions are being negotiated for Christchurch Gardens from the development at 18 Blackfriars Road.
11. With rapid population increase forecast, it is expected that larger parks and those with good transport links, outside of the immediate vicinity, will increasingly become destination parks for residents in north-west Southwark.
12. The project proposals are outlined below, together with the identified section 106 budgets and current funding available.

Project 1: Investment in public open space, children's play and sports development improvements in Geraldine Mary Harmsworth Park

13. The Elephant and Castle opportunity area has a limited range of open space provision, consisting mainly of small parks. Geraldine Mary Harmsworth (GMH) Park at the western boundary of the area is the largest in size at 6.5 hectares.
14. GMH Park accommodates a range of facilities including a sports pavilion, (servicing four tennis/ badminton courts and three multi use games areas), a small children's playground, world gardens, nature area, a peace garden and a refreshment kiosk, whilst retaining large expanses of amenity grass.
15. The park is well used by local families and schools, and attracts tourists throughout the year visiting the Imperial War Museum which lies at its centre. Whilst the park has several unique features, its many assets are blighted by a deteriorating infrastructure and the lack of a coherent design.
16. In 2016 the council will deliver works to refurbish the dilapidated former park keepers building at the St Georges Road entrance to the park. The project will ensure that this largely redundant building is bought back into public use as a staffed Park Office and information point for visitors.

17. The Imperial War Museum is currently implementing a redevelopment of its flagship branch at GMH. Phase 2 includes redesigning the building frontage to provide fully accessible entrance and access from the park.
18. New and potential developments at GMH Park have strengthened the need to develop and implement a master plan redesign of the park that will:
- Create a welcoming and cohesive major park for local people and visitors to IWM London
 - Create visual links around the park by employing a coherent palette of materials, planting and signage
 - Enhance circulation
 - Ensure a balance of quality facilities for all park users
 - Design out underused areas which currently attract anti social activity
 - Ensure improvements can be maintained within existing maintenance budgets.
19. The cost of development and implementation of a master plan design for GMH Park is estimated at £1.26m. A budget of £850k is currently available.
20. The project will be carried out by the parks team working in close consultation with the Friends of GMH, Imperial War Museum, sports operator and other key local stakeholders.
21. This report is seeking to allocate £416,051 towards improvements to GMH Park as follows:

Agreement Reference	Development address	Amount	Purpose
733 13/AP/3791	Valentine Place and Webber Street	£186,284	Public Open Space, Children's Play and Sports Development
579a 13/AP/1403	Stamford Street SE1	£4,082	Public Open Space, Children's Play and Sports Development
		£7,293	Public Open Space, Children's Play and Sports Development
		£18,392	Public Open Space, Children's Play and Sports Development
772 14/AP/1862	128-150 Blackfriars Road	£200,000	Public Open Space, Children's Play and Sports Development
		£416,051	
Capital Match Funding		£850,000	Budget of £519k
Total Budget Proposed		£1,266,051	

Project 2: Investment in public open space, children's play, sports and recreation facilities at Pullens Gardens

22. Pullens Gardens is a small park on the Pullens Estate in Newington Ward. The park occupies 0.3 hectares of land and falls within the Elephant and Castle opportunity area.
23. The Pullens Estate, built in the late 19th century, is now part of a larger residential area featuring both new and old housing stock. Amelia Street runs along the northern boundary of the park and leads directly on to the Walworth Road.
24. Whilst the park is surrounded by residential housing, it is rarely used by local families and is generally considered to be unattractive, unsafe and blighted by anti-social behaviour.
25. The only remaining equipment in the children's playground is an aging climbing frame and slide. The limited seating and furniture throughout the park is in poor condition and adds to the perception that the park has been neglected.
26. Investment is needed to deliver a re-design of the Pullens Gardens to enhance access and visibility, to reduce opportunities for anti-social behaviour and improve play provision.
27. The cost of re-designing Pullens Gardens is estimated at £600k. A budget of £500k is currently available.
28. The project will be carried out by the parks team working in close consultation with Pullens TRA and other key local stakeholders.
29. This report is seeking to allocate £91,152 towards improvements to Pullens Gardens as follows:

Agreement Reference	Development address	Amount	Purpose
600 (09/AP/1940)	89-93 Newington Causeway	£47,584	Public Open Space, Children's Play and Sports Development
551 (10/AP/2849)	Hand in Hand PH 37 Arch Street SE1	£3,580	Public Open Space, Children's Play and Sports Development
		£6,396	Parks and Public Open Space
		£15,609	Sport and Recreation Facilities
591 11/AP/2577	157-159 New Kent Road SE1	£17,983	Public Open Space, Children's Play and Sports Development
		£91,152	
Capital Match Funding		£500,000	
Total Budget Proposed		£591,152	

Project 3: Investment in sports and recreation facilities at Victory Community Park

30. Victory Community Park is a small (0.45 hectares) pocket park within the former Heygate Estate in East Walworth. Stretching east to west from Rodney Place to Balfour Street, this L shaped space includes a fenced nature area with a pond. Facilities in the main park include a children's' play area with equipment suitable for primary school aged children. A central sunken play space with marked football pitch and basketball hoops, dissects east

and west entrances to the park. An elevated boardwalk at the side of the ball court connects the two ends of the park.

31. Perimeter fencing of differing height, material and style, incongruous boundary lines and the park's current configuration, means its potential amenity value for new and existing residents is not fully realised.
32. Redevelopment in the immediate surrounding area now presents the opportunity through land acquisition to increase the footprint of the park.
33. The integration of the area of adjacent land that interrupts the park boundary at the corner of Rodney Place and Elba Place will deliver an increase in green space and improved recreation facilities.
34. Investment will contribute towards a significant upgrade of sport and play provision. Entrances and perimeter fencing will be replaced to create a uniform and attractive boundary.
35. The overall cost to redevelop Victory Community Park is estimated at £1.4m. A budget of £1.3m is currently available.
36. The project will be carried out by the parks team working in close consultation with local residents.
37. This report is seeking to allocate £116,506 towards improvements to Victory Community Park as follows:

Agreement Reference	Development address	Amount	Purpose
666 11/AP/0868	2-10 Steedman St SE17	£116,506	Sport & Recreation Facilities
Capital Match Funding		£1,300,000	
Total Budget Proposed		£1,416,506	

Project 4: Investment in public open space, children's play, and sport development at Nursery Row Park

38. Nursery Row Park is a popular local park measuring 1.7 hectares in East Walworth. Bounded by East Street market; existing council housing, and two new housing developments at Brandon Street and Stead Street, the park is a central space for respite in an area of increasing population density.
39. The park's location next to East Street market means that its southern boundary suffers from litter and overspill from traders stalls. The concrete planters near this entrance are intended for seating but poor design and failed planting means that they have largely become litter traps. The park entrance is further obstructed by a row of three telephone kiosks, (regularly used as makeshift WCs) and two unsightly utility boxes.
40. Investment will contribute to the relocation of these services and deliver significant improvement at the East Street entrance along with enhancements to the current play provision.

41. Landscape and playground improvements at Nursery Row Park are estimated to cost £800k. A budget of £750k is currently available.
42. The project will be carried out by the parks team working in close consultation with the Friends of Nursery Row Park and other key local stakeholders.
43. This report is seeking to allocate £47,752 towards entrance improvements at Nursery Row Park as follows:

Agreement Reference	Development address	Amount	Purpose
666 11/AP/0868	Steedman Street	£47,752	Public Open Space, Children's Play and Sports Development
Capital Match Funding		£750,000	
Total Budget Proposed		£797,752	

Project 5: Investment in landscaping and play project at the Peabody Estate, Blackfriars

44. Planning permission was granted on 18 December 2014 for the mixed use redevelopment of Hill and Erlang Houses at 128-150 Blackfriars Road to deliver 336 resident units with 2500sqm of office and 1200sqm of retail space. During the consultation for the redevelopment project, a number of meetings were held with the local community and some specific mitigation projects were identified which could be delivered in tandem with the redevelopment project for the benefit of both the existing residents and businesses and the future occupiers of the new buildings. Site visits were carried out in the local area, and potential environmental improvement projects were identified in the adjacent Peabody and Lancaster Street estates which could improve the quality of the open spaces, child's play and sports facilities. The initial commitment to make improvements to the adjacent estate during the planning process was formalised in the signed section 106 agreement for the redevelopment, which makes reference to the Peabody estate on Blackfriars Road.
45. The council has met with the Peabody estate managers, landscape design team and local residents to discuss a brief for the project, and to agree the broad scope of works. In 2015 the Peabody team funded and appointed LUC landscape architects to develop a design for consultation. Consultation has been carried out and the improvements which include new child's play, sports equipment and landscaping of the courtyards has been well received by the residents of the estate. A planning application is now being prepared in order to deliver the improvements during 2016/17.
46. This report seeks to commit £147,652 of funding from the Blackfriars Circus project to the landscape, child's play and sports development improvements within the Peabody estate.
47. The project will be carried out by the Peabody estate managers working closely with the residents. The Peabody team have also committed to match-funding the project through their time in-kind and by also seeking additional fundraising.

Agreement Reference	Development address	Amount	Purpose
772 14/AP/1862	128-150 Blackfriars Road	£147,652	Public Open Space, Children's Play and Sports Development
Total Budget Proposed		£147,652	

Project 6: Investment in Lancaster Street Estates environmental improvements

48. As set out in project 5, the consultation for the redevelopment of 128-150 Blackfriars Road included a commitment, formalised in the signed section 106 agreement, to make improvements to the Lancaster Street estates.
49. Lancaster Street lies immediately to the east of the development site and includes buildings in the City of London estate (Bazeley and Markstone Houses) and the councils' Lancaster Estate (Albury Buildings, Brookwood House, Lingfield House). The local charity Bankside Open Spaces Trust (BOST) has carried out a number of projects in the area, including the Brookwood Triangle at the north end of Lancaster Street which has become a successful communal garden with food growing, and the Diversity Garden, a well known community garden on Milcote Street. Some successful planting has also been installed in the City of London estate between Bazeley and Markstone Houses.
50. This project seeks to build on the successes of the recent community gardens, food growing and planting projects, and make further improvements to public gardens within the estates along Lancaster Street and in the adjacent streets including Boyfield, Silex and King James Street, subject to the wishes of the local residents. It is recommended that as an initial step the council will work with BOST, and local residents to set up a steering group to establish how local people would like to see improvements made. Once a brief has been established, some design work can be carried out, and works can be commissioned to improve the green spaces.
51. This report seeks to commit £120,000 of funding from the Blackfriars Circus project to the public gardens within the estates along Lancaster Street and in the adjacent streets including Boyfield, Silex and King James Street.
52. The project will be overseen by the regeneration team working closely with the housing department and will be carried out by charity Bankside Open Spaces Trust working with local residents.

Agreement Reference	Development address	Amount	Purpose
772 14/AP/1862	128-150 Blackfriars Road	£120,000	Public Open Space, Children's Play and Sports Development
Total Budget Proposed		£120,000	

Policy implications

53. These areas currently have the highest population density in the borough and the second highest proportion of housing units with no access to private open space.
54. Whilst it is recognised that the pressure to create new homes means that there are limited opportunities for the creation of new green spaces, Southwark's Open Space Strategy (2013) sets out the council's commitment to maintain and improve existing parks and open spaces to ensure that those that live and work in the borough experience the positive benefits associated with health and well-being, quality of life and cohesive communities that open spaces provide.

55. Delivering this programme of open space and public realm improvements within the London Bridge Bankside and Elephant and Castle Opportunity areas will support the implementation of a number of Southwark's key strategic priorities. This includes but is not limited to the following policies:

56. The Core Strategy 2011

- Theme 2: Making the borough a better place for people:
 - Strategic Objective 2F is to conserve and protect historic and natural places. Southwark's heritage assets and wider historic environment will be conserved and enhanced. Open spaces and biodiversity will be protected, made more accessible and improved.
- Theme 5: Planning for development in growth areas
 - Strategic Objective 5A commits to developing growth areas to achieve the vision of improved places and to prioritise development in the following areas:
 - Central Activities Zone
 - Elephant and Castle opportunity area
 - Bankside, Borough and London Bridge opportunity area
 - Peckham and Nunhead action area
 - Canada Water action area
 - Aylesbury action area
 - Camberwell action area
 - Old Kent Road action area.
- Strategic Policy 1: Sustainable Development
- Strategic Policy 4: Places for learning enjoyment and healthy lifestyles
- Strategic Policy 11: Open Spaces and Wildlife
- Strategic Policy 12: Design and conservation.

57. Southwark's Elephant and Castle Supplementary Planning Document (SPD, 2012)

This document sets out the council's vision for the Elephant and Castle Opportunity area and provides a framework to guide development over the next 15 years, ensuring that regeneration is coordinated and sustainable.

58. Southwark's Open Spaces Strategy (2013)

This strategy identifies Elephant and Castle as an area of deficiency in the amount of natural green space available, with just 0.38ha per 1,000 population. Taking account of population increases expected in the area the ratio is likely to fall to 0.31ha per 1,000 population in 2026. (Southwark OSS 2013) This falls significantly short of the local planning standard to achieve 1.5ha of green space per 1,000 population.

Community impact statement

59. Delivering a range of environmental improvement projects that protect public open spaces and enhance the public realm, within the context of rapid development and population growth, is essential to the health and well being of residents.
60. The creation of high quality open spaces will contribute to making Blackfriars Road and the Elephant and Castle places where people choose to live and work.

Resource implications

61. The funding will come from S106 agreements as outlined above and set out in the summarised S106 finance concurrent report below.
62. The projects will be project managed by the Parks department. No additional staff time will be required.

Equal opportunities

63. This programme of projects has been designed to be fully accessible to all, without prejudice or discrimination.

Consultation

64. The programme proposes projects which have been identified through consultation with internal and external stakeholders.
65. Regular and on-going consultation is underway for each project. This includes but is not limited to:
 - Ward Councillors
 - Friends Groups
 - TRAs and Neighbourhood forums
 - Local residents and business owners
 - Schools.
66. Consultation will include stakeholder input in the design brief; will continue through each stage of the design process and at regular intervals during implementation.
67. For each project a detailed community consultation plan will be implemented that will involve the following:
 - Local and park based consultation events
 - Postal distribution of project proposals
 - Online and postal feedback forms
 - Presentations at stakeholder groups meetings
 - Posters displayed at community and park notice boards
 - Proposal exhibit at local community centres and/ or schools
 - Regular ward councillor and cabinet member briefings.

Sustainable development implications

68. All projects will enhance urban greening and reduce the urban heat island effect. As many existing materials as possible will be re-cycled and re-used within the design.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Planning

69. All of the contributions noted in this report have been received and are unallocated. Each of the proposed allocations would provide mitigation for the funding development and as such are supported.
70. Each legal agreement has been reviewed to ensure the proposed allocation accords with the agreement.

Director of Law and Democracy

71. The report asks for authority to release funds totalling £939,113 from a number of planning section 106 Agreements to assist with six parks improvement projects in the Borough, Bankside and Walworth areas.
72. The rapid progress with, in particular, the redevelopment of the site at 128–150 Blackfriars Road which extends to St Georges Circus has resulted in the early payment of some of the financial obligations to the Council. In the case of each of the section 106 Agreements mentioned in the report, the amounts listed in the report were paid by the developer to the Council by way of planning obligations in order to mitigate against the impact on the local infrastructure caused by the development of the particular site.
73. It would be unlawful for any of the monies reserved within a planning agreement to be spent on any project outside the specific terms envisaged by the terms of the agreement. In the case of each of the 6 projects outlined in this report, the terms of the section 106 Agreement have been reviewed and it is confirmed that the proposed expenditure is consistent with the relevant agreement.
74. Since the amount requested is more than £100,000, the decision falls to be determined by a council planning committee in accordance with paragraph 2, part 3F of the constitution.

Strategic Director of Finance and Governance

75. This report requests the planning committee to approve the release of £939,119 S106 funds from the various legal agreements detailed in this report towards improving the parks and open spaces in the Elephant and Castle and Blackfriars Road.
76. The strategic director of finance and governance notes the council has received the S106 funds and that they are available for the projects outlined in this report. Use of the S106 funds will be monitored as part of the council's capital programme.
77. Staffing and any other costs connected with this recommendation are to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
S106 Legal Agreements	Planning Division, 160 Tooley Street, London SE1	Jack Ricketts 020 7525 5464

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	Rebecca Towers, Head of Parks and Leisure	
Report Authors	Deborah McKenzie, Parks Service Development Officer Dan Taylor, Programme Manager, Regeneration	
Version	Final	
Dated	12 May 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
S106 Manager	Yes	Yes
Date final report sent to Constitutional Team		12 May 2016

Item No. 9.	Classification: Open	Date: 25 May 2016	Meeting Name: Planning Committee
Report title:		Article 4 Directions to withdraw the permitted development rights granted by Schedule 2, Part 3, Class M, Schedule 2, Part 3, Class O, Schedule 2, Part 3, Class P and Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)	
Ward(s) or groups affected:		All	
From:		Director of Planning	

RECOMMENDATIONS

That the Planning Committee:

1. Approves three immediate Article 4 Directions (Appendix A) to withdraw the permitted development rights granted by Schedule 2, Part 3, Class M, Schedule 2, Part 3, Class O and Schedule 2 Part 3, Class P of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for changes of use from shops (Class A1), financial and professional services (Class A2), betting offices, pay day loan shops or launderettes (Sui Generis use), offices (Class B1a), or storage and distribution (Class B8) to a dwellinghouse (Class C3) in any railway arches in Southwark (Appendix B).
2. Approves one non-immediate Article 4 Direction (Appendix A) to withdraw the permitted development rights granted by Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) Order 2015 for changes of use from light industrial (Class B1c) to a dwellinghouse in any railway arches in Southwark (Appendix B). The direction will allow more than 12 months notice prior to the date when Class PA will come into effect (1 October 2017).
3. Notes the equalities analysis of the proposed Article 4 Directions (Appendix C).

BACKGROUND INFORMATION

4. There are over 800 railway arches in Southwark, which are located on key connecting railway routes which extend across the river from Blackfriars Bridge southwards through Elephant and Castle and Camberwell, across Cannon Street Railway Bridge through London Bridge station, and southwards to Bermondsey. Additional arches are located around routes east-west from London Bridge station towards Waterloo and around Herne Hill and Peckham town centres. The extent of railway arches in Southwark is shown on the maps at Appendix B.
5. Most of the railway arches are located on land owned and managed by Network Rail. Many arches have been redeveloped and provide a variety of new uses from light industrial units, warehousing and storage, office space, retail units, food manufacturing or breweries. The emerging New Southwark Plan proposed policy DM25 seeks to

encourage the use of railway arches for business (B Use Classes), retail (A Use Classes) or community facilities (D Use Classes).

6. The general permitted development order (2015) consolidated permitted development rights for England and introduced new provisions. A number of these provisions include changes of use to dwellinghouses without the need for a full planning application. Some railway arches in use as offices, storage or distribution units, retail units or betting shops would therefore be permitted to change to residential units under these provisions. The GDPO was amended in 2016 with some new provisions and amendments to permitted development coming into force on 6 April 2016, including the addition of launderettes within Class M. The provision for light industrial change of use to dwellings will come into force on 1 October 2017.
7. The council is aware of recent interest in converting arches to residential dwellings. There are a number of concerns with regard to creating residential units in railway arches which should be subject to a robust analysis in determining whether such a use would be acceptable. Converting railway arches to dwellings could result in negative impacts on residential amenity through restricted access to outdoor space, restricted access to natural light and fresh air, exposure to excessive noise and vibration from the railway, safety concerns and incompatibility with surrounding uses. It is therefore considered appropriate to implement immediate Article 4 Directions to remove certain permitted development rights which relate to changes of use of railway arches.

Article 4 directions

8. An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It would not restrict development altogether, but instead ensure that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in accordance with the development plan.
9. Article 4 Directions must apply to all uses within the relevant use class and it cannot restrict changes within the same use class.
10. The government's on-line national planning practice guidance (NPPG entitled "When is permission required?") sets out guidance on the use of Article 4 Directions. The NPPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. It also states that in deciding whether an Article 4 Direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address (paragraph 038).
11. Article 4 Directions can either be immediate or non-immediate depending upon when notice is given of the date on which they come into force. Immediate directions can be made where the development presents an immediate threat to local amenity or prejudices the proper planning of an area (NPPG paragraph 045). In the case of this report, the council is proposing to make three immediate Article 4 Directions for which the process is as follows:
 - Stage 1 (the current stage) - the council makes an Article 4 Direction withdrawing permitted development rights with immediate effect.

- Stage 2 – Publication/Consultation stage. The council:
 1. publishes the notice of direction in a local newspaper
 2. formally consults with general members of the public and the owners and occupiers of every part of the land within the area or site to which the Direction relates over a period of 21 days
 3. and places notices up on site for 6 weeks.
- Stage 3 – On the same day that notice is given under Stage 2 above, the council refers its decision to the Secretary of State who has wide powers to modify or cancel a Direction.
- Stage 4 – Confirmation Stage - the Direction comes into force on the date on which the notice is served on the owners/occupiers of the land. The council has between 28 days from the date of when the notice comes into effect and 6 months to decide whether to go ahead and confirm the Direction, taking into account any representations which have been received. If this does not happen within 6 months, the Direction will lapse.

12. The process for confirming a non-immediate Article 4 Direction is as follows:

- Stage 1 (the current stage) - the council decides whether to go ahead and introduce a Direction setting a date in the Notice for when the Direction will come into force which must be at least 28 days and no more than 2 years after representations can first be made, which is usually after the last publication/service date.
- Stage 2 – Publication / Consultation stage. The council:
 1. publishes the notice of direction in a local newspaper
 2. formally consults with general members of the public and the owners and occupiers of every part of the land within the area or site to which the Direction relates over a period of at least 21 days
 3. and places notices up on site for 6 weeks.
- Stage 3 – On the same day that notice is given under Stage 2 above, the council refers its decision to the Secretary of State who has wide powers to modify or cancel a Direction.
- Stage 4 – Confirmation Stage - the council cannot confirm the Direction until after a period of at least 28 days from publication/service of the Notice. Once a Direction has been confirmed, the council must give notice of the confirmation in the same way as it gave notice of the initial direction, and must specify the date that the direction comes into force. A copy of the direction as confirmed must also be sent to the Secretary of State.

Compensation

13. In some circumstances the council can be liable to compensate developers or landowners whose developments are affected by Article 4 Directions. Local planning authorities are liable to pay compensation to landowners who would have been able to

develop under the permitted development rights that an Article 4 Direction withdraws, if they:

- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction, or
 - Grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 Direction being in place.
14. Compensation may also be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. 'Abortive expenditure' includes works carried out under the permitted development rights before they were removed, as well as the preparation of plans for the purposes of any work.
15. Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or a building(s), when its value with the permitted development right is compared to its value without the right.
16. However, the compensation arrangements differ for cases where a development order in respect of prescribed development is being withdrawn. The definition of prescribed development can be found in regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended). In cases such as these compensation is not payable if the following procedure is followed, as set out in section 108 of the Town and Country Planning Act:
- The planning permission withdrawn is of a prescribed description as set out in the Town and Country Planning (Compensation) Regulations 2015 (as amended).
 - The permitted development right is withdrawn in the prescribed manner.
 - Notice of withdrawal is given in the prescribed manner:
 - Not less than 12 months before it takes effect
 - Not more than the prescribed period of two years.
17. Permitted development rights granted by Schedule 2, Part 3, Classes M, O, P and PA are prescribed development, which means that compensation will only be payable for 12 months from the date that the immediate Direction comes into force. If more than 12 months notice of the withdrawal were given no compensation would be payable (in the case of the Class PA non-immediate Direction).

Planning applications

18. If permitted development rights are withdrawn and planning permission is required, the council would be obliged to determine the proposal in accordance with the development plan unless material considerations indicate otherwise. In Southwark's case, the development plan includes the London Plan, the Core Strategy, saved policies in the Southwark Plan and adopted area action plans. The relevant saved policies relating to change of use in the Southwark Plan are policy 1.2 (Strategic and Local Preferred Industrial Locations) where the railway arch is located within a designated industrial area, policies 1.7 and 1.10 relating to retail uses and policy 1.4 where the railway arch has an established B use class.

19. Notwithstanding any change of use which may occur, the main reasons for the Article 4 Directions are in relation to residential amenity for future occupiers and the quality of residential accommodation. The relevant policies that would therefore apply would be saved Southwark Plan policies 3.2 (protection of amenity) policy 3.12 (quality in design), policy 4.2 (quality of residential accommodation). The council's Residential Design Standards SPD (2015) also contains a wealth of guidance relating to the quality of residential accommodation which would be applicable in the determination of planning applications for dwellinghouses in railway arches. Many other policies would also apply relating to energy efficiency in design, conservation of the historic environment and transport impacts.
20. It should be noted that where submission of a planning application is required as a result of withdrawal of permitted development rights through an Article 4 Direction, the council cannot charge a planning application fee.

KEY ISSUES FOR CONSIDERATION

21. As is noted above, the NPPF advises that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where it is necessary to protect local amenity or the wellbeing of the area. This is reiterated in the NPPG which also states local planning authorities should identify clearly the potential harm that the direction is intended to address and that immediate directions can be made where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.
22. There are five relevant classes within Schedule 2, Part 3 of the GPDO which allow changes of use to dwellinghouses subject to prior approval which could all apply to railway arches. Schedule 2, Part 3, Class N relates to two sui generis uses; casinos and amusement centres which would be permitted to change use to residential. It is not proposed to implement an Article 4 Direction relating to Class N as this is unlikely to affect Southwark. New proposals for such development would require planning permission and would not be eligible for permitted development in the future due to the restrictions on Class N. The 2016 amendment to the GPDO introduced a new provision (Class PA) to change the use of light industrial units to dwellings; however this will not come into force until 1 October 2017. It is considered this will also impact on railway arches for the same reasons and therefore a non-immediate Article 4 Direction is appropriate.
23. Schedule 2, Part 3, Classes M, O, P and PA of the GPDO requires prior approval from the local authority for a determination of the transport and highways impacts of the development, and contamination and flooding risks in relation to the building. Class O was amended in 2016 which now requires consideration of the impacts of noise from commercial premises on the intended occupiers of the development. The temporary provisions of Class O have been made permanent. Class P is a temporary provision until April 2018 and requires consideration of air quality on the intended occupiers of the development, noise impacts of the development, in addition to whether the introduction of residential uses would have an adverse impact on important industrial areas to deliver services. The latter consideration is also applicable to Class PA. Class M also requires assessment as to whether the change of use of a retail unit or launderette would have an impact on shopping/similar facilities in the area, in addition to prior approval for the design and external appearance of the building.

24. While these criteria go some way in constraining unsuitable development, it is considered that the local authority would need to consistently assess these criteria in detail for the redevelopment of railway arches. Many railway arches in Southwark are located in commercial areas or located adjacent to busy roads, and noise mitigation for future occupiers would always be a priority concern for above passing trains. Furthermore there is no opportunity to consider whether railway arches would be suitable for the delivery of good quality accommodation and to protect the amenity and safety of future residents. The prior approval process also offers no opportunity for the local authority to impose conditions on development to protect future occupiers. For these reasons and the detailed considerations outlined below, it is considered that all proposals for changes of use to residential within railway arches should be subject to a planning application where a thorough assessment can be given to the merits of the proposal.

Implications for residential amenity

25. There are clear problems associated with residential amenity for surrounding residents and future occupiers associated with the conversion of railway arches to dwellings, with no opportunity for the council to consider these issues when determining a prior approval application. Railway arches have one principal elevation, with limited ability for the dwelling to receive an appropriate level of daylight and sunlight. Principal habitable rooms created inside the arch, such as bedrooms, may be windowless and receive no natural light, and the only windows that could be created on the principal elevation are potentially restricted by privacy issues. The lack of natural light in a dwelling could have implications for public health.
26. There will also be limited ability for new dwellings to provide any outside amenity space. Railway arches do not traditionally encompass any curtilage and land outside the railway arches would not lend itself to provide gardens or external amenity space. For these reasons it is also unlikely any external car or cycle parking or bin storage would be able to be accommodated adjacent to dwellings in railway arches. Many arches are located within goods or storage yards, distribution centres, adjacent to highway land or on land to the rear of existing development. There are a number of access and safety concerns for future occupiers of dwellings created within the arches. In many cases vehicular access to the arches is difficult, which has a negative impact for access for emergency vehicles. The arches are often located to the rear of existing development which results in an urban environment that faces away from the arches. As a result many routes to the arches are unlit, poorly integrated with existing urban development and may result in concerns of the safety of new residents.
27. Railway arches are also often located to the rear of existing residential properties, and are overlooked by gardens and back windows. There would therefore be further amenity considerations with regard to overlooking, privacy and security for both existing residents and future occupiers of railway arches.
28. The conversion of railway arches for use as residential dwellings would need a bespoke ventilation system to accommodate for the lack of windows and fresh air to the property. The prior approval process does not require assessment of the air quality impacts for new residents in relation to Classes M, O and PA (the conversion of retail, offices and light industrial). In order to safeguard future residents from poor ventilation, the council should ensure such bespoke systems are fully assessed and

a planning condition requiring their use would be essential. This is not possible to achieve through the prior approval process for permitted development.

29. One of the major concerns for residential amenity arising from permitted development rights in railway arches is the impact of noise from passing trains on occupiers of potential dwellings beneath the lines. In many areas in Southwark, multiple lines pass over the arches, particularly on the north-south routes to London Bridge station. Therefore occupiers would be subject to regular train movements overhead, posing potential significant noise and vibration issues. Trains to and from London Bridge and the surrounding routes also carry trains operating throughout the daytime, late at night and early in the morning.
30. A noise report for development within railway arches indicates that train passes would almost double the highest recommended target internal noise level for passing trains. This level is reported to still be audible but at a level that has not been found to cause disturbance to most people. However this target level is significantly higher than the guideline internal noise level for dwellings (between 30dBA at night and 35-40dBA in the daytime). Vibrations were also found to occur in all parts of the archway, most significantly occurring towards the highest part of the arch. Whilst there does exist methods of insulation and construction techniques which could reduce noise and vibration to a safer level, it is considered this would need to be of a significant quality and will be unlikely to reduce noise to guideline internal noise levels for the average dwelling. It is vital that the council assess noise mitigation techniques for proposed residential conversions in railway arches in order to determine whether it would be safe for future occupiers. It is considered a full planning application would be required to assess and provide conditions for noise mitigation in all cases of conversion.

Implications for use

31. As many railway arches are located within informal industrial areas, distribution centres or yards, it is considered there would frequently be an issue of compatibility with adjoining uses. Parts of the arches to the north of Old Kent Road/Bermondsey are located within a Preferred Industrial Location (PIL) and in operation for industrial uses. The introduction of residential dwellings within working yards or industrial areas would have implications for compatibility in relation to heavy traffic movements, noise from adjoining uses, odours, pollutants and dust which are not suitable neighbouring activities for residential development. There would also be safety concerns for accessing dwellings within railway arches situated within working yards. While Schedule 2, Part 3, Class P and Class PA require assessment as to whether the introduction of residential uses would have an adverse impact on important industrial areas to deliver services, the incompatibility of uses within railway arch locations in Southwark would be a consistent concern justifying the need for individual planning applications for converting railway arches.
32. The conversion of railway arches to dwellings could also pose a domestic fire risk. This would be a significant risk to the rail network above which could result in damage to railway infrastructure, unprecedented train delays and potential risk to railway staff and passengers.

Areas affected

33. The NPPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. For the reasons outlined above it is considered necessary to remove all permitted development rights relating to conversion to residential in Southwark's railway arches. Within the Central Activity Zone (CAZ), there are already exemptions relating to Schedule 2, Part 3, Class O (conversion of offices to residential) which would also apply to railway arches. However this exemption will not be extended after 2019 and the council will need to implement a further Article 4 Direction to continue to restrict the conversion of offices to dwellings. It is therefore not considered that railway arches in the CAZ should be excluded from the proposed Article 4 Direction relating to Class O development.

Conclusions

34. An Article 4 Direction can be made if the council is satisfied that it is expedient that development should not be carried out unless planning permission is granted on application and that in the case of immediate directions, development presents an immediate threat to local amenity or prejudices the proper planning of an area. The council is aware of recent interest in converting arches to residential dwellings and immediate Article 4 Directions are considered appropriate.
35. The use of an Article 4 Direction would not restrict development altogether, but instead ensure that development requires planning permission. It is recognised that converting railway arches is an efficient use of space and is a creative way to accommodate small businesses, shops and community facilities which can add character to an area. However there are a number of concerns relating to the suitability of railway arches for residential use, which should be subject to a full planning application and assessment by the local authority. The specific nature, purpose and location of railway arches differs from conventional office, retail and light industrial units which would not lend itself to conversion to residential dwellings without unique circumstances and innovative design.
36. The council is satisfied that permitted development rights granted by Schedule 2, Part 3, Classes M, O, P and PA would present a significant risk to the provision of good quality residential accommodation in relation to dwellings within railway arches and would be incompatible with surrounding uses and consequently prejudice the proper planning of the borough. This presents an immediate threat to the residential amenity of future occupiers and the compatibility of uses in railway arch locations.

Consultation

37. Consultation on the Article 4 Directions will comply with provisions set out in the GPDO. Notice of the Directions will be made by:
- Local advertisement in the press.
 - Site notices placed in visible locations along the stretches of railway arches shown in the accompanying maps for a period of at least 6 weeks.
 - Written notification sent to every owner/occupier of railway arches, specifying a period of at least 21 days in which representations can be made.

38. Following consultation and within 6 months, a report recommending whether the Direction should be confirmed will be reported back to Planning Committee.

Community impact statement

39. Southwark Council is striving to deliver quality homes of every kind to meet the needs of a diverse range of households and families within the borough. The council is working hard to deliver new housing with a strong commitment to the delivery of new affordable homes. The demand for housing in Southwark and across London is extremely high, and it is vital that a strong policy framework ensures new housing maintains a high quality of design of residential accommodation and protects the amenity of residents. The Article 4 Directions seek to protect the conversion of potentially unsuitable railway arches for residential occupation and is part of a longer term strategy to provide good quality residential accommodation in the borough.
40. The equalities analysis (Appendix C) has concluded that the Article 4 Directions will have a positive impact on equalities and they will assist the council in implementing its planning policy framework, which has also undergone equalities analysis.

Financial implications

41. As is noted above, should the local authority refuse planning permission for development that otherwise would have been granted by Schedule 2, Part 3, Classes M, O and P, the council's potential liability for compensation is limited to one year from the date the Direction is introduced. Any compensation may relate either to a depreciation in the value of land or buildings which results from failure to gain planning permission or to abortive expenditure. Therefore there is a risk that the proposed Directions will make the council liable to compensation claims. Because circumstances vary widely, it is not possible to gauge the magnitude of such claims. Any claim for compensation will be dealt with through the council's official complaints procedure and it is anticipated that any award would be contained within the Planning division's budget. Should this not be possible support from council reserves would be sought.
42. Any potential drawdown from council reserves for the payment of compensation claims will be subject to agreement by the relevant cabinet member, or full cabinet in the case of claims over £50,000.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

43. Planning Committee is being asked to approve the making of three immediate Article 4 Directions and one non-immediate Article 4 Direction both of which relate to "prescribed development" as defined by regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended) .
44. Part 3F of the council's constitution entitled "Matters reserved for decision by the Planning Committee" at paragraph 3 reserves to Planning Committee any authorisations under Article 4 of the Town and Country Planning Permitted Development Order. This, therefore, confirms that Planning Committee has authority to take the decisions being asked of it.

45. In regard to compensation matters, section 108 of the Town and Country Planning Act 1990 (as amended) specifies the circumstances under which compensation is payable for the refusal or a conditional grant of planning permission which was formerly granted by a development order or a local development order.
46. Section 107 of the 1990 Act which sets out the entitlement to compensation where planning permission has been revoked and modified is of relevance here as section 108 of the 1990 Act extends the entitlement for compensation under s107 to circumstances where planning permission granted by a development order has been withdrawn by an Article 4 Direction.
47. However, section 108 has been recently amended to deal with those circumstances where permission granted under a development order has been withdrawn for development of a 'prescribed description' which is defined in regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended). The effect of these new provisions is to limit the circumstances where compensation is payable for "prescribed description" development. In cases where notice of the withdrawal of the permitted development rights was published at least 12 months before the direction took effect NO compensation will be payable, even if the claim was made within 12 months of the direction coming into effect.
48. Therefore, in regard to the non-immediate Article 4 Direction relating to the withdrawal of permitted development right under Schedule 2 Part 3 Class PA, compensation would not be payable because the council is giving advance notice of between 12 months and 24 months of the withdrawal ahead of the Article 4 Direction taking effect.
49. However, in regard to the immediate Article 4 Directions withdrawing rights granted under Schedule 2 Part 3 Class M, Class O and Class P as they fall within the definition of a 'prescribed description' development and because they are immediate directions (the council is not giving more than 12 months notice of the making of the direction) then the council will need to pay compensation for claims made within 12 months of the date of the direction.
50. The value of the claim for compensation would differ in each individual case but in the event that claims are between £5,000 and £50,000 then they would be sanctioned by the relevant cabinet member under Part 3D paragraph 5 of the Constitution. Any compensation claims over that amount would require the approval of full Cabinet.

Human rights and equalities

51. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering these Article 4 Directions, including under Article 1 of the First Protocol (Protection of property) and Article 8 (Right to respect for a private and family life). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the council's powers and duties as a local planning authority. Any interference with a Convention Right must be necessary and proportionate.

52. The council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of those affected by the proposed Article 4 Directions have been considered under the Human Rights Act 1998 and it has been determined that none of the Articles will be triggered.
53. In consulting upon the introduction of the Article 4 Directions the council has had regard to its public sector equality duty (PSED) under s.149 of the Equality Act 2010.
54. The PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The council also took into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.
55. The council has given consideration to all the protected characteristics in the Equality Act 2010 to ensure that any potential impacts of the proposed immediate Article 4 Directions and the non-immediate Direction on these groups of people have been considered and where possible mitigated (Appendix C).

Strategic Director of Finance and Governance

56. This report is requesting planning committee to approve three immediate Article 4 Directions (Appendix A) and one non-immediate Article 4 directions to withdraw the permitted development rights as part of the regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended), as detailed in the recommendations. Full details and background are contained within the main body of the report.
57. The strategic director of finance and governance notes the legal comment that while no compensation would be payable to the non immediate Article 4 directions to withdraw permitted development rights, there is a risk of compensation claims on the immediate removal of Article 4 directions.
58. It is noted that it is not possible to gauge the magnitude of such claims and any claim for compensation will be dealt through the council's official complaints procedure and sanctioned by the relevant cabinet member under the council's constitution as reflected in the report. It is also noted that any agreed claims for compensation would be contained within the existing departmental revenue budgets where possible before funding from councils reserves are requested.
59. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Saved Southwark Plan 2007	http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan	planningpolicy@southwark.gov.uk
The Core Strategy 2011	http://www.southwark.gov.uk/info/200210/core_strategy	planningpolicy@southwark.gov.uk
Residential Standards SPD 2015	http://www.southwark.gov.uk/downloads/download/2257/residential_design_standards_spd	planningpolicy@southwark.gov.uk
General Permitted Development Order 2015	http://www.legislation.gov.uk/uk/si/2015/596/pdfs/uksi_20150596_en.pdf	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Draft Article 4 Directions to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class M, Class O, Class P and Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Maps of railway arches subject to proposed Article 4 Direction
Appendix C	Equalities analysis

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Laura Hills, Senior Planning Policy Officer	
Version	Final	
Dated	12 May 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team		12 May 2016

Article 4 Directions: Railway arches

No.	Title
Appendix A	Draft Article 4 Directions to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class M, Class O, Class P and Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Railway arches to be subject to proposed Article 4 Direction
Appendix C	Equalities analysis (available on the council's website)

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 2015 (AS AMENDED)**

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES

WHEREAS the London Borough of Southwark being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged/coloured red on the attached plans, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE

Development consisting of—

- (a) a change of use of a building from—
 - (i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
 - (ii) a use as a betting office, pay day loan shop or launderette, or
 - (iii) a mixed use combining use as a dwellinghouse with—
 - (aa) a use as a betting office, pay day loan shop or launderette, or
 - (bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise),

to a use falling within Class C3 (dwellinghouses) of that Schedule, and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 4(4), shall remain in force until [] November 2016 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with article 2(6) of Schedule 3 of the said Order before the end of the six month period.

1. Made under the Common Seal of the London Borough of Southwark this [] day of May 2016

The Common Seal of the Mayor and Burgesses of the London Borough of Southwark was hereto affixed in the presence of

.....
Authorised Signatory

2. Confirmed under the Common Seal of the London Borough of Southwark thisday of.....20.....

The Common Seal of the Mayor and Burgesses of the London Borough of Southwark was hereto affixed in the presence of

.....
Authorised Signatory

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 2015 (AS AMENDED)**

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES

WHEREAS the London Borough of Southwark being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged/coloured red on the attached plans, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 4(4), shall remain in force until [] November 2016 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with article 2(6) of Schedule 3 of the said Order before the end of the six month period.

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**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 2015 (AS AMENDED)**

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES

WHEREAS the London Borough of Southwark being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged/coloured red on the attached plans, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 4(4), shall remain in force until [] November 2016 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with article 2(6) of Schedule 3 of the said Order before the end of the six month period.

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TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED)

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES

WHEREAS the London Borough of Southwark being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged/coloured red on the attached plans, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 5, shall come into force on 1 October 2017.

1. Made under the Common Seal of the London Borough of Southwark this [] day of May 2016

The Common Seal of the Mayor and Burgesses of the London Borough of Southwark was hereto affixed in the presence of

.....
Authorised Signatory

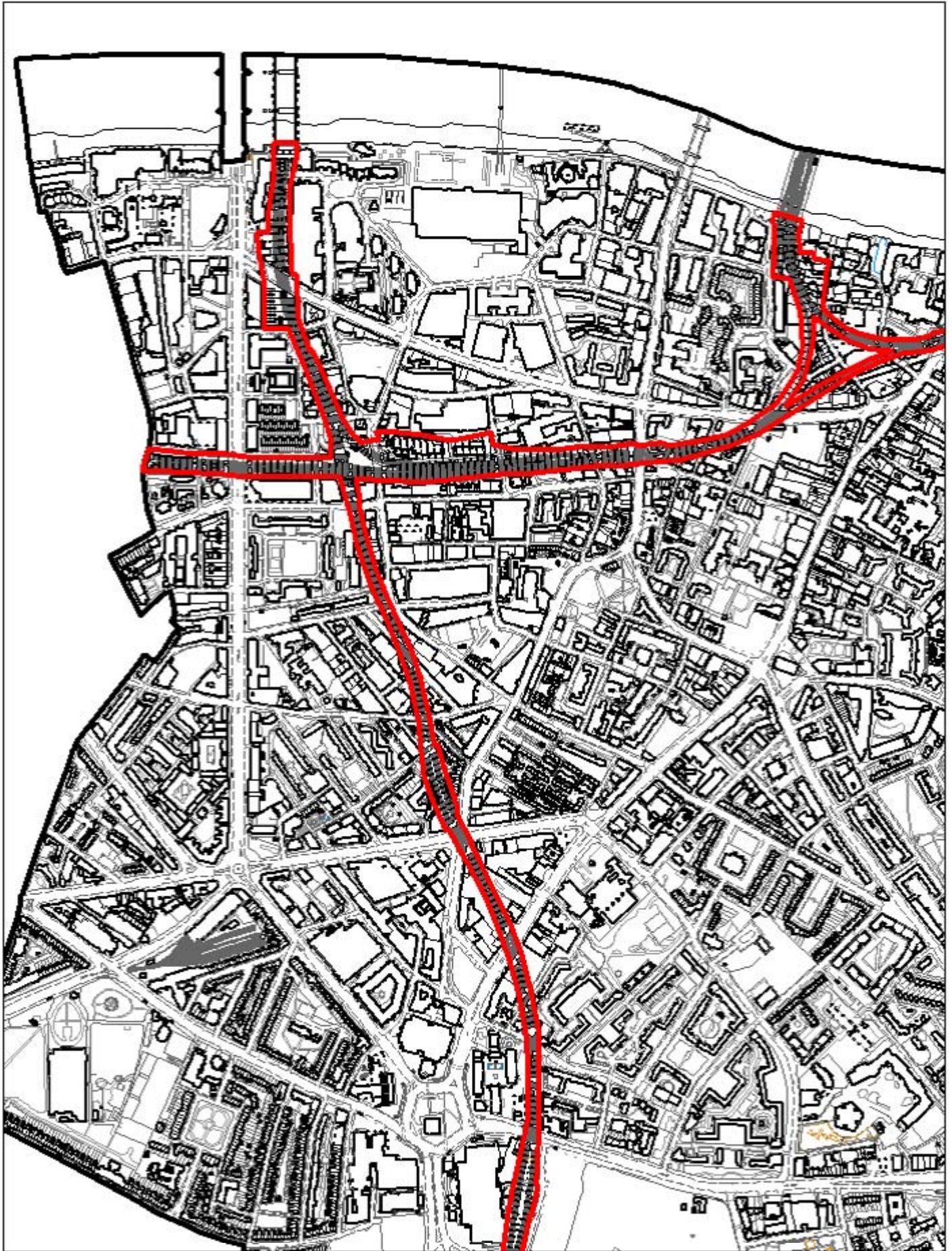
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The Common Seal of the Mayor and Burgesses of the London Borough of Southwark was hereto affixed in the presence of

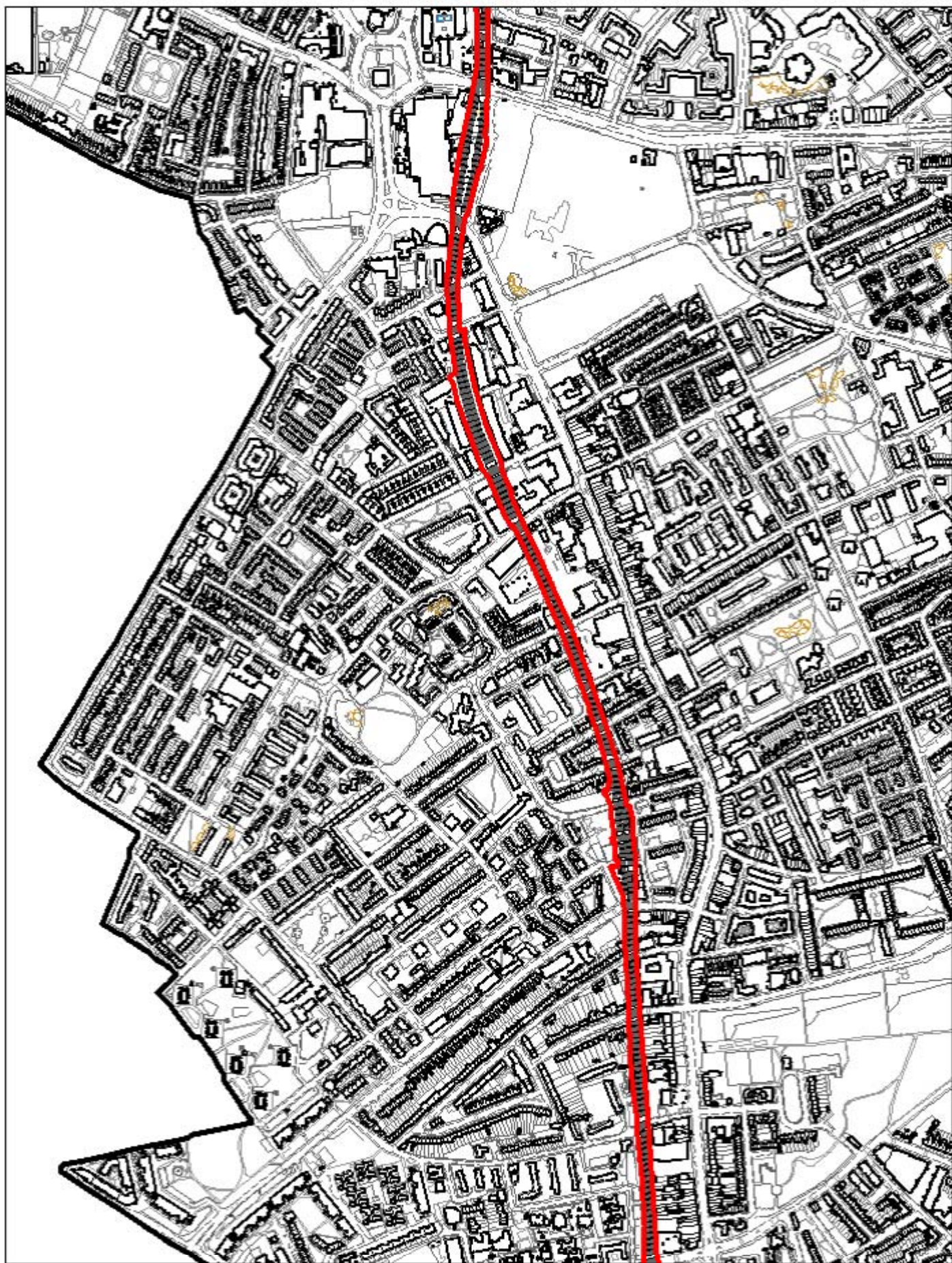
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Authorised Signatory

Article 4 Directions: Railway arches

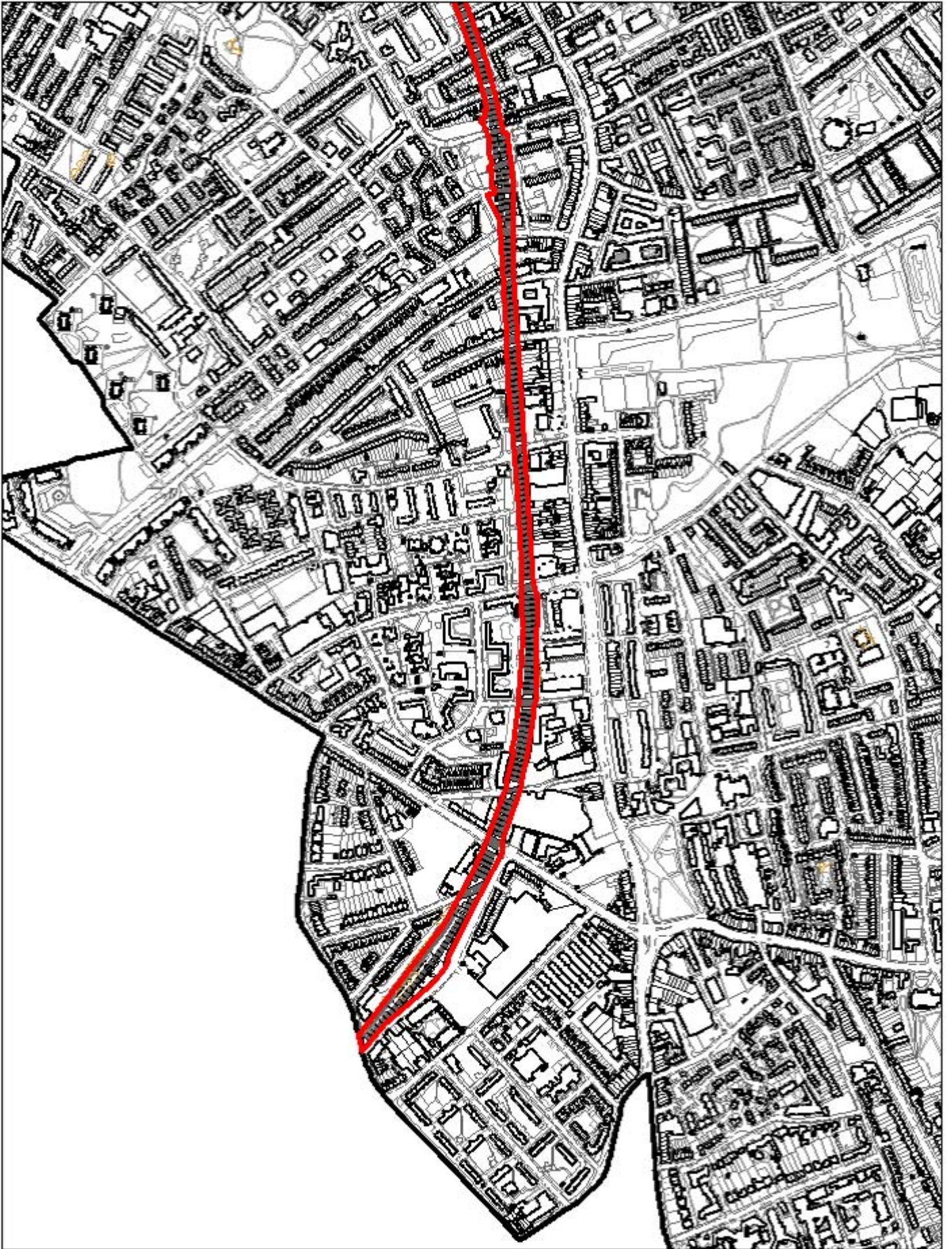
No.	Title
Appendix A	Draft Article 4 Directions to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class M, Class O, Class P and Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Railway arches to be subject to proposed Article 4 Direction
Appendix C	Equalities analysis (available on the council's website)



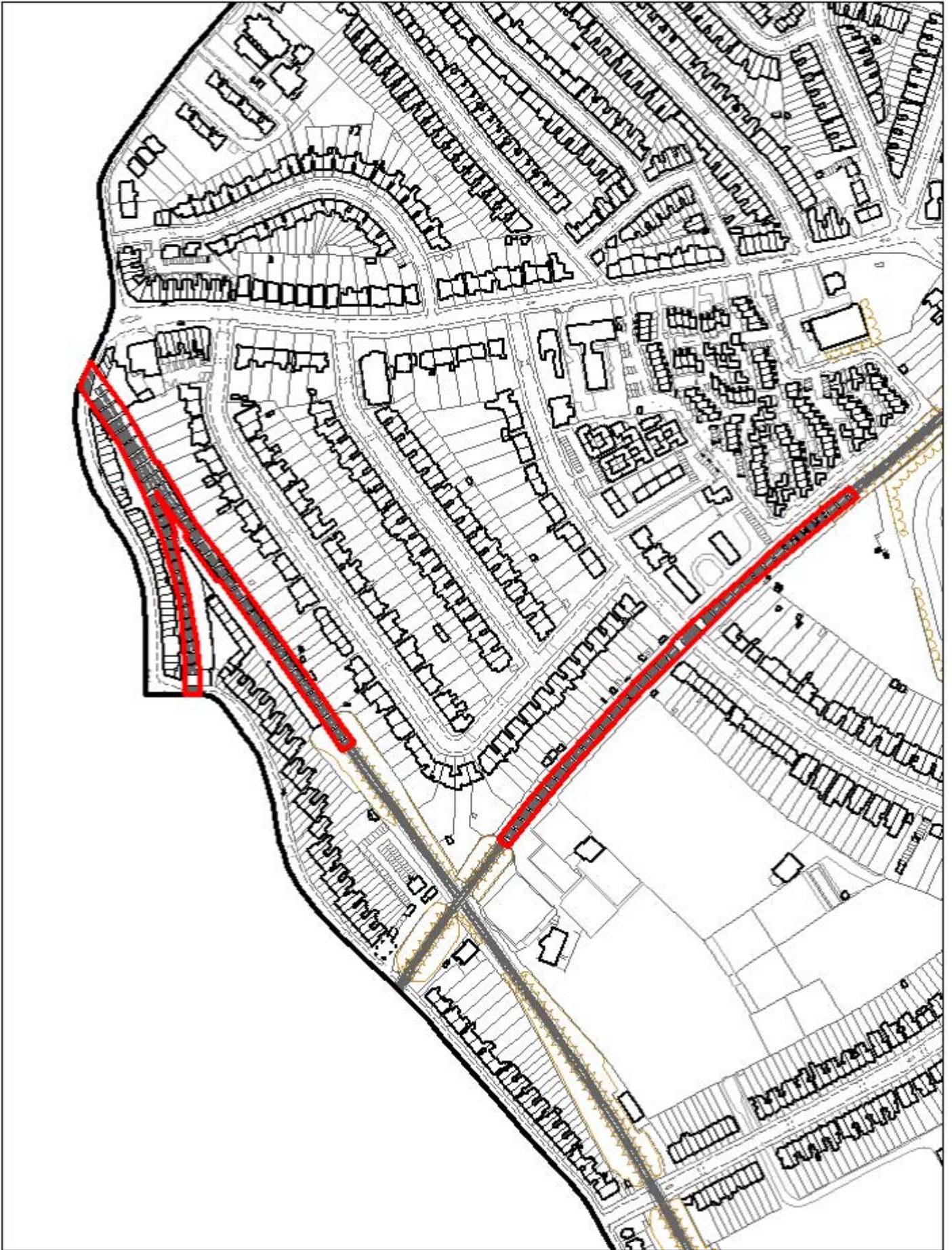
North-west Southwark railway arches



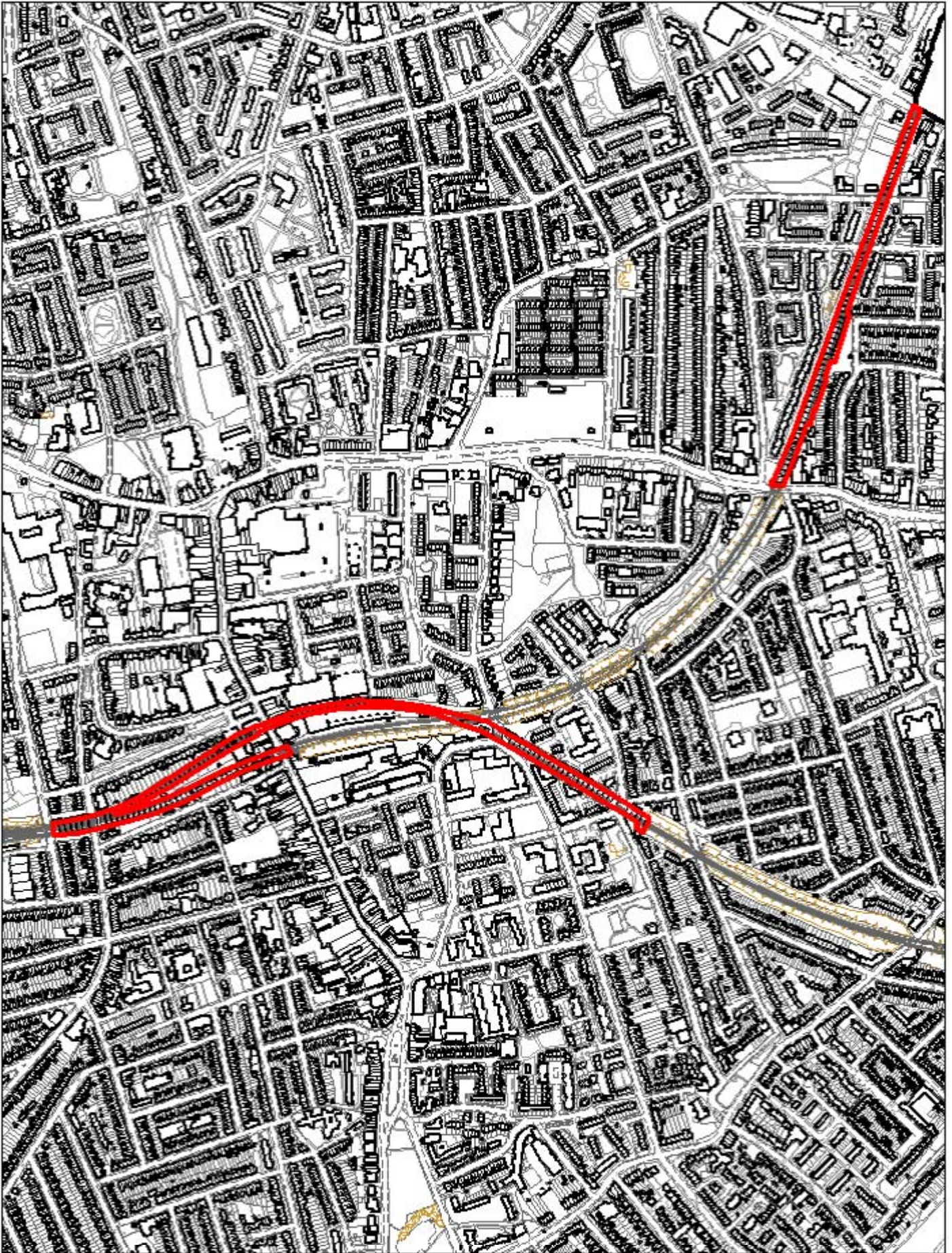
West Southwark/Walworth Road railway arches



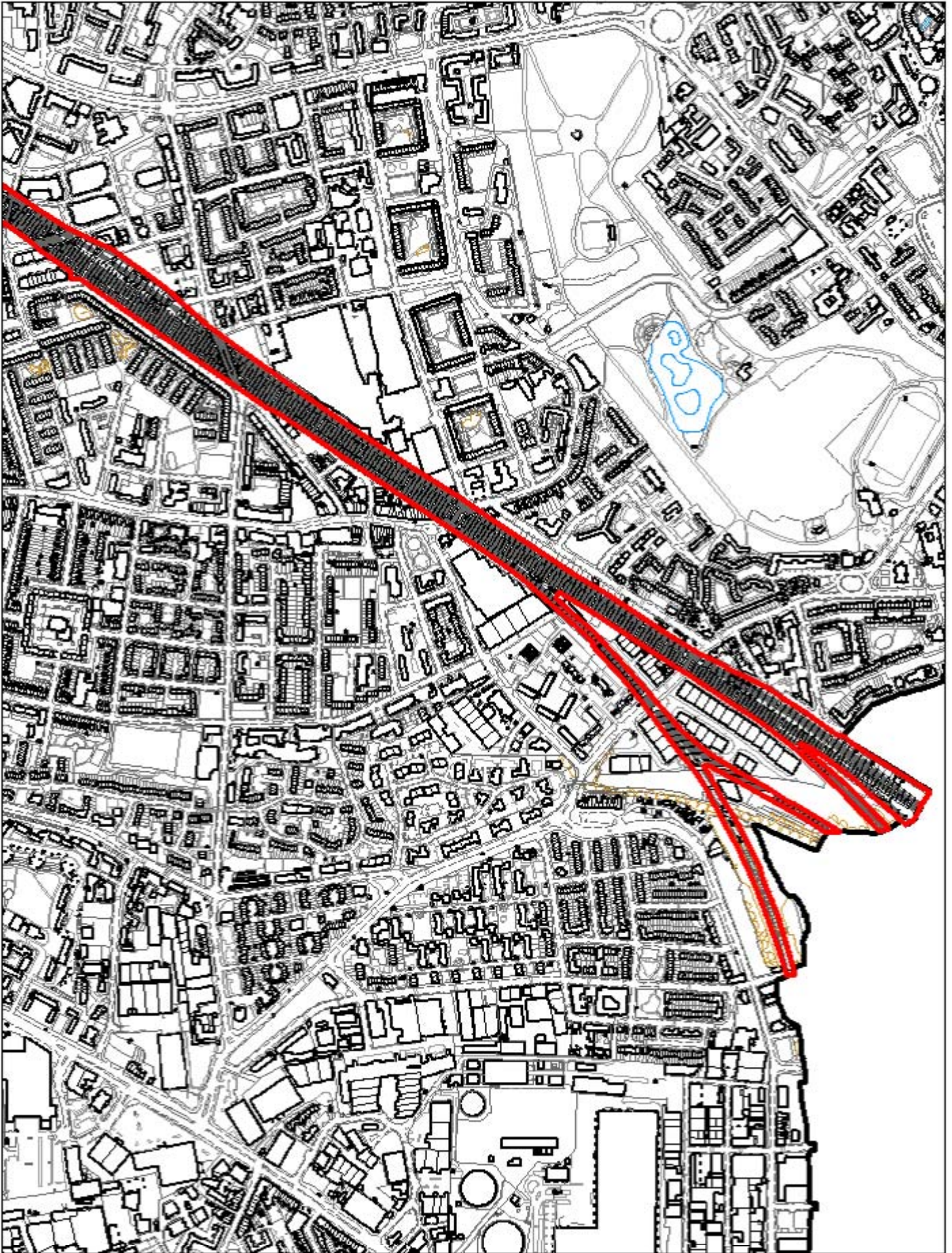
West Southwark/Camberwell railway arches



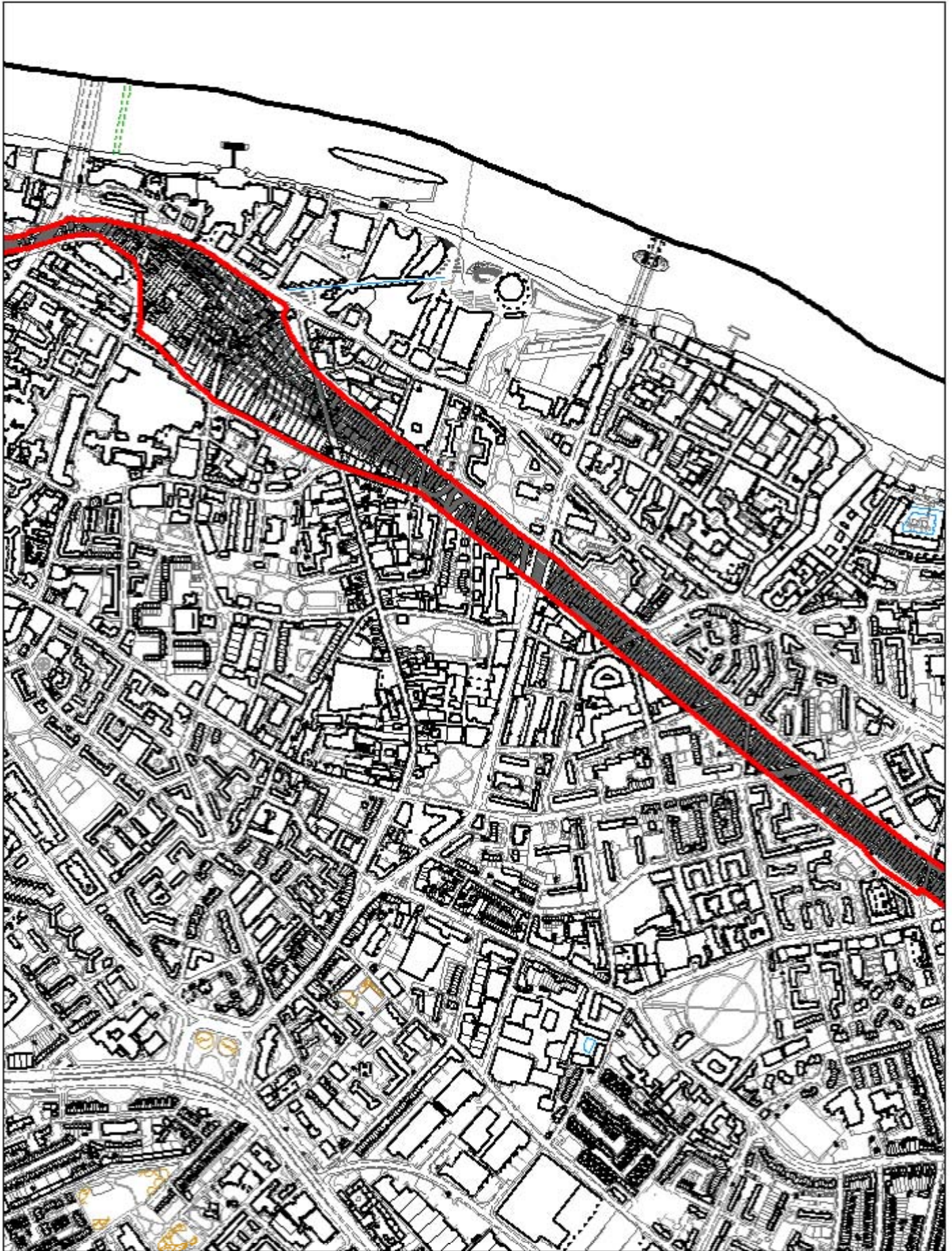
Herne Hill railway arches



Peckham railway arches



South-east Bermondsey railway arches



London Bridge/Bermondsey railway arches

Article 4 Directions: Railway arches

No.	Title
Appendix A	Draft Article 4 Directions to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class M, Class O, Class P and Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
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Initial Equalities Analysis Stage 1

April 2016

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	Article 4 Directions to withdraw the permitted development rights granted by Schedule 2, Part 3, Class M, Class O, Class P and Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
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Equality analysis author	Laura Hills				
Strategic Director:	Simon Bevan				
Department	Chief Executive	Division	Planning Policy		
Period analysis undertaken	April 2016				
Date of review (if applicable)	Tbc. A review could take place at the time when the Article 4 Direction is confirmed.				
Sign-off	Tim Cutts	Position	Planning Policy Team Leader	Date	April 2016

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

This equalities analysis report supports the report to Planning Committee on 17 May 2016 which requests consultation on the introduction of three immediate Article 4 Directions to remove permitted development rights granted by Schedule 2, Part 3, Class M, Class O and Class P and one non-immediate Article 4 Direction relating to Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in railway arches in Southwark.

Schedule 2, Part 3, Class M, Class O, Class P and Class PA of the Order allows a change of use from shops (Class A1), financial and professional services (Class A2), betting offices, pay day loan shops or launderettes (Sui Generis use), offices (Class B1a), light industrial (Class B1c) or storage and distribution (Class B8) to a dwellinghouse (Class C3) without the need to apply for planning permission.

The ability for local authorities to ensure high quality residential accommodation is provided in the borough is somewhat constrained by the Town and Country Planning General Permitted Development Order (GPDO) 2015 (as amended) in specific relation to railway arches.

The GPDO 2015 (as amended) consolidated permitted development rights for England and introduced new provisions. A number of these provisions include changes of use to dwellinghouses without the need for a full planning application. Some railway arches in use as offices, storage or distribution units, retail units or betting shops would therefore be permitted to change to residential units under these provisions. There are a number of concerns with regard to creating residential units in railway arches which should be subject to a robust analysis in determining whether such a use would be acceptable. Converting railway arches to dwellings could result in negative impacts on residential amenity through restricted access to outdoor space, restricted access to natural light and fresh air, exposure to excessive noise and vibration from the railway, safety concerns and incompatibility with surrounding uses. It is therefore considered appropriate to implement Article 4 Directions to remove certain permitted development rights which relate to changes of use of railway arches.

An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It would not restrict development altogether, but instead ensure that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in accordance with the development plan.

Article 4 Directions can either be immediate or non-immediate depending upon whether notice is given of the date on which they come into force. In the case of this report, the council is proposing to make one non-immediate and three immediate Article 4 Directions to withdraw the permitted development rights for the changes of use listed above in railway arches throughout the borough.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. This can include residents, landowners, developers, local businesses and their employees, community organisations, statutory consultees and interest groups.
Key stakeholders were/are involved in this policy/decision/business plan	<p>The key stakeholders involved in this proposal include: Cabinet Member for Regeneration and New Homes, Southwark Councillors, Overview and Scrutiny Committee, Development Management and Planning Policy officers, Property division, Southwark Health and Well-being Working Group.</p> <p>The Development Management team will be responsible for monitoring the Article 4 Directions and to determine any subsequent planning applications submitted for change of use.</p> <p>The Planning Policy team have received corporate equalities training and Equalities Analysis report writing training. A number of the service deliverers within the Council will also have received corporate equalities training.</p>

Section 4: Pre-implementation equality analysis

This section considers the potential impact (positive and negative) of the proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights Act. The Planning Committee report sets out detail on the local data and other equality information on which the analysis is based and mitigating actions to be taken.

The making of the Article 4 Directions does not have a direct impact on any groups with protected characteristics. Decisions on planning applications made as a result of the direction may have a potential impact on certain protected characteristics.

It is considered however that the effect of the direction will promote good relations between people who do not share the protected characteristic and those who do, in that it is likely to result in a more balanced and mixed community.

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Potential impacts (positive and negative) of proposed policy/decision/business plan

The implementation of the Article 4 Directions and the requirement for planning permission is to help secure good quality residential accommodation and provide adequate protection against changes of use within railway arches which could have a negative impact on the safety, wellbeing and health of future occupiers.

The potential conversion of railway arches to dwellings presently permitted by the GPDO would have a detrimental effect on future residents through the potential to create poorly lit, poorly ventilated and poorly insulated dwellings within railway arches. The surrounding land is often incompatible with residential development, resulting in amenity concerns (safety, security, noise, odour, dust and heavy vehicular movements).

Protecting railway arches from conversion to residential use would have a positive impact on all age groups as it would prevent poor quality accommodation becoming available. It is important that all groups have access to a safe, warm and dry home, whether in private ownership, rented accommodation or social housing. Exposure to noise, poor ventilation and lack of natural light could have health implications that could be more pertinent in certain age groups, for example elderly people or infants.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all age groups in society. Overall there will be a positive impact on for all age groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Direction will largely give rise to positive impacts.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

The potential change of use of railway arches to dwellings could have a negative impact on people with disabilities. Dwellings within railway arches may not always be easily accessible for vehicles or provide safe access for wheelchairs, and people with limited mobility could be affected by this. The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that ensures there is good accessibility for people with disabilities and is considered to have a positive impact.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based.

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.**

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Possible impacts (positive and negative) of proposed policy/decision/business plan

The potential change of use of railway arches to dwellings could have a negative impact on pregnant women. Dwellings within railway arches may not always be easily accessible for vehicles, including emergency vehicles, and pregnant women could be affected by this. Potential neighbouring uses which emit pollutants or dust, and poor ventilation in dwellings could also impact upon the health of pregnant women and new born babies. The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that is suitable for all groups in society and is considered to have a positive impact.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Sex - A man or a woman.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

<p>Human Rights</p> <p>There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol</p>
<p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of those affected by the proposed Article 4 Directions have been considered under the Human Rights Act 1998 and it has been determined that none of the Articles will be triggered.</p>
<p>Information on which above analysis is based</p>
<p>Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the Article 4 Directions, including under Articles 1 and 8 of the First Protocol. The European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Any interference with a Convention Right must be necessary and proportionate.</p>
<p>Mitigating actions to be taken</p>
<p>N/A</p>

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
Number	Description of Issue	Action	Timeframe
1	The initial decision would be to support the Article 4 Directions, to be followed by formal consultation. Any new issues would be	Tbc	Tbc

assessed as part of that consultation and reported when the local authority decides whether to confirm the direction. Guidance suggests that the need and effectiveness for Article 4 Directions should be monitored at regular intervals. This would be subject to committee approval but would suggest a yearly review is appropriate. This does not need to be reflected in any recommendations at this stage.
