

Planning Sub-Committee A

Monday 28 November 2016

7.00 pm

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

Membership

Councillor Leo Pollak (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Radha Burgess
Councillor James Coldwell
Councillor Helen Dennis
Councillor Nick Dolezal
Councillor David Noakes

Reserves

Councillor Tom Flynn
Councillor Lucas Green
Councillor David Hubber
Councillor Sarah King
Councillor Kieron Williams

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

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

Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 18 November 2016



Planning Sub-Committee A

Monday 28 November 2016
7.00 pm

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

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 4
	To approve as a correct record the minutes of the meeting held on 4 October 2016.	
7.	DEVELOPMENT MANAGEMENT ITEMS	5 - 9
	7.1. 190 RYE LANE, LONDON SE15 4NF	10 - 34

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7.2.	CABRINI HOUSE, 2 HONOR OAK RISE, LONDON SE23	35 - 48
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Date: 18 November 2016

EXCLUSION OF PRESS AND PUBLIC

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

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

Planning Sub-Committee

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

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. The role of members 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**.

- | |
|---|
| <ol style="list-style-type: none">(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.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. 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 Sub-Committee Clerk, Constitutional Team
Finance and Governance
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 4 October 2016 at 7.00pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Leo Pollak (Chair)
 Councillor Ben Johnson (Vice-Chair)
 Councillor Radha Burgess
 Councillor Helen Dennis
 Councillor Nick Dolezal
 Councillor Tom Flynn (Reserve)
 Councillor David Noakes

OTHER MEMBERS PRESENT: Councillor Catherine Rose

OFFICER SUPPORT: Dennis Sangweme (Development Management)
 Margaret Foley (Legal Officer)
 Alexander Cameron (Development Management)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were apologies for absence from Councillor James Coldwell, which was due to him attending another council meeting. Councillor Tom Flynn attended as a reserve on behalf of Councillor James Coldwell.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to all items
- The members' pack.

6. MINUTES

RESOLVED:

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

7. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

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

7.1 463A LORDSHIP LANE, LONDON SE22 8JS

Planning application reference number: 16/AP/1554

Report: see pages 12 to 24 of the agenda pack and pages 1 to 3 of the addendum report.

PROPOSAL

Conversion of dwellinghouse into three flats (1x one bedroom flat and 2x two bedroom flats) facilitated by erection of ground floor extension, hip to gable roof extension and rear dormer extension.

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

Representatives of the objectors addressed the meeting. Members asked questions of the objectors' representatives.

The applicant addressed the meeting. Members asked questions of the applicant.

There were no supporters of the application living within 100 metres who wished to speak.

Councillor Catherine Rose addressed the sub-committee in her capacity as a ward councillor. Members asked no questions of Councillor Rose.

Members debated the application and asked further questions of officers.

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

RESOLVED:

That planning permission for application number 16/AP/1554 be granted, subject to the conditions set out in the report and addendum report, including:

- the informative referred to in the addendum report
- an amended condition 3 to include a stipulation for details of internal boundaries and soft landscaping to be submitted to the local planning authority.

7.2 SOUTHWARK PARK SPORTS CENTRE, HAWKSTONE ROAD, LONDON SE16 2PE

Planning application reference number: 15/AP/5049

Report: see pages 25 to 41 of the agenda pack and page 3 of the addendum report.

PROPOSAL

Refurbishment of the existing athletics centre pavilion building including new landscaping.

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

There were no objectors wishing to address the meeting.

The applicant addressed the meeting. Members asked questions of the applicant.

There were no supporters of the application living within 100 metres, or ward councillors, who wished to speak.

Members debated the application and asked further questions of officers.

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

RESOLVED:

That planning permission for application 15/AP/5049 be granted, subject to the conditions set out in the report and addendum report.

Meeting ended at 8.30 pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 28 November 2016	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

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

BACKGROUND INFORMATION

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

KEY ISSUES FOR CONSIDERATION

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

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

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

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

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

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

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

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidi Agada, Constitutional Manager (acting)	
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	16 November 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	16 November 2016	

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Monday 28 November 2016

Appl. Type Full Planning Permission
Site 190 RYE LANE, LONDON SE15 4NF

Reg. No. 15-AP-4857
TP No. TP/2732-190
Ward The Lane
Officer Sonia Watson

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT
Proposal

Item 7.1

Retention of the facade of 190 Rye Lane, demolition of all other buildings and structures and redevelopment to form 22 new dwellings in total; and 691.4 sq m (GEA) restaurant unit (A3); new landscaped open space; surface vehicle and cycle parking; access and associated and ancillary development.

Appl. Type Full Planning Permission
Site CABRINI HOUSE, 2 HONOR OAK RISE, LONDON SE23

Reg. No. 16-AP-2259
TP No. TP/2341-G
Ward Peckham Rye
Officer Andre Verster

Recommendation GRANT PERMISSION
Proposal

Item 7.2

Conversion of existing vacant basement storage area to 3 residential units involving the creation of new lightwells.

Appl. Type Full Planning Permission
Site 75 SOUTHWARK PARK ROAD, LONDON SE16 3TY

Reg. No. 16-AP-1758
TP No. TP/115-75
Ward Grange
Officer Ciaran Regan

Recommendation GRANT PERMISSION
Proposal

Item 7.3

Change of use of commercial premises from a shop (Class A1) to a hot-food take-away (Class A5) and the erection of an extractor duct to the rear elevation.

Appl. Type Council's Own Development - Reg. 3
Site SOUTH-WEST OF BURGESS PARK, ALBANY ROAD, SE5

Reg. No. 16-AP-3165
TP No. TP/M2022
Ward Faraday
Officer Oliver Stutter

Recommendation GRANT PERMISSION
Proposal

Item 7.4

Re-landscaping the South-West region of Burgess Park including a new play area, new access pathways, new lighting fixtures, new surfaces, trees, shrubs, meadow and to include new park furniture.

Ordnance Survey

Date 15/11/2016



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Item No. 7.1	Classification: Open	Date: 28 November 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 15/AP/4857 for: Full Planning Permission Address: 190 RYE LANE, LONDON SE15 4NF Proposal: Retention of the facade of 190 Rye Lane, demolition of all other buildings and structures and redevelopment to form 22 new dwellings in total; and 691.4 sq m (GEA) restaurant unit (A3); new landscaped open space; surface vehicle and cycle parking; access and associated and ancillary development.		
Ward(s) or groups affected:	The Lane		
From:	Director of Planning		
Application Start Date 21/12/2015		Application Expiry Date 21/03/2016	
Earliest Decision Date 07/02/2016			

RECOMMENDATIONS

1. Grant planning permission, subject to a S106 agreement.
2. That in the event that the legal agreement is not completed by 31 January 2017, the Director of Planning be authorised to refuse planning permission for the reason detailed in paragraph 71.

BACKGROUND INFORMATION

Site location and description

3. The site fronts onto Rye Lane and comprises a three-storey building with retail premises at ground floor and two flats above. The building is linked to a single storey structure comprising offices with associated hardstanding and two storage sheds to the west of the site, which are accessed directly from Rye Lane via an arched over access driveway.
4. The site is bounded by a mix of commercial and residential properties on the west side of Rye Lane with residential properties to Sternall Lane.
5. The site is part of the Rye Lane Conservation Area, the site is also within the Peckham and Nunhead Action Area and the Peckham Core Action Area.

Details of proposal

6. The planning application seeks to retain the facade of the building at 190 Rye Lane with the demolition of all other buildings and structures to the rear providing 22 new dwellings within two separate blocks. It is proposed to provide a ground and basement restaurant (A3) onto Rye Lane.

7. Fronting onto Rye Lane would be a three-storey building with a mansard roof extension block providing 5 dwellings (Block A). A further 17 dwellings will be constructed within a part 3, part 4 storey L-shaped building to the rear of the site (Block B).
8. There would be a new basement proposed to be used in conjunction with part of the ground floor to provide a new restaurant Class A3 (6391.4 sq metres). No details are provided as to the end user but it would be capable of providing up to 210 covers.
9. Access to the Block A and the restaurant would be from Rye Lane with the entrance to the rear Block B via a gated undercroft.
10. All of the new dwellings would benefit from external amenity space and have access to communal gardens to the rear. The units within block A fronting onto Rye Lane would have winter gardens to give additional protection from the noise and pollution along Rye Lane.

Planning history

11.

<p>13/EQ/0260 Application type: Pre-Application Enquiry (ENQ) Development of the site to form between 17 and 27 residential apartments, new frontage building with commercial ground floor use with residential above, ancillary associated development including access, parking, servicing and landscaping Decision date 30/01/2015 Decision: Pre-application enquiry closed (EQC)</p>
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Planning history of adjoining sites

12. 160 - 162 Rye Lane 12/AP/3804 Planning permission granted 13 February 2013 for the demolition of existing building and redevelopment for a part three-storey and part four storey building to provide three residential units.
13. 191 Rye Lane 12/AP/1072 Planning permission granted 14 October 2013 for the demolition of the existing building and redevelopment for a part three-storey and part four storey building to provide three residential units.
14. 188 Rye Lane 16/AP/2679 Certificate of lawfulness (existing) refused 21 September 2016 for use of current premises as a drinking establishment/nightclub/pool area.

Reason for refusal:

The existing development is not considered to be lawful because it has not been demonstrated, on the balance of probability, that the premises has been in continuous use as a drinking establishment/nightclub/pool area (Sui Generis use class) continuously for the 10 years preceding the date of this application, as required by section 171B(3) of the Town and Country Planning Act 1990 (as amended) to be immune from planning enforcement action. The use of the property as a drinking establishment/nightclub/pool area (Sui Generis use class) is not therefore lawful under section 191 of the Town and Country Planning Act 1990 (as amended).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

Planning policy

16. National Planning Policy Framework (the Framework)(NPPF)
 Part 2 Vitality of town centres
 Part 4 Promoting sustainable transport
 Part 6 Delivering a wide choice of high quality homes
 Part 7 Requiring good design
 Part 11 Conserving and enhancing the natural environment in particular paras 118, 123, 121 and 124 (biodiversity, noise, contamination, air quality)
 Part 12 Conserving and enhancing the historic environment
 Para 173 – 177 – Ensuring viability and deliverability
 Para 203-206 Planning obligations and conditions
17. London Plan July 2015 consolidated with alterations since 2011
 Policy 2.5 Town centres
 Policy 3.1 Ensuring equal life chances for all
 Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.8 Housing choice
 Policy 3.9 Mixed and balanced communities
 Policy 3.10 Definition of affordable housing
 Policy 3.11 Affordable housing targets
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 Affordable housing thresholds
 Policy 4.3 Mixed use development and offices
 Policy 4.7 Retail and town centre development
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.15 Water use and supplies
 Policy 5.17 Waste capacity
 Policy 5.21 Contaminated land
 Policy 6.1 Strategic approach
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 8.2 Planning obligations

18. Core Strategy 2011

Strategic Targets Policy 1 - Achieving growth
 Strategic Targets Policy 2 - Improving places
 Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 Strategic Policy 3 - Shopping, leisure and entertainment
 Strategic Policy 5 - Providing new homes
 Strategic Policy 6 - Homes for people on different incomes
 Strategic Policy 7 - Family homes
 Strategic Policy 10 - Jobs and businesses
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards
 Strategic Policy 14 - Implementation

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

Policy 1.7: Development within town and local centres
 Policy 2.5: Planning obligations
 Policy 3.1: Environmental effects
 Policy 3.2: Protection of amenity
 Policy 3.3: Sustainability assessment
 Policy 3.4: Energy efficiency
 Policy 3.6: Air quality

- Policy 3.7: Waste reduction
- Policy 3.9: Water
- Policy 3.11: Efficient use of Land
- Policy 3.12: Quality in design
- Policy 3.13: Urban design
- Policy 3.14: Designing out Crime
- Policy 3.16: Conservation areas
- Policy 3.18: Setting of listed buildings, conservation areas and World Heritage Sites
- Policy 3.19: Archaeology
- Policy 3.28: Biodiversity
- Policy 4.1: Density
- Policy 4.2: Quality of residential accommodation
- Policy 4.3: Mix of dwellings
- Policy 4.4: Affordable housing
- Policy 4.5: Wheelchair affordable housing
- Policy 5.1: Locating developments
- Policy 5.2: Transport impacts
- Policy 5.3: Walking and cycling
- Policy 5.6: Car parking
- Policy 5.7: Parking standards for disabled people and the mobility impaired

Principle of development

20. The site lies within the Peckham Town Centre and the Peckham Core Action Area. A mixed use development at this location is therefore consistent with the vision of the area as set out in the core strategy and Peckham and Nunhead Action Area Plan.
21. Density
Core strategy policy 5 sets out that in the urban density zone densities should be within the range of 200-700 habitable rooms per hectare.
22. The overall density of the proposal taking account of the commercial floorspace would result in a density of approximately 492 habitable rooms per hectare (hrph). This is within the density range set out in the Core Strategy policy 5.
23. Dwelling Mix
The development would provide a mix of 45.5% one-bedroom units, 40.9% two-bedroom units and 13.6% three-bedroom. This would result in a 5.5 % over-provision of one-bedroom units contrary to SP Policy 7 of the Core Strategy. Two wheelchair units are provided which equate to 12% of the total number of habitable rooms.
- 10 x 1 bed
9 x 2 bed and
3 x 3 bed
24. The dwelling mix is not in strict compliance with Strategic Policy 7 and Saved Southwark Plan Policy 4.3. However the quality of accommodation being provided is considered to be generously proportioned with good levels of light and outlook and all of the units have their own private amenity space. The flat sizes and amenity spaces are detailed in the table below;

25.

Unit Type/ Tenure	Floorspace Sq. metres	National Standards floorspace Sq. metres	Amenity Space Sq. metres
Block A			
First Floor			

1bed (2P) (A)	51	50	5.8
1bed (2P) (A)	52	50	4.0
Second Floor			
1bed (2P) (A)	51	50	5.8
1bed (2P) (A)	52	50	4.0
Third Floor			
3 bed (5P) (A)	86	86	8.43
Block B			
Ground Floor			
2bed (3P) w/c (P)	79	61	30
2 bed (4P) (P)	75	70	20
3 bed (5P) wc (P)	97	86	16
First Floor			
1 bed (2P) (A)	50	50	5
1 bed (2P) (P)	51	50	6
2 bed (4P) (P)	72	70	7
2 bed (4P) (P)	75	70	8
2 bed (4P) (P)	71	70	8
Second Floor			
1 bed (2P) (P)	50	50	5
1 bed (2P) (P)	51	50	6
2 bed(4) (P)	72	70	7
2 bed (4) (P)	75	70	8
2 bed (4) (P)	71	70	8
Third Floor			
1 bed (2P) (P)	50	50	6
1bed (2P) (P)	50	50	6
2 bed (4P) (P)	79	70	44
3 bed (5P) (P)	87	87	17

26. Affordable Housing

Strategic policy 6 of the Core Strategy requires a minimum of 35% affordable housing for all schemes of 10 or more residential units. The 2008 Affordable Housing SPD and draft 2011 Affordable Housing SPD give further guidance on the issue and clarify that we will consider this in relation to the proportion of habitable rooms that are provided across the development.

27. The applicant submitted a viability report. The results of the viability assessment demonstrated that the proposal as submitted could support a 23% policy compliant scheme with a split between social rent and shared ownership. With a shared ownership only offer this could be increased to 28%.
28. The applicant therefore agreed to provide an additional unit as affordable which took the total number of units to 6 and 14 habitable rooms providing 28% as affordable with a shared ownership tenure. This is in accordance with the assessment of the submitted viability report.

Environmental impact assessment

29. An environmental statement would not be required with this application as the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The sites fall below the 0.5ha

threshold (being 0.12ha). Officers consider that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size, and location based upon a review of Schedule 2 Development.

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

30. 188 Rye Lane – Canavan’s
This building immediately adjoins the site to the north, the ground floor of the site has full site coverage with a high boundary on application site which consists of a brick wall and fencing up to the first floor. The application would extend around 12 metres deeper than the upper floors of this building. In terms of daylight all but one of the windows assessed would not meet the recommended vertical sky component, notwithstanding at 23.4% it is only slightly below the 27%. The levels of sunlight reaching these windows would be fully BRE compliant. The proposal would limit the southerly outlook of the windows on the second floor, but given that the overall impacts are within acceptable levels it is not considered that this would be so harmful as to warrant refusal of the scheme.
31. The majority of objections received to the application are in reference to the potential harm to the viability of this venue should planning permission for residential flats adjoining the site be granted. This has been assessed and is dealt with in paragraphs 39-42 of the officer report.
32. 192, 194 and 196 Rye Lane
This terrace has commercial on the ground floors within flats on the first and second floors, it is located to the south west of the application site. Whilst the upper floors of the application site extend further rearward than this terrace, (around 7 metres) the levels of daylight and sunlight received to these windows would fully comply with the BRE guidelines in regard to daylight and sunlight.
33. 7 Sternhall Lane
The dwelling forms part of a terrace of Victorian cottages to the south of the site with windows overlooking the existing rear yard. The resident has raised specific concerns around overlooking of their house and garden. The proposal would impact on this property as the terrace has benefited from an open aspect, having had the yard behind. The windows of the rear block (B) that look directly toward this dwelling would be some 20 metres away. It is noted that there is a terrace approximately 17 metres away, but this would be screened by condition. The windows closest to the boundary of this property have an outlook across the rear of the site. Generally speaking, the proposal is not considered to compromise the privacy or outlook of this dwelling.
34. In respect of the daylight, the accompanying report has reviewed the daylight distribution to this property and this demonstrates that the kitchen and living room located to the rear would receive good levels of daylight, although there may be a reduction in the amount of sky seen from the window.
35. 8 Sternhall Lane
This property adjoins no. 7 and has windows on the rear elevation. Of the 5 windows tested, 2 would comply with the BRE guidance. The ground floor windows would still retain good levels of daylight as the assessment shows that there is only a marginal breach of 0.15 and 0.05. The dwelling has first floor windows on the rear elevation of the main dwelling which would leave a separation distance of over 21 metres between the development and the existing dwelling.

36. 9 and 10 Sternall Lane
The daylight tests demonstrate compliance with the BRE guidance for both of these dwellings, additionally like no. 8 the rear first floor windows are only on the main dwelling - (not the back addition) facing onto the site, therefore there is sufficient distance to maintain residential privacy.
37. Robert Court
This building comprises two blocks ranging from 3 to 4 storeys with commercial on the ground floor and residential above. It is accessed from Sternhall Lane. It presents a blank elevation onto the application site, taking account of the existing use. The rear block of the application scheme takes advantage of the blank elevation and would be located on its boundary, although slightly higher, it is not considered that the proposal would be prejudicial to the residential amenity currently enjoyed by residents within this building. This is borne out by the daylight tests which demonstrate that the level of daylight received to the rooms facing the application site would continue to achieve the recommended levels of light.
38. There are no windows on the shared party wall with the application site and the windows that do look onto the site are at a sufficient distance away from the development such that there would not be any loss of outlook.

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

39. Canavan's is a snooker hall immediately adjoining the application site. Much of the objection received reflects the concern that the business which currently includes music and dance would become vulnerable to closure with the potential for residents living immediately adjoining the site to complain.
40. Whilst it is acknowledged that the use is not strictly lawful in planning terms, it has been operating in this way for a number of years. The applicant has sought to take account of how the building currently operates rather than the authorised use.
41. To this end, the proposal presents a solid brick elevation on the boundary with Canavan's. In addition, the acoustic report submitted with the application would mitigate measures to limit noise exposure to the proposed residential units. The report states that there will be no structural connection or shared party walls between the proposed schemes with Canavan's nightclub, therefore no risk of airborne/structure borne transmission into residential units.
42. Environmental protection are satisfied with this approach but have specified that a condition should be added requesting that a supplementary acoustic report be provided demonstrating isolation of airborne and structure borne noise from the neighbouring nightclub and adequate sound insulation between the proposed basement restaurant (commercial unit) and the residential units.
43. A children's nursery is also in operation on a ground floor premises adjoining the site and concern has been expressed about the affect the proposed development would have on the health of the children and the impact a construction site would have on the business. The effects of any construction project are limited. Overall, the proposed use would be more compatible with a children's nursery than the existing builder's yard. Given the constraints of the site, it is suggested that a construction management plan be provided prior to works commencing on site.
44. Overall, it is considered that subject to conditions the proposal would not be prejudicial to the operation of the existing businesses.

Transport issues

45. Saved Policy 5.1 of the Southwark Plan requires major development 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 unless provision for adequate servicing is made. Saved Policy 5.3 requires that provision is made for pedestrians and cyclists within the development and Saved Policies 5.6 and 5.7 relate to car parking. Core Strategy Strategic Policy 2 - Sustainable Transport re-asserts the commitment to encouraging walking, cycling and 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. The main issues to consider in this case are in relation to car parking, in particular provision for disabled parking to serve the intended wheelchair flats, cycle parking, access and servicing, and mitigation of transport impacts including infrastructure impacts. These matters are addressed below.
46. Access and servicing
Servicing for new developments is usually required to take place off-street. However, given the size of this development and site constraints, this is not possible. It is therefore accepted that the use of the existing loading bay adjacent to the development can be used for servicing and that deliveries are undertaken in accordance with the submitted service and delivery plan submitted with the application.
47. Car parking
Policy 5.6 of the Southwark Plan states that car parking should be minimised for all development. Appendix 15 of the Southwark Plan establishes that within the urban density zone, residential car parking should be a maximum of 1 space per unit. The site is within a controlled parking zone and the scheme is proposed to be a car free development.
48. A car free development would accord with adopted development plan policies and accordingly this is welcomed. The site is located in a CPZ and in order to prevent additional parking burden in the CPZ, the council would seek to exempt occupiers from applying for parking permits. This would be secured via a condition.
49. Cycle Storage
Appendix 15 of the Southwark Plan states that cycle parking provision within the Urban Density Zone should equate to one space per residential unit, plus one space for every ten units as visitor parking. For commercial developments, 1 space per 250sqm of floorspace is required, with a minimum of two spaces. The London Plans cycle guidance is more up to date in relation to non-residential standards and applies to the commercial elements of the scheme. The Sustainable Transport SPD recommends Sheffield stands as the preferred cycle storage method in all cases and request that the applicant makes every attempt to provide these in the design.
50. The scheme provides 60 cycle spaces for residents and visitors in compliance with the London Plan Standards.

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

51. The NPPF underlines the importance of good design and its contribution to the delivery of sustainable development including its social aspect by "*providing the supply*

of housing required to meet the needs of present and future generations; and by creating a high quality built environment"; and its environmental aspect by: "contributing to protecting and enhancing our natural, built and historic environment".

52. Further, in paragraph 56 the NPPF states that: "*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*
53. Policy 7.4 of the London Plan states that developments should maximise the potential of sites and provide developments that are attractive to look at and respect the context and character of the locality. Saved Policy 3.12 of the Southwark Plan seeks to ensure that a high standard of architecture and design are achieved in order to enhance the quality of the built environment in order to create attractive, high amenity environments. More specifically, Saved Policy 3.13 requires that the principles of good design are taken into account in all developments in terms of height, scale, massing, layout, streetscape and landscaping and inclusive design. Development proposals should be designed with regard to their local context, making a positive contribution to the character of the area's townscape and providing active frontages.
54. The proposal would demolish the structures to the rear of the site and the existing accommodation within the Victorian terrace whilst retaining the facade. The existing frontage onto Rye Lane will be refurbished. A new traditional timber shopfront will be provided. In response to comments received, the Rye Lane elevation has been redesigned to provide a more fitting design response to the street, by creating winter gardens which would keep the more traditional elements of the facade as well as protecting residents from pollution.
55. The proposal would have a blank frontage onto 188 Rye Lane but this would be undertaken with a decorative brick pattern to maintain some interest, although the view of this blank facade would be limited.
56. In terms of height and massing, the proposal represents the maximum level of development that would be acceptable on the site.
57. Given the existing land use and the current sheds and storage on the land, the proposed reuse of the site for residential and commercial use would represent an improvement to the setting of the conservation area.

Impact on trees

58. The proposal would not impact upon any trees.

Planning obligations (S.106 undertaking or agreement)

59. The proposal would be subject to both Mayoral and Southwark CIL. The levy will be calculated in accordance to the amount of additional new floor space.
60. In addition to the CIL contributions a S106 will be required to pay for the green carbon offset £13,914.

The following highway works (requested by the council's highways development management team) would also be secured as planning obligations:

- Re-paving of footway fronting the development on Rye Lane using materials in accordance with Southwark's Streetscape Design Manual (yorkstone paving slabs and granite kerbs).

- Reinstating the redundant vehicle crossover as footway.

Sustainable development implications

61. Policy 5.1 of the London Plan requires that major development schemes should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. Policies 5.2 and 5.7 require a demonstration that the scheme has applied the Mayor's energy hierarchy and that a reduction in carbon dioxide emissions targeting at least 35% can be gained from on-site renewable energy generation with application submitted after 1 October 2016 requiring to meet a zero carbon target.
62. The energy statement submitted with the application demonstrates that the proposed scheme would result in a 25.1% reduction in regulated CO₂ emissions on site in line with the guidance provided within the Southwark S106 Planning Obligations and Community Infrastructure Levy (CIL) SPD a payment is required to offset the shortfall. Based on the GLA price of carbon (£60 /tonne/year over 30 years) it is calculated that a payment of £13,914 is required. This would be secured via a Section 106 Agreement.

Other matters

63. **Quality of the residential accommodation**
The proposed accommodation would meet the overall space standards, and would have access to private and communal amenity spaces. The daylight assessment demonstrates that 81% of the rooms would comply with the BRE ADF targets. The rooms that fail to comply, however still maintain levels of daylight that would not be considered so harmful as to warrant refusal of the scheme. Furthermore the more detailed daylight distribution tests show a higher proportion of rooms (93%) would meet the recommendations.

The proposal would provide two areas of communal gardens providing a total of 355m² of open space.

64. **Wheelchair housing and lifetime homes**
All residential development is required to comply with lifetime homes standards and 10% are required to be accessible for wheelchair users, in accordance with Southwark Plan policy 4.2 Quality of residential accommodation, 4.3 Mix of dwellings and the London Plan.

For this scheme, the wheelchair accessible accommodation would comprise 1 x two-bed and 1 x three-bed ground floor flats (total 9 habitable rooms). This equates to 12% by habitable rooms of the overall development this is considered to accord with the 10% requirement.

Conclusion on planning issues

65. Particular regard was had to the impacts of the development on the vitality and viability of the town centre, and to the contribution of the scheme to its local context. It was considered that the mix of uses would be appropriate within the town centre, and that on balance, the tenure mix of housing and the shortfall of affordable housing was sufficiently justified by reference to the financial viability assessment that was submitted.
66. It was considered that a good quality of accommodation would be provided, with access to private and communal amenity spaces and generally good levels of natural daylight.

67. Consideration was given to the objections received around the impact of the proposal upon the adjoining business. Officers are advised that the proposal has taken account of the adjoining use and subject to conditions are satisfied that there will be no conflict between the two uses.
68. The scheme was considered in relation to impacts to neighbours where it was found to not result in harm in terms of overlooking loss of daylight or sunlight or outlook.
69. The scheme would not result in harm in relation to transport impacts, in particular in relation to servicing and as car parking would be minimised.
70. The design and massing of the scheme was found to be acceptable within the context and character of the conservation area and the overall benefits of providing new housing on an existing brown land site was found to be in accordance with national and local planning guidance and policy. It is therefore recommended that the application be approved.
71. In the absence of a signed S106 agreement it is recommended that the application be refused for the following reason;

The benefits of the scheme, for in relation to the provision of general needs housing that would be secured, were not considered to outweigh the harm arising in relation to the absence of a mechanism to secure the affordable housing and other mitigation measures to justify approval of the scheme. It is therefore recommended that planning permission be refused having regard to the policies considered and other material planning considerations.

Community impact statement

72. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
 - a) The impact on local people is set out above.
 - b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as the impact of the development upon the existing business at no. 188 Rye Lane.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Conditions to ameliorate these implications are included within the recommendation sheet attached to the report.

Consultations

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

Consultation replies

74. Details of consultation responses received are set out in Appendix 2.
75. Summary of consultation responses:
Of the 125 objections received 104 of them were directly related to the loss of

Canavan's or the potential loss this business as a result of its activities being curtailed by new residential development on its boundary.

4 letters of support have been received praising the use of the site the architecture and the potential to improve the boundary between Canavan's and the existing residential units, and welcoming the provision of a new 'decent sized' restaurant.

The remainder raise more general objections to the scheme:

- Lack of parking
- The location is commercial and should remain this way
- Loss of existing buildings
- We don't need luxury apartments or unaffordable housing
- The development is too big and an overdevelopment of the site
- Disruption during construction.

Human rights implications

76. 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.
77. This application has the legitimate aim of providing a new commercial unit with new residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2732-190 Application file: 15/AP/4857 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Team Leader	
Version	Final	
Dated	15 November 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		16 November 2016

APPENDIX 1

Consultation undertaken

Site notice date: 15/01/2016

Press notice date: 24/12/2015

Case officer site visit date: n/a

Neighbour consultation letters sent: 07/01/2016

Internal services consulted:

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

Statutory and non-statutory organisations consulted:

Environment Agency
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:

207 Rye Lane London SE15 4TP	9 Davids Rd Forrest Hill SE23 3EP
202-204 Rye Lane London SE15 4NF	17 Burdenshott Avenue Richmond TW10 5EE
200 Rye Lane London SE15 4NF	3 Kincaid Road Peckham SE15 5UN
190 Rye Lane London SE15 4NF	7 Lynbrook Grove London SE15 6HN
190a Rye Lane London SE15 4NF	113d Breakspears Road Hereford Hr2 9he
26-27 Sternhall Lane London SE15 4NT	Flat 1 Spring House 8 Dewar Street Se154JJ
Sternhall Lane Surgery 12 Sternhall Lane SE15 4NT	241a Barry Road East Dulwich SE22 0JU
194a Rye Lane London SE15 4NF	18 Hutton Drive Congleton Cheshire cw123ef
176 Rye Lane London SE15 4NF	39 Kirkwood Road Nunhead se15 3xt
178 Rye Lane London SE15 4NF	184 Hollidale se15 2tq
33 Sternhall Lane London SE15 4NT	Flat B Fordham House 72 Clifton Rise London Se14 6jw
192a Rye Lane London SE15 4NF	79 Lyndhurst Way SE15 4PT
180 Rye Lane London SE15 4NF	32 Harcourt Road London SE4 2AJ
25 Sternhall Lane London SE15 4NT	6 Bonsor Street London SE5 7TE
9 Alpha Street London SE15 4NX	Flat 33 Gedling House SE22 8BP
209 Rye Lane London SE15 4TP	144 B Wellfield Road London SW16 2BU
32 Sternhall Lane London SE15 4NT	Flat 7 61 Peckham High Street se15 5eb
8 Sternhall Lane London SE15 4NT	146a Peckham Rye London SE22 9QH
9 Sternhall Lane London SE15 4NT	Flat 7 84 Chandler Way SE15 6GS
215-217 Rye Lane London SE15 4TP	47a Goldsmith Road Peckham SE15 5TF
184-186 Rye Lane London SE15 4NF	173 London SE59PA
188 Rye Lane London SE15 4NF	51c Kings Grove Peckham se15 2ly
211 Rye Lane London SE15 4TP	555 Lordship Lane Flat A SE22 8LB
219 Rye Lane London SE15 4TP	Britwell Lodge Castle Square OX106SD
221 Rye Lane London SE15 4TP	25 Hopewell Yard Hopewell Street SE5 7QS
Second Floor Flat 190a Rye Lane SE15 4NF	Flat B 334 East Street SE17 2SX
Ground Floor 188a Rye Lane SE15 4NF	61 Peckham High Street London SE15 5EB
Shop 213 Rye Lane SE15 4TP	57a Whitbread Road London SE4 2BD
Flat A 11 Alpha Street SE15 4NX	6 Plympton Road London NW6 7EG
Flat 3 194 Rye Lane SE15 4NF	9 Gatcombe House Dog Kennel Hill Estate SE22 8BU
First Floor And Second Floor Flat 202 Rye Lane SE15 4NF	89 Burdett Road, Mile End
First Floor And Second Floor Flat 188 Rye Lane SE15 4NF	19a Throckmorton Road London E16 3DN
225-229 Rye Lane London SE15 4TP	58 Mount Ephraim Lane London sw16 1jd
Part Ground Floor Sternhall Works SE15 4NT	2 Cloonmore Avenue Orpington br6 9lf
First Floor Sternhall Works SE15 4NT	Wolfson House 49 Weston Street
198b Rye Lane London SE15 4NF	76 Peak Hill London se26 4lq

209a Rye Lane London SE15 4TP
 192b Rye Lane London SE15 4NF
 198a Rye Lane London SE15 4NF
 7 Sternhall Lane London SE15 4NT
 27 Sternhall Lane London SE15 4NT
 1a Mcdermott Road London SE15 4NZ
 Flat 1 194 Rye Lane SE15 4NF
 Flat 2 204 Rye Lane SE15 4NF
 Flat 2 194 Rye Lane SE15 4NF
 Flat 1 204 Rye Lane SE15 4NF
 First Floor And Second Floor Flat 192a Rye Lane SE15 4NF
 First Floor Flat 190a Rye Lane SE15 4NF
 Flat B 11 Alpha Street SE15 4NX
 31 Sternhall Lane London SE15 4NT
 Unit A 4 Sternhall Lane SE15 4NT
 1 Robert Court 4 Sternhall Lane SE15 4BE
 2 Robert Court 4 Sternhall Lane SE15 4BE
 Flat 3 Coopers Works SE15 4NQ
 Flat 8 Coopers Works SE15 4NQ
 7 Robert Court 4 Sternhall Lane SE15 4BE
 8 Robert Court 4 Sternhall Lane SE15 4BE
 9 Robert Court 4 Sternhall Lane SE15 4BE
 6 Robert Court 4 Sternhall Lane SE15 4BE
 3 Robert Court 4 Sternhall Lane SE15 4BE
 4 Robert Court 4 Sternhall Lane SE15 4BE
 5 Robert Court 4 Sternhall Lane SE15 4BE
 Flat 5 Coopers Works SE15 4NQ
 Flat 6 Coopers Works SE15 4NQ
 Flat 7 Coopers Works SE15 4NQ
 Flat 4 Coopers Works SE15 4NQ
 First Floor 223-229 Rye Lane SE15 4TZ
 Ground Floor 223-229 Rye Lane SE15 4TY
 Flat 1 Coopers Works SE15 4NQ
 Flat 13 Coopers Works SE15 4NQ
 Flat 14 Coopers Works SE15 4NQ
 Flat 2 Coopers Works SE15 4NQ
 Flat 12 Coopers Works SE15 4NQ
 Flat 9 Coopers Works SE15 4NQ
 Flat 10 Coopers Works SE15 4NQ
 Flat 11 Coopers Works SE15 4NQ
 182 Rye Lane London SE15 4NF
 192 Rye Lane London SE15 4NF
 194 Rye Lane London SE15 4NF
 First Floor Flat 213a Rye Lane SE15 4TP
 180a Rye Lane London SE15 4NF
 Flat 4 204 Rye Lane SE15 4NF
 T And S Afro Cosmetics 213a Rye Lane SE15 4TP
 28 Sternhall Lane London SE15 4NT
 29 Sternhall Lane London SE15 4NT
 30 Sternhall Lane London SE15 4NT
 11 Sternhall Lane London SE15 4NT
 196 Rye Lane London SE15 4NF
 198 Rye Lane London SE15 4NF
 10 Sternhall Lane London SE15 4NT
 Flat 1 207 Rye Lane SE15 4TP
 Flat 2 207 Rye Lane SE15 4TP
 Flat 1 180 Rye Lane SE15 4NF
 First Floor Flat 10 Alpha Street SE15 4NX
 10 Robert Court 4 Sternhall Lane SE15 4BE
 11 Robert Court 4 Sternhall Lane SE15 4BE
 Ground Floor Flat 10 Alpha Street SE15 4NX
 Flat 6 180 Rye Lane SE15 4NF
 Flat 7 180 Rye Lane SE15 4NF
 Flat 8 180 Rye Lane SE15 4NF
 Flat 5 180 Rye Lane SE15 4NF
 Flat 2 180 Rye Lane SE15 4NF
 Flat 3 180 Rye Lane SE15 4NF
 Flat 4 180 Rye Lane SE15 4NF
 178 Peckham Rye East Dulwich SE22 9QA
 213a Rye Lane London se15 4tp
 9 Gairloch Road London SE5 8NG
 Canavan'S Peckham Pool Club -Peckham se15 4nf
 Flat 41 Pilgrim'S Cloisters 116 Sedgmoor Place se5 7rq
 293 Druid Street London se1 2xn
 22a Whorlton Road Peckham se15 3pd
 26 Whorlton Road Peckham SE153PD
 30 Gowlett Road London SE15 4HY
 111 Coleman Road London Se57ff
 4 Matham Grove London Se228pn
 1 Sedgewick House Limpsfield Avenue SW19 6DJ
 46 Rowan Court Peckham SE156PE
 114 Peckham High Street Peckham Se15 5ed
 2a Whorlton Road London SE15 3PD
 55 Cossall Walk London SE15 2TN
 Devonshire Road London SE233TH
 62 Cronin Street London SE15 6JH
 60b Bovill Road London SE231EU
 23 Ravensbourne Road Bromley Br11hn
 Flat 178 Bellenden Road Flat 178 SE15 4BW
 17 Brackley Ave Nunhead Se15 3le
 165a Herne Hill London Se24 9lr
 27 Harefield Road London SE4 1LW
 62 Wood'S Road London SE15 2SW
 1 Devonia Road, London London
 15 Whitmore Gardens Kensal Rise NW105HG
 135b Bellenden Road Peckham SE15 4DH
 49 Weston Street London se1 3rb
 9 Shottfield Avenue, East Sheen London Sw14 8ea
 21 Lyndhurst Way Peckham SE155AG
 18 Marmont Road SE15 5TE
 17 Ivanhoe Road London se5 8dh
 8 Park House Camberwell Green Se5 7pp
 158 Woodwarde Road London SE22 8UR
 3 Montpelier Road London SE15 2HB
 171 Crofton Park Road Honor Oak SE4 1AJ
 54 Atlantic Road London SW9 8PZ
 42a North Cross Road East Dulwich SE22 9EU
 Flat 2 195-197 Rye Lane SE15 4TP
 12 Portman Close Kent da5 2aq
 11 Parkhouse Street Camberwell SE5 7TQ
 76-8 Montpelier Road London SE15 2HE
 131 Kirkwood Road London SE15 2BG
 12 Baytree Road Brixton SW2 5RP
 63 Mersey Road London E17 5LA
 Flat 11 Jacobs Island House London SE16 3FH
 22 Pendrell Road London SE42PB
 1 Halliwell Rd London SW2 5HB
 33 Coll'S Road London SE15 2NU
 2nd Floor 27b Belfast Road N16 6UN
 24 Callander Road London se6 2qd
 Flat 3 120 Drury Lane WC2B5ST
 11 Sartor Road Peckham SE15 3BB
 8 Bemsted Rd London e17 5jz
 84 Southstands Apartments Highbury Stadium Square
 38 Parkgate Road Battersea SW11 4NW
 22 Palfrey Court London SE5 7NR
 Apartment 7b Hexham Mews W8 6JW
 Flat 2, Karen Court 203 Grove Lane SE5 8DA
 Flat 23 Strickland Court Fenwick Road se15 4hp
 7 Castle Place London NW18PS
 75b Manor Avenue London SE4 1TD
 57 Old Compton Street Soho W1D 6HP
 4a Claremont Villas Southampton Way Se5 7ss
 16 Culmington Road London CR2 6DR
 11 Bemerton Street N1 0BS
 15 Kilner House Clayton Street Se115se
 Flat 18, Saxonbury Court, Camden Road, London N7 0LE
 34c Breakspears Road Brockley SE4 1UW
 16 Amesbury Avenue London SW2 3AA
 Room 100 Surrey House SE14 6PB
 145a New Cross Road London SE14 5DJ
 243b Underhill Road London se220pb
 Flat C, 3 The Market Choumert Road SE15 4BG
 8 Sternhall Lane London SE15 4NT
 Flat 4, 50 Kelly Avenue Peckham SE15 5LH
 19a Letzen Road SS8 9AW
 67 Danby Street London SE15 4BT
 9 Kempshott Road London SW16 5LG

Re-consultation: n/a

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
Thames Water - Development Planning

Neighbours and local groups

Apartment 7b Hexham Mews W8 6JW
Britwell Lodge Castle Square OX106SD
Canavan'S Peckham Pool Club -Peckham se15 4nf
Devonshire Road London SE233TH
Email representation
Email representation
Email representation
Email representation
Email representation
Flat B Fordham House 72 Clifton Rise London Se14 6jw
Flat B 334 East Street SE17 2SX
Flat C, 3 The Market Choumert Road SE15 4BG
Flat 1 Spring House 8 Dewar Street Se154JJ
Flat 11 Jacobs Island House London SE16 3FH
Flat 178 Bellenden Road Flat 178 SE15 4BW
Flat 18, Saxonbury Court, Camden Road, London N7 0LE
Flat 2, Karen Court 203 Grove Lane SE5 8DA
Flat 2 195-197 Rye Lane SE15 4TP
Flat 23 Strickland Court Fenwick Road se15 4hp
Flat 3 120 Drury Lane WC2B5ST
Flat 33 Gedling House SE22 8BP
Flat 4, 50 Kelly Avenue Peckham SE15 5LH
Flat 41 Pilgrim'S Cloisters 116 Sedgmoor Place se5 7rq
Flat 7 61 Peckham High Street se15 5eb
Flat 7 84 Chandler Way SE15 6GS
Room 100 Surrey House SE14 6PB
1 Halliwell Rd London SW2 5HB
1 Sedgewick House Limpsfield Avenue SW19 6DJ
11 Bemerton Street N1 0BS
11 Parkhouse Street Camberwell SE5 7TQ
11 Robert Court 4 Sternhall Lane SE15 4BE
11 Sartor Road Peckham SE15 3BB
111 Coleman Road London Se57tf
113d Breakspears Road Hereford Hr2 9he
114 Peckham High Street Peckham Se15 5ed
12 Baytree Road Brixton SW2 5RP
12 Portman Close Kent da5 2aq
131 Kirkwood Road London SE15 2BG
135b Bellenden Road Peckham SE15 4DH
144 B Wellfield Road London SW16 2BU

145a New Cross Road London SE14 5DJ
146a Peckham Rye London SE22 9QH
15 Kilner House Clayton Street Se115se
15 Whitmore Gardens Kensal Rise NW105HG
158 Woodwarde Road London SE22 8UR
16 Amesbury Avenue London SW2 3AA
16 Culmington Road London CR2 6DR
16 Culmington Road London CR2 6DR
165a Herne Hill London Se24 9lr
17 Brackley Ave Nunhead Se15 3le
17 Burdenshott Avenue Richmond TW10 5EE
17 Burdenshott Avenue Richmond TW10 5EE
17 Burdenshott Avenue Richmond TW10 5EE
17 Ivanhoe Road London se5 8dh
171 Crofton Park Road Honor Oak SE4 1AJ
173 London SE59PA
18 Hutton Drive Congleton Cheshire cw123ef
18 Marmont Road SE15 5TE
184 Hollidale se15 2tq
19a Letzen Road SS8 9AW
19a Throckmorton Road London E16 3DN
2 Cloonmore Avenue Orpington br6 9lf
2a Whorlton Road London SE15 3PD
2nd Floor 27b Belfast Road N16 6UN
21 Lyndhurst Way Peckham SE155AG
213a Rye Lane London se15 4tp
22 Palfrey Court London SE5 7NR
22 Pendrell Road London SE42PB
22a Whorlton Road Peckham se15 3pd
23 Ravensbourne Road Bromley Br11hn
24 Callander Road London se6 2qd
241a Barry Road East Dulwich SE22 0JU
243b Underhill Road London se220pb
25 Hopewell Yard Hopewell Street SE5 7QS
26 Whorlton Road Peckham SE153PD
27 Harefield Road London SE4 1LW
293 Druid Street London se1 2xn
3 Kincaid Road Peckham SE15 5UN
3 Montpelier Road London SE15 2HB
3 Montpelier Road London SE15 2HB
30 Gowlett Road London SE15 4HY
32 Harcourt Road London SE4 2AJ
33 Coll'S Road London SE15 2NU
34c Breakspears Road Brockley SE4 1UW
38 Parkgate Road Battersea SW11 4NW
39 Kirkwood Road Nunhead se15 3xt
4 Matham Grove London Se228pn
4 Robert Court 4 Sternhall Lane SE15 4BE
4a Claremont Villas Southampton Way Se5 7ss
42a North Cross Road East Dulwich SE22 9EU
46 Rowan Court Peckham SE156PE
47a Goldsmith Road Peckham SE15 5TF
49 Weston Street London se1 3rb
5 Robert Court 4 Sternhall Lane SE15 4BE
51c Kings Grove Peckham se15 2ly
54 Atlantic Road London SW9 8PZ
54 Atlantic Road London SW9 8PZ

55 Cossall Walk London SE15 2TN
555 Lordship Lane Flat A SE22 8LB
57 Old Compton Street Soho W1D 6HP
57a Whitbread Road London SE4 2BD
58 Mount Ephraim Lane London sw16 1jd
6 Bonsor Street London SE5 7TE
6 Plympton Road London NW6 7EG
60b Bovill Road London SE231EU
61 Peckham High Street London SE15 5EB
62 Cronin Street London SE15 6JH
62 Wood'S Road London SE15 2SW
63 Mersey Road London E17 5LA
67 Danby Street London SE15 4BT
7 Castle Place London NW18PS
7 Lynbrook Grove London SE15 6HN
7 Sternhall Lane London SE15 4NT
75b Manor Avenue London SE4 1TD
76 Peak Hill London se26 4lq
76-8 Montpelier Road London SE15 2HE
79 Lyndhurst Way SE15 4PT
8 Bemsted Rd London e17 5jz
8 Park House Camberwell Green Se5 7pp
8 Sternhall Lane London SE15 4NT
9 Davids Rd Forrest Hill SE23 3EP
9 Gairloch Road London SE5 8NG
9 Gatcombe House Dog Kennel Hill Estate SE22 8BU
9 Kempshott Road London SW16 5LG
9 Shottfield Avenue, East Sheen London SW14 8EA

**RECOMMENDATION
LDD MONITORING FORM REQUIRED**

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

Applicant	Mr Anthony Gee 2 Gee Developments	Reg. Number	15/AP/4857
Application Type	Full Planning Permission	Case Number	TP/2732-190
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Retention of the facade of 190 Rye Lane, demolition of all other buildings and structures and redevelopment to form 22 new dwellings in total; and 691.4 sq m (GEA) restaurant unit (A3); new landscaped open space; surface vehicle and cycle parking; access and associated and ancillary development.

At: 190 RYE LANE, LONDON SE15 4NF

In accordance with application received on 07/12/2015 16:01:07

and Applicant's Drawing Nos. EXISTING
E1-100 REVP1; SITE LOCATION PLAN

PROPOSED

P0-002 REV P1; P0-003 REV P1; P1-099 REV P1; PL-55; PL-101 REV P3; PL102 REV P3; PL103 REV P3; PL-104 REV P4

REPORTS

PLANNING STATEMENT; ENVIRONMENTAL STATEMENT; DESIGN AND ACCESS STATEMENT; P AND M STRUCTURAL BUILDING SURVEY; DAYLIGHT AND SUNLIGHT ASSESSMENT; RESIDENTIAL SCHEDULE OF ACCOMMODATION; ENERGY STATEMENT; TRANSPORT STATEMENT; HERITAGE STATEMENT; AIR QUALITY ASSESSMENT; DELIVERY SERVICE PLAN; PRELIMINARY CONSTRUCTION MANAGEMENT PLAN;

CGI IMAGE FRONT ELEVATION; CGI MODEL IMAGE

Subject to the following eighteen conditions:

Time limit for implementing this permission and the approved plans

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

P0-002 REV P1; P0-003 REV P1; P1-099 REV P1; PL-55; PL-101 REV P3; PL102 REV P3; PL103 REV P3; PL-104 REV P4

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

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

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

- 3 a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in

accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

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

- 4 Prior to the commencement of development a drainage strategy detailing any on and or off site drainage works shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. No discharge of foul or surface water from the site shall be accepted into the public systems until drainage works referred to in the strategy have been completed and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

The development may lead to sewage flooding and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.1 Environmental Effects and 3.9 Water of the Southwark Plan 2007.

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

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

Reason:

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

- 6 Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) shall be:
biodiversity based with extensive substrate base (depth 80-150mm);
laid out in accordance with agreed plans; and
planted/seeded with an agreed mix of species within the first planting season following the practical completion of

the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

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

The biodiversity 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.

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

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

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with 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.

- 8 Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of visual and residential amenity 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, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

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

- 9 Prior to the commencement of use full particulars and details of a scheme for the ventilation of the commercial premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order to ensure that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity 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.

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

Reason

To ensure that 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).

- 11 Notwithstanding the submitted acoustic report the applicant shall submit a supplementary acoustic report demonstrating isolation of airborne and structure borne noise from the neighbouring nightclub and adequate sound insulation between the proposed basement restaurant (commercial unit) and the residential units.

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).

- 12 Before the first occupation of the building the cycle storage facilities as shown on drawing PL500 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 building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced PL500 shall be provided and made available for use by the occupiers of the dwellings and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

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

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

- 14 The (A3) restaurant use hereby permitted shall operate between the hours 08:00 to 23:00.

Reason:

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

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

Indoors-35dBLAeq16hrs daytime (07:00-23:00 hours)

Inside bedrooms-30dBLAeq8hrs nighttime (23:00-07:00 hours)

Inside bedrooms-45dBLAmax to be exceeded no more than 15 times per nighttime from sources other than emergency sirens

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.

- 16 The proposed development shall be implemented in accordance with the recommendations outlined within the Air Quality Assessment Report (Ref 103635/12/005) by Systra dated 30 November 2015.

Reason

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

- 17 Each dwelling hereby permitted shall be constructed to achieve at least the optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

Reason

To ensure the development complies with 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 (Water use and supplies).

- 18 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.

Statement of positive and proactive action in dealing with the application

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

Ordnance Survey

Date 15/11/2016



Item No. 7.2	Classification: Open	Date: 23 November 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 16/AP/2259 for: Full Planning Permission Address: CABRINI HOUSE, 2 HONOR OAK RISE, LONDON SE23 Proposal: Conversion of existing vacant basement storage area to 3 residential units involving the creation of new lightwells.		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date	01/08/2016	Application Expiry Date	14/10/2016
Earliest Decision Date 04/09/2016			

RECOMMENDATION

1. To grant planning permission, subject to conditions and informatives.

BACKGROUND INFORMATION

Site location and description

2. Cabrini House is a three storey locally listed Georgian building in use as 12 flats. The building is located on the corner of Honor Oak Rise (where the vehicular entrance is located) and Forest Hill Road. A three storey coach house (extension) is attached to the main building and has permission to be used as two flats. There is a large forecourt between the building and Forest Hill Road where off-street car parking and a number of mature trees are located. The building located is within the Honor Oak Rise Conservation Area.

Details of proposal

3. It is proposed to convert the basement of Cabrini House into three flats. This area is currently used as storage space by occupiers of the flats within Cabrini House.
4. The proposal was amended following concerns by officers that the second bedroom of Flat 2 would not have adequate outlook. Flat 2 now only has one bedroom with two windows providing adequate outlook.
5. The design and access statement indicates that the headroom in the basement varies between 2.4m and 2.47m.
6. Four new lightwells are proposed to the southwest elevation, two lightwells to the northwestern elevation and two lightwells to the southeastern elevation. The lightwells would be 0.5m from the facade and would be enclosed by 1.1m high glass screens / panels. All new windows would be timber.

7. Flat 1 (69m²) would comprise two bedrooms (of which one would have an en-suite), hallway, bathroom, kitchen and an open plan living / dining area.
8. Flat 2 (68m²) would comprise one bedroom, bathroom and an open plan kitchen / living / dining area.
9. Flat 3 (131m²) would comprise two en-suite bedrooms, living room, open plan kitchen and dining room, hallway and storage area.
10. Flats 2 and 3 would have white timber bi-fold doors (to match existing windows above) opening onto an existing terrace to the north eastern elevation.
11. Access to the three flats would be from existing staircases located on the western and eastern sides of the building. Two of the three flats would also be accessible from the terrace along the north elevation.
12. The existing terrace to the south elevation would be separated by a screen and would be accessed from the respective living areas of Flats 2 and 3. The remainder of the existing communal areas would be available to future occupiers of the proposed development.
13. Six new cycle spaces would be provided, an additional refuse bin added to the existing refuse storage area and one new off-street car parking space provided.
14. **Planning history**

<p>03/AP/2209 Application type: Full Planning Permission (FUL) Erection of a 3 storey extension to the side of the main building, and part one storey/part two storey extensions above the existing ground floor at the rear of the building, and the conversion of the enlarged building to form 19 self-contained flats, with the creation of 18 off-street parking spaces at the front of the building. Decision date 01/03/2005 Decision: Granted with 'Grampian' Condition (GWGC)</p>
<p>05/AP/0722 Application type: Full Planning Permission (FUL) Erection of a three storey extension to the side and a two storey extension above the existing ground floor to rear of the main building and the demolition of a two storey building and replacement with a new two storey building to the rear of the site; conversion of enlarged modified buildings from bedsit accommodation and one self contained maisonette into 12 x two bed and 2 x three bedroom flats with associated parking. Decision date 10/08/2005 Decision: Refuse (REF) Appeal decision date: 15/05/2006 Appeal decision: Planning appeal allowed (ALL). Reason(s) for refusal:</p>
<p>05/AP/2462 Application type: Conservation Area Consent (CAC) Demolition of two storey rear building and one storey lean-to building and removal of existing fire escape to the rear elevation. Decision date 01/08/2006 Decision: Granted (GRA)</p>
<p>08/EN/0513 Enforcement type: Non compliance with approved plans (NAP) Development not in accordance with approved plans in terms of basement under construction. Sign-off date 11/12/2009 Sign-off reason: Final closure - miscellaneous reason (FCM)</p>
<p>10/AP/2688 Application type: Full Planning Permission (FUL) Retrospective application to vary the approved scheme appeal ref. App/A5840/05/1189974 (LBS ref. no. 05-AP-0722) to: create a 3 bedroom residential</p>

unit over the lower ground and upper ground levels of the coach house and change the height, design, massing and width of the coach house; retain the existing basement and use this space and the additional basement structure / space to the new three storey extension to Cabrini House as storage space; retaining wall to the north and east of the coach house and to the east of the new three storey extension to Cabrini House and revised hard and soft landscaping (including car parking spaces), refuse storage facilities, cycle parking and means of enclosure.
Decision date 18/04/2012 Decision: Granted (GRA)

Planning history of adjoining sites

15. N/A

KEY ISSUES FOR CONSIDERATION

Summary of main issues

16. The main issues to be considered in respect of this application are:
- a) The detailed design of the alterations and the impact on the character and appearance of this part of the conservation area;
 - b) Amenity issues for future occupiers of the units in the basement and adjoining properties;
 - c) Car parking and transport impacts.

Planning policy

17. National Planning Policy Framework (the Framework)
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 12 - Conserving and enhancing the natural environment
18. The London Plan 2016
Policy 7.6 – Architecture
19. Core Strategy 2011
Strategic Policy 2 Sustainable Development
Strategic Policy 12 Design and Conservation
Strategic Policy 13 High Environmental Standards
20. 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.
- 3.2 Protection of Amenity
 - 4.2 Quality of Residential Accommodation
 - 3.12 Quality in Design
 - 3.13 Urban Design

- 3.15 Conservation of the Historic Environment
- 3.16 Development in Conservation Areas
- 4.2 Quality of Residential Accommodation
- 5.3 Walking and cycling
- 5.6 Car Parking
- 5.7 Parking Standards for Disabled People

Supplementary Planning Document:
2015 Technical update to the Residential Design Standards

Principle of development

21. The number of flats on the site would increase from 14 to 17, which is in line with the commitment of The National Planning Policy Framework (NPPF) to support sustainable economic growth. The conversion of the basement into three flats is sustainable and there is no objection to the loss of additional storage space of existing flats to create much needed new homes.
22. The density of the site would increase from 270 habitable rooms per hectare (hrh) to 325hrh, which is within the density range for the suburban density zone that is 200hrh to 350hrh.

Environmental impact assessment

23. The proposed development lies outside the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not require the submission of an environmental impact assessment. It is not considered that significant environmental effects would arise.

Summary of consultation responses

24.	Total number of representations:	19			
	In favour:	3	Against:	13	Neutral: 3
	Petitions in favour:	0	Petitions against:	0	

Details of Responses

25. Against:
 - Loss of storage space.
 - Impact on appearance and character of (locally) listed building.
 - Loss of amenity as a result of reduction in communal space.
 - Inappropriate development creating poor quality living
 - Loss of visitor and disabled parking.
 - Insufficient waste storage for an additional 3 flats.
26. Non-planning matters cited:
 - There is a history of inadequate building control and serious defects - *Building Control completion certificate issued on 04/12/2013.*
 - Incorrect and misleading information submitted in relation to drawing ref. 16/004 dated 23.05.2016. - *Drawing subsequently revised. Lightwell removed and number of bedrooms reduced from 2 to 1.*
 - Health and safety construction concerns - *Separate Building Control approval*

required for the works covered by this proposal.

- The basement under flats 1-6 have flooded on various occasions (as far back as at least 2012). Our understanding is that the existing sewage and draining system is not sufficient to support the existing flats. Building a further three flats would cause additional pressures on an already failing system and we have no doubt that this would lead to further flooding. The basement under flats 7-12 have flooded on numerous occasions. One of the flats in the Coach House has also flooded throughout 2015 and 2016, which has led to numerous insurance claims.
- Thames Water have no objections to the proposal with regards to water infrastructure capacity and have recommended an informative to be added to any planning permission granted.
- A previous application was made to develop the basement of Cabrini House and that application was rejected. Despite this rejection, the basement was partitioned into flats and began the necessary work to make this space habitable including cutting out window space and attaching drainage and pipes for waste removal - the *basement in question was regularised by retrospective planning permission 10/AP/2688 following enforcement investigation.*

27. In Support:
There used to be windows and residents living in the existing basement under the existing Cabrini House over 120 years old.
28. Thames Water:
No objection but recommended that an informative in relation to water pressure be attached to the planning permission.
29. Transport Planning:
No objection subject to provision of 1 disabled off-street parking space on the site as per the previously approved application.

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

30. The layout of Flat 2 has been altered by reducing the bedrooms from two to one. The bedroom of Flat 2 would have two new windows.
31. The daylight / sunlight report assessed the original scheme with flat 2 having two bedrooms.
32. Daylight:
The daylight / sunlight report concludes that in terms of daylight all habitable rooms of the 3 flats would achieve or receive in excess of the minimum average daylight factor values prescribed for the associated room uses by the BRE guidelines and the British Standards. All habitable rooms within the proposed development will therefore achieve very good levels of natural daylight.
33. Sunlight:
The daylight / sunlight report concludes that in terms of sunlight at least one room within two of the three flats will receive very good levels of direct sunlight throughout the year.
34. Flat 2 would receive the least sunlight but it is considered that the revised layout with one larger bedroom with two windows would improve the level of daylight.

35. It is also acknowledged that despite the low level of sunlight to future occupiers of Flat 2 they would benefit from large north facing bi-folding doors to the open plan living/dining/kitchen opening into an existing terrace. Future occupiers of Flat 2 would also benefit from the relatively open aspect to the north towards a stepped communal garden which is approximately 0.5m above the terrace along the north elevation.
36. The design and access statement states that the headroom in the basement varies between 2.4m and 2.47m. This height provides acceptable headroom for the scheme.
37. Internally, all three flats would have individual rooms and an overall unit size above the standards of the Supplementary Planning Document: 2015 Technical update to the Residential Design Standards.
38. The terrace to the rear of the north elevation currently forms part of the communal amenity area. It is considered that the proposal to divide this terrace to provide private amenity space for Flats 1 and 3 is acceptable.
39. Whilst this would lead to a loss of communal amenity space it is considered that the raised communal area to the north would provide adequate amenity space for all 17 flats.

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

40. The future occupiers of Flats 2 and 3 could suffer from a loss of privacy through overlooking from the raised communal amenity area to the north, especially when the bi-folding doors to the north elevation are open. However, the level of overlooking of these areas are no different from that experienced by occupiers of the flat at the lower level of the Coach House located to the north west.
41. The properties in the immediate vicinity, bar the school and the nursery to the south east, are in residential use. Cabrini House has been occupied for at least eight years without any known detrimental impact on occupiers from nearby uses. There is no reason to believe that nearby uses would have a detrimental impact on the occupiers and users of the flats.

Transport issues

42. The site is not within a CPZ and there no other on-street parking restrictions.
43. Historically, a total of 19 off-street car parking spaces have been approved of which 3 should be reserved for visitors and one for disabled parking. This includes a turning area for vehicles to the east of parking spaces 18 and 19.
44. The submitted (surveyed) site layout plan shows 20 car parking spaces - this area is already tarmac and in practice can already be utilised as a car parking space. Policy does not require any more off street car parking spaces but given that the proposed car parking space already exist no concerns are raised in this regard. The proposed plan does show 1 disabled space which is acceptable.
45. The provision of six new off-street cycle spaces are acceptable.

Design issues and impact on character and setting of a listed building and/or conservation area

46. Cabrini House is an undesignated heritage asset of local interest because of its location within the Honor Oak Conservation Area. Applications for listed building consent are only required for statutory listed buildings.
47. The appearance of the new lightwells and associated glass screens and new bi-folding doors to the north elevation are minor additions to this 3 storey building and would not detract from its character and appearance as an undesignated heritage asset nor the appearance or character of the wider conservation area.

Impact on trees

48. None identified.

Planning obligations (S.106 undertaking or agreement)

49. N/A

Sustainable development implications

50. N/A

Other matters

51. Refuse storage:
The refuse store to the south of the vehicular entrance is currently used to store large wheelie bins and it is considered that there is adequate space within it for an additional large wheelie bin.
52. Community Infrastructure Levy:
None payable as the existing basement provides ancillary storage to the existing flats on site.

Conclusion on planning issues

53. The flats would provide a good standard of accommodation and would not impact on the amenity of neighbouring properties. For the reasons set out above, the application is recommended for permission.

Community impact statement

54. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.
 - b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

Consultations

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

Consultation replies

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

Human rights implications

57. 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.
58. This application has the legitimate aim of providing 3 new flats. 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/2341-G Application file: 16/AP/2259 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 5457 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Andre Verster, Team Leader	
Version	Final	
Dated	10 November 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		16 November 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 12/08/2016**Press notice date:** 14/07/2016**Case officer site visit date:** 12/08/2016**Neighbour consultation letters sent:** 07/07/2016**Internal services consulted:**

n/a

Statutory and non-statutory organisations consulted:

Thames Water - Development Planning

Neighbour and local groups consulted:

Flat 10 Cabrini House SE23 3QY
 Flat 11 Cabrini House SE23 3QY
 Flat 8 Cabrini House SE23 3QY
 Flat 9 Cabrini House SE23 3QY
 Flat 12 Cabrini House SE23 3QY
 1 Honor Oak Rise London SE23 3QY
 3 Honor Oak Rise London SE23 3QY
 161 Forest Hill Road London SE23 3QU
 163 Forest Hill Road London SE23 3QU
 Flat 1 Cabrini House SE23 3QY
 Flat 2 Cabrini House SE23 3QY
 Flat 1 Coach House SE23 3QY
 Flat 2 Coach House SE23 3QY
 Flat 3 Cabrini House SE23 3QY
 Flat 6 Cabrini House SE23 3QY

Flat 7 Cabrini House SE23 3QY
 Flat 4 Cabrini House SE23 3QY
 Flat 5 Cabrini House SE23 3QY
 40 Barry Road London SE22 4HU
 Bakery Cottage Eastcombe GL6 7ED
 30 Brackendale Close GU15 1HP
 38 Honor Oak Rise London SE23 3RA
 Alpha House Laser Quay Business Park ME2 4HU
 16a Honor Oak Rise London SE23 3QY
 30 Honor Oak Rise London SE23 3RA
 Flat 8 Cabrini House SE23 3QY
 13 Honor Oak Rise London Se233qy
 5 Honor Oak Rise London SE233QY
 School House Honor Oak Rise SE23 0HU

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

Thames Water - Development Planning

Neighbours and local groups

Alpha House Laser Quay Business Park ME2 4HU
 Bakery Cottage Eastcombe GL6 7ED
 30 Brackendale Close GU15 1HP
 Flat 1 Cabrini House SE23 3QY
 Flat 1 Coach House SE23 3QY
 Flat 10 Cabrini House SE23 3QY
 Flat 2 Coach House SE23 3QY
 Flat 5 Cabrini House SE23 3QY
 Flat 8 Cabrini House SE23 3QY
 Flat 9 Cabrini House SE23 3QY
 School House Honor Oak Rise SE23 0HU
 13 Honor Oak Rise London Se233qy
 16a Honor Oak Rise London SE23 3QY
 30 Honor Oak Rise London SE23 3RA
 38 Honor Oak Rise London SE23 3RA
 40 Barry Road London SE22 4HU
 40 Barry Road London SE22 4HU
 5 Honor Oak Rise London SE233QY

RECOMMENDATION

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

Applicant	Mr Y PARDY MALONNE LTD	Reg. Number	16/AP/2259
Application Type	Full Planning Permission	Case Number	TP/2341-G
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Conversion of existing vacant basement storage area to 3 residential units involving the creation of new lightwells.

At: CABRINI HOUSE, 2 HONOR OAK RISE, LONDON SE23

In accordance with application received on 02/06/2016 16:00:51

and Applicant's Drawing Nos. Site location plan;16/042;16/003 rev A;16/005 revA;16/007 revA;16/009 revA;16/000 rev C;16/002 rev D site layout;16/004 revC; 16/006 revA;16/008 revA; 16/010 revA; Design and access statement; Daylight/Sunlight assessment; Email internal floor areas dated 30 September 2016.

Subject to the following four conditions:

Time limit for implementing this permission and the approved plans

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

16/000 rev C;16/002 rev D site layout;16/004 revC; 16/006 revA;16/008 revA; 16/010 revA.

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

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

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

Pre-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.

- 3 Prior to occupation of the unit/s hereby approved 1 disabled parking space as shown on the drawing hereby approved, shall be made available, and retained for the purposes of car parking for the disabled for as long as the development is occupied.

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.

- 4 The facing materials used in the carrying out of this permission shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building 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

Statement of positive and proactive action in dealing with the application

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

Informative

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Ordnance Survey

Date 15/11/2016



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

Item No. 7.3	Classification: Open	Date: 28 November 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 16/AP/1758 for: Full Planning Permission Address: 75 SOUTHWARK PARK ROAD, LONDON SE16 3TY Proposal: Change of use of commercial premises from a shop (Class A1) to a hot food take-away (Class A5) and the erection of an extractor duct to the rear elevation.		
Ward(s) or groups affected:	Grange		
From:	Director of Planning		
Application Start Date	30/08/2016	Application Expiry Date	25/10/2016
Earliest Decision Date	05/10/2016	Target Decision Date	05/12/2016

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. This application relates to a retail unit (Class A1) located within a local shopping parade on the north side of Southwark Park Road in Bermondsey. The unit is at the far eastern end of the parade.
3. Opposite the parade, the south side of Southwark Park Road marks the northern extent of Thorburn Square Conservation Area and this side of the road is predominantly characterised by dwellinghouses.
4. There are dwellings too immediately adjoining the unit on its east side and the subject building also contains a flat, split over three floors, but whose habitable rooms are only within the upper floors. The property has previously been extended with a mansard roof extension and it is adjoined by similar mansard roofs at No.73 and No.71.
5. The entrance to Harris Academy (secondary school) is located beyond the western end of the shopping parade and its grounds extend around the rear of the parade.

Details of proposal

6. The application seeks to change the use of the commercial premises from a shop (Class A1) to a hot food takeaway (Class A5) and associated with this to erect an extractor duct that would be attached to the rear elevation. The extractor duct would be installed on the west side of the building's main rear wall and would project to approximately 1m above the top of the roof-light windows in the mansard roof.

The opening hours proposed are:

Monday-Saturday: 09:00-23:00hrs (11pm)

Sunday and Bank Holidays: 10:00-22:00hrs (10pm)

7. **Planning history**

04/AP/1232

Full Planning Permission: Erection of additional floor to building in the form of a mansard roof extension, first-floor rear extension and new windows to provide additional bedrooms for the self-contained flat above the shop.

GRANTED: 06/12/2004

8. **Planning history of adjoining sites**

65 Southwark Park Road

Full Planning Permission: Change of use of ground floor shop to hot food take-away (A5 class use) with installation of extraction flue system to rear and new proposed opening hours: Sunday to Wednesday 11:00 to 23:00, Thursday to Saturday 11:00 to 00:00.

REFUSED: 09/07/2013

APPEAL DISMISSED: 18/12/2013

Reasons for refusal:

- i. The proposed use of the premises for a Class A5 take-away will, by reason of the flue location in close proximity to residential windows and gardens, result in noise and smells. Furthermore, the use would exacerbate the existing litter problem, detrimental to visual and residential amenity.
- ii. The proposed Class A5 use would be contrary to the aspirations of the council to promote a healthy lifestyle to residents, given its proximity to the Harris Academy and the existence of other take-aways in close proximity.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) The principle of the proposed development in terms of land use;
 - b) The impact on the amenities of neighbouring occupiers including the visual impact of the duct;
 - c) The impact on the local transport network;
 - d) The impact on the health of children at Harris Academy.

Planning policy

10. National Planning Policy Framework (Published 27 March 2012)
 Section 1: Building a strong, competitive economy
 Section 4: Promoting sustainable transport
 Section 8: Promoting healthy communities

Section 12: Conserving and enhancing the historic environment

11. The London Plan (2016)
 Policy 2.15 - Town centres
 Policy 3.16 - Protection and enhancement of social infrastructure
 Policy 3.18 - Education facilities
 Policy 4.1 - Developing London's economy
 Policy 4.7 - Retail and town centre development
 Policy 4.8 - Supporting a successful and diverse retail sector and related facilities and services
 Policy 6.3 - Assessing effects of development on transport capacity
 Policy 6.9 - Cycling
 Policy 6.10 - Walking
 Policy 6.13 - Parking
 Policy 7.1 - Building London's neighbourhoods and communities
12. Southwark Core Strategy (Adopted 6 April 2011)
 Strategic Policy 3 - Shopping, leisure and entertainment
 Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles
 Strategic Policy 10 - Jobs and businesses
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards
13. Southwark Unitary Development Plan (Adopted 28 July 2007) (Saved Policies)
 The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- Policy 1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages
 Policy 3.1 - Environmental Effects
 Policy 3.2 - Protection of Amenity
 Policy 3.6 - Air quality
 Policy 3.7 - Waste reduction
 Policy 3.12 - Quality in design
 Policy 3.18 - Setting of listed buildings, conservation areas and world heritage
 Policy 5.2 - Transport impacts
 Policy 5.3 - Walking and cycling

Summary of consultation responses

14.	Total number of representations:	16				
	In favour:	4	Against:	12	Neutral:	0
	Petitions in favour:	0	Petitions against:	0		

15. A summary of the issues raised by the 12 objections reads as follows:
- Will have a detrimental impact on the health of local school children given its proximity to schools, particularly the Harris Academy.
 - There are very few fresh, healthy eating options in the immediate vicinity and the

proposal is contrary to the council's Health and Wellbeing Strategy 2015-2020.

- The emerging New Southwark Plan (Policy DM41) sets a 400 metre exclusion zone for new A5 uses next to schools. The map of the exclusion zones in the preferred option indicates that this row of shops is within an exclusion zone, meaning this application would have to be rejected on these grounds alone. Although the New Southwark Plan is still emerging, the policies within hold some weight and the direction of policy about restricting A5 uses next to schools has been clear for many years at local, regional and national level.
- It is unnecessary and unwanted.
- The existing hot food takeaways in the parade cause litter, unpleasant odours, noise and disturbance from customers congregating/lingering outside particularly at night and traffic congestion from deliveries and customers stopping at the parade and the proposal will exacerbate all of this.
- The same application was made for No.65 Southwark Park Road in 2013 and was rejected by the council (upheld at appeal) on these grounds and this application is identical.
- It will exacerbate an existing unresolved drainage problem in the area which causes an unpleasant odour.
- The extractor duct would be sited right beside the rear living room window of the upstairs flat. It will prevent the opening of windows, will block out light, will be unsightly and will create noise.

The principle of the proposed development in terms of land use

16. Saved policy 1.10 of the Southwark Plan states that outside town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A use classes or from A use classes to other uses, when the applicant can demonstrate that:
- i) The proposed use would not materially harm the amenities of surrounding occupiers;
- Refer to the amenity section of this report.
- and,
- ii) The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades;
- There is another local convenience shop at 65 Southwark Park Road. In addition, 'The Blue' Local Town Centre is within 400m of the site and provides a number of A1 retail uses within a Protected Shopping Frontage.
- or
- iii) The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.
17. The site is currently vacant but no information has been submitted in respect of point (iii). However, the policy only requires conformity with points (i) and either (ii) or (iii).

Therefore, subject to demonstrating a satisfactory impact on existing residential amenity, which shall be discussed later in this report, the proposed change of use is considered to be acceptable in principle.

18. A number objections received have raised the point that there are too many take-aways in this area, that there is already an over-concentration and could lead to the encouragement of childhood obesity issues. However, the proposal is compliant with the above policy, and there are no policies in the Southwark Plan, the Core Strategy or the London Plan which seek to restrict hot food takeaways in this area.
19. With regards to the comment relating to emerging New Southwark Plan policy DM41 Hot food takeaways, para 216 of the NPPF states that weight may be given to such policies according to:
 - The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

The New Southwark Plan has undergone two stages of public consultation, the last on a preferred option of the plan policies. Consultation on a submission version of the policies and examination are still to follow. As such interested parties have not put forward the evidence they may wish the examiner to consider.

Several authorities have adopted similar policies (restricting the availability of takeaways) after public examination, demonstrating the general consistency of such policies with the NPPF. However, at some examinations and appeals an unusual burden of evidence has been demanded to justify this particular policy area.

Given the cautious approach taken by inspectors to this relatively new policy area and as interested parties may still submit evidence before examination, limited weight should be granted to the policy unless further evidence of the health impact of a proposed takeaway is provided.

Environmental impact assessment

20. The likely impacts of the proposed development are not so significant that the application falls within the scope of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 and as such there is no requirement for an EIA.

The impact on the amenities of neighbouring occupiers including the visual impact of the duct

21. The proposal includes details of an acceptable extractor duct located appropriately at the rear of the premises and discharging no lower than 1m above the top of the highest residential windows.
22. The proposed hours of use of 9am-11pm between Monday and Saturday and 10am-10pm on Sundays (and Bank Holidays) are considered to be very reasonable considering the prevailing residential character of the locality (with the obvious exception of the remainder of the commercial units in the parade and the Harris

Academy).

23. A condition preventing the hot food take-away from operating a delivery service using motorised vehicles (such as cars, vans, mopeds or motorcycles) is also recommended. This does not preclude the operation of a delivery service using non-motorised vehicles, e.g. bicycles. The purpose of the condition would be to minimize the noise and disruption caused to residential neighbours from any delivery service.
24. The council's environmental protection team (EPT) have recommended that the application be approved subject to conditions requiring the submission of a detailed scheme for the ventilation of the kitchen and the submission of a report detailing the expected and actual noise levels of the extractor plant and duct. Subject to these conditions it is considered that any potential impact to existing residential amenity through unpleasant odours and/or noise would be adequately mitigated.
25. Although on-site space at the back of the premises is limited, sufficient space exists to accommodate the commercial refuse storage needs of the proposed hot food take-away business. However, no details have yet been provided therefore it is recommended that a condition be imposed to require the submission of such details.
26. The current occupier of the flat above the premises objects on the grounds that the duct would prevent the opening of windows, would block out light, would be unsightly and would create noise. However, the proposed rear elevation shows clearly that while the duct would be sited close to the east side of the first-floor rear window (which serves a small kitchen) it would not obstruct its opening. Given its siting fully to the side of the window it is considered that it would not cause any noticeable, let alone harmful, loss of daylight to this room nor would its perceived unsightliness be readily visible from within the flat. In addition, consequent to the conditions that are recommended, the applicant would also need to demonstrate that any noise generated by the plant and duct would remain within acceptable limits and the council's environmental protection team consider the matter capable of being resolved to their satisfaction through the conditions that they have suggested.
27. Some of the objections received claim that the circumstances of the current application with a previous refused application for a hot food take-away at 65 Southwark Park Road are the same. This refused application was subsequently dismissed at appeal for reasons which included the impact on neighbouring residential amenity. However, officers have examined this case in detail and have found there to be significant differences between the cases.
28. Between Thursday and Sunday inclusive the takeaway proposed in this application at No.75 intends to cease trading an hour earlier than in the case of the refused takeaway at No.65 and on the other days of the week (Monday-Wednesday) it would close no later than in the case of the proposal at No.65, i.e., 11pm.
29. The detailed comparison of the intended closing times is as follows:

	No. 65 (refused)	No. 75 (this application)
Monday	11pm	11pm
Tuesday	11pm	11pm
Wednesday	11pm	11pm
Thursday	12am (midnight)	11pm
Friday	12am (midnight)	11pm
Saturday	12am (midnight)	11pm
Sunday	11pm	10pm

30. In the case of the appeal at No.65 one of the adjoining ground-floor commercial units was lawfully in use as a dwellinghouse therefore the proposed takeaway there would have shared a party wall with a dwellinghouse, a situation which the inspector acknowledged was 'relatively unusual'. Due to this situation and the lack of a detailed noise report, the inspector was concerned at the proximity of the extractor's fan/motor unit to the ground floor party wall with the studio flat and separate first floor living accommodation at No.67 stating that, 'where the adjacent shop has been converted to a dwelling and a higher degree of protection may be justified than if it was in commercial use.'
31. However, in this application at No.75 the nearest residential accommodation is a flat (No.75a) above the unit and a 3-bay Victorian dwelling house (No.77) which adjoins the site on its east side. The adjoining commercial unit on the west side is a café ('Rose Café') which is the side of the unit where the kitchen extractor system would be installed. There would therefore be a distance of several metres as well as an internal partition wall and an external party wall between it and the adjoining dwellinghouse at No.77.
32. A further difference is that the current application has been accompanied by a broadly acceptable noise assessment report whereas the proposal for a hot food takeaway at No.65 was not.
33. Some of the objections received have raised the issue that the existing hot food takeaways in the parade (of which there are two) cause litter, unpleasant odours, noise and disturbance from customers congregating/lingering outside particularly at night and traffic congestion from deliveries and customers stopping at the parade and that the proposal will exacerbate all of this as well as an ongoing local drainage problem.
34. However, it is not fair to assume that the proposal will replicate and exacerbate existing issues elsewhere. The conditions which have been suggested are considered adequate to ensure that the environmental effects of the proposed use and its impact on the amenity of local residents will not be unduly harmful.

The impact on the local transport network

35. A minimum of two cycle spaces associated with the use would normally be required. However, given the restrictions on site, there are no places to provide cycle storage in a convenient way.
36. There are no off-street parking spaces available for the take away, and therefore customers arriving by car would have to find on street parking locally. Hot food take-away uses can lead to short-term parking nearby while food is ordered and collected or just collected. Notwithstanding that a hot food take-away would typically attract more car trips than a shop, the unit in question is modest in size and most of the area around the site (to the north, south and east) is outside of a controlled parking zone, meaning that there would be short-term customer on-street parking available nearby and utilising this capacity would be unlikely to result in significant overspill parking elsewhere. As such, the transport planning team are of the opinion that the proposal would have an acceptable impact on the highway network.
37. An area at the rear of the site would be used for the storage of refuse. It shall be conditioned that this area remains for this specified use. Littering and refuse storage arrangements were raised in letters of objection. The refuse containers at the rear would not be available to customers, but there appear to be street bins at the front for discarded wrappers. Further information on refuse management at the site would be gained through the submission of a service management plan.

The impact on the health of children at Harris Academy

38. It is a strategic objective of the council's adopted core strategy that people should have access to healthy food and a healthy lifestyle. Objective 1C states that the negative impact of development on health will be addressed. Details of how this is to be achieved in respect of new development borough wide are emerging, with a draft policy in the New Southwark Plan proposed to accompany existing restrictions on the location of new A5 uses within an exclusion zone around secondary schools in the Peckham and Nunhead Area Action Plan.
39. Whilst this may be indicative of the council's emerging approach there is no such development plan policy in place in respect of Southwark Park Road and the adjacent Harris Academy. Consequently it is not possible to apply such an approach to this proposal, and it does not necessarily follow that Class A5 automatically implies that unhealthy food would be provided.
40. It is accepted that such uses provide an attractive draw for secondary school pupils when available so close, but there is also an onus on the educational sector to assist in addressing the issue.
41. Overall, whilst it is the council's laudable objective to promote a healthy lifestyle (specifically access to healthy food), there is as yet no clear development plan policy in place that would provide a justifiable basis for the refusal of the application on this ground. Similarly, while the council is also seeking to limit the clustering of such similar uses there is again no clear development plan policy that would justify a refusal on this ground. Officers therefore conclude that there is no clear planning justification to conclude that the location of the property for the proposed use would be unsuitable having regard to its proximity to the Harris Academy and other class A5 uses, or in respect of the council's strategic objective to promote healthy lifestyles.

Sustainable development implications

42. None.

Other matters

43. None.

Conclusion on planning issues

44. For the reasons set out above the application is recommended for grant.

Community impact statement

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

communities / groups.

Consultations

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

Consultation replies

47. Details of consultation responses received are set out in Appendix 2.
48. Summary of consultation responses (16)
Of the 16 responses received, 4 were comments in support, and 12 were comments objecting. A summary of the objections raised through consultation is outlined in paragraph 16 above.

Human rights implications

49. 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.
50. This application has the legitimate aim of seeking to change the use of a shop (A1) to a hot food take-away (A5). 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/115-75 Application file: 16/AP/1758 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 5405 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Ciaran Regan, Senior Planner	
Version	Final	
Dated	28 November 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		16 November 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 08/09/2016**Press notice date:** 18/08/2016**Case officer site visit date:** 08/09/2016**Neighbour consultation letters sent:** 12/09/2016**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

65a Southwark Park Road Se16 3ty	63a Southwark Park Road London SE16 3TY
65 Southwark Park Road London SE16 3TY	61a Southwark Park Road London SE16 3TY
57 Southwark Park Road London SE16 3TY	73a Southwark Park Road London SE16 3TY
75 Southwark Park Road London SE16 3TY	82 Southwark Park Road London SE16 3RS
77 Southwark Park Road London SE16 3TY	61 Southwark Park Road London SE16 3TY
69a Southwark Park Road London SE16 3TY	69 Southwark Park Road London SE16 3TY
63 Southwark Park Road London SE16 3TY	84 Southwark Park Road London SE16 3RS
59 Southwark Park Road London SE16 3TY	86 Southwark Park Road London SE16 3RS
Ground Floor And First Floor Flat 67 Southwark Park Road SE16 3TY	88 Southwark Park Road London SE16 3RS
Ground Floor Flat 67 Southwark Park Road SE16 3TY	67 Southwark Park Road Southwark SE16 3TY
School Keepers House Harris Academy SE16 3TZ	1 Alma Grove London SE1 5PY
71a Southwark Park Road London SE16 3TY	75 Southwark Park Road Se16 3ty
First Floor Flat 65 Southwark Park Road SE16 3TY	115 Firt Road London SE1 5Pu
Ground Floor And First Floor Flat 57 Southwark Park Road SE16 3TY	24 Alma Grove London SE1 5PY
71 Southwark Park Road London SE16 3TY	84 Southwark Park Road Bermondsey SE16 3RS
75a Southwark Park Road London SE16 3TY	164 Lynton Road Bermondsey SE1 5RB
73 Southwark Park Road London SE16 3TY	76 Southwark Park Road London SE16 3RS
80 Southwark Park Road London SE16 3RS	74 Southwark Park Road London SE16 3RS

Re-consultation: n/a

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

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

Statutory and non-statutory organisations

None

Neighbours and local groups

1 Alma Grove London SE1 5PY
115 Firt Road London SE1 5Pu
164 Lynton Road Bermondsey SE1 5RB
24 Alma Grove London SE1 5PY
59 Southwark Park Road London SE16 3TY
63 Southwark Park Road London SE16 3TY
65a Southwark Park Road Se16 3ty
67 Southwark Park Road Southwark SE16 3TY
73 Southwark Park Road London SE16 3TY
74 Southwark Park Road London SE16 3RS
75 Southwark Park Road Se16 3ty
75a Southwark Park Road London SE16 3TY
76 Southwark Park Road London SE16 3RS
82 Southwark Park Road London SE16 3RS
84 Southwark Park Road Bermondsey SE16 3RS
84 Southwark Park Road London SE16 3RS

RECOMMENDATION

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

Applicant	Mr Ajmal Sakhizahda	Reg. Number	16/AP/1758
Application Type	Full Planning Permission	Case Number	TP/115-75
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of commercial premises from a shop (Class A1) to a hot-food take-away (Class A5) and the erection of an extractor duct to the rear elevation.

At: 75 SOUTHWARK PARK ROAD, LONDON SE16 3TY

In accordance with application received on 21/04/2016

and Applicant's Drawing Nos. 01/06, 02/06, 03/06, 04/06, 05/06, 06/06, a Site Location Plan, a Noise Impact Assessment (Acoustics Ltd, dated 25/08/2016) and a Design and Access Statement

Subject to the following seven 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:

03/06, 04/06, 05/06 and 06/06

Reason:

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

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

- 3 Prior to the commencement of the hot-food take-away use hereby permitted, full particulars and details of a scheme for the ventilation of the kitchen (as per Annex B of the DEFRA Guidance referred to below) shall be submitted to, and approved by the Local Planning Authority, and the development shall not be carried out otherwise than in strict accordance with any approval given. The kitchen extract system shall be designed and operated in accordance with DEFRA's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2005) - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf.

Reason:

In order to ensure that that any installed ventilation, ducting and ancillary equipment will not cause negative amenity impacts by way of odour or fume nuisance in accordance with the National Planning Policy Framework (2012), policy 7.14 (Improving air quality) of the London Plan (2016), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policies 3.1 (Environmental effects), 3.2 (Protection of amenity) and 3.6 (Air quality) of the Southwark Unitary Development Plan (2007).

Pre-occupation condition(s) - the details required to be submitted for approval by the condition(s) listed below must be

submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 4 The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises. Prior to the commencement of the authorised use, a written acoustic report detailing the proposed scheme shall be submitted to and approved by the Local Planning Authority. The method of assessment is to be carried in accordance with BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'. The plant and equipment shall be installed and constructed in accordance with the approval given and shall be permanently maintained thereafter. Prior to the plant being commissioned a validation test shall be carried out following completion of the development and the results shall be submitted to the LPA for approval in writing.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework (2012), policy 7.15 (Reducing and managing noise, etc.) of the London Plan (2016), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policies 3.1 (Environmental effects) and 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).

- 5 Prior to the commencement of the hot-food take-away use (Class A5) hereby permitted details of the arrangements for the storing of commercial refuse within the site shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided and retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

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

- 6 The hot food take-away (Class A5) use hereby permitted shall not include any motorised delivery service to off-site customers.

Reason:

To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework (2012), policy 7.15 (Reducing noise and enhancing soundscapes) of the London Plan (2016), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of Amenity) of the Southwark Unitary Development Plan (2007).

- 7 The hot-food take-away use hereby permitted shall not be carried on outside of the hours 09:00-23:00hrs between Monday and Saturday and 10:00-22:00hrs on Sundays and Bank Holidays.

Reason:

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

Statement of positive and proactive action in dealing with the application

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

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

Informative

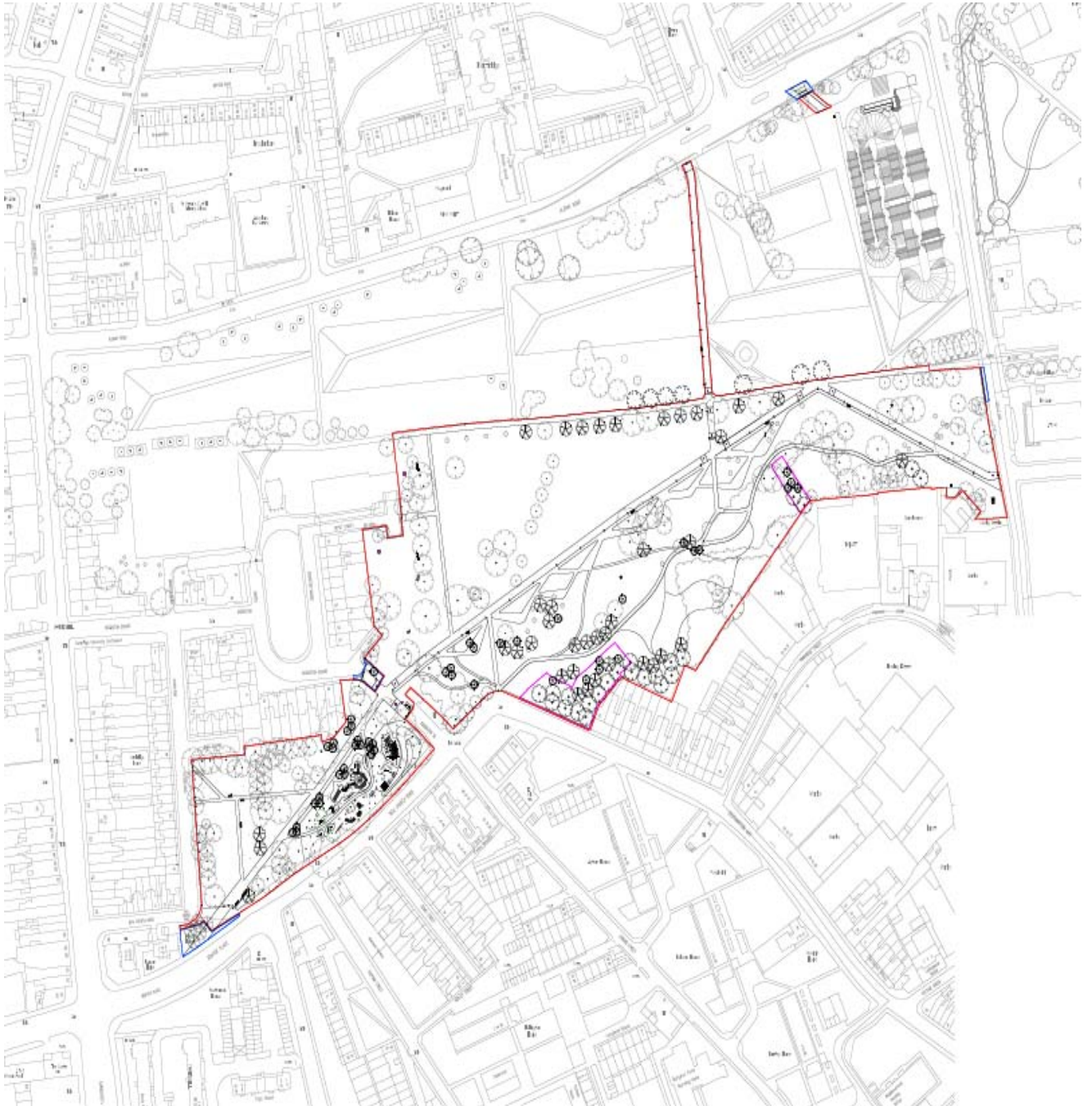
The applicant is advised that Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.



SOUTH-WEST OF BURGESS PARK, ALBANY ROAD, SE5

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Scale 1/1250



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Scale 1/1250

Item No. 7.4	Classification: Open	Date: 28 November 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 16/AP/3165 for: Council's Own Development - Reg. 3 Address: SOUTH-WEST OF BURGESS PARK, ALBANY ROAD, SE5 Proposal: Re-landscaping the South-West region of Burgess Park including a new play area, new access pathways, new lighting fixtures, new surfaces, trees, shrubs, meadow and to include new park furniture.		
Ward(s) or groups affected:	Faraday		
From:	Director of Planning		
Application Start Date 19/08/2016		Application Expiry Date 18/11/2016	
Earliest Decision Date 22/09/2016			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

2. Burgess Park was created after the Second World War as a Metropolitan Park based on the Abercrombie Plan for Greater London. It is located on land formerly occupied predominantly by Victorian terraced houses and gardens, factories and wharves alongside the Grand Surrey Canal which ran from Surrey Docks to Addington Wharf at Camberwell Road and as the Surrey Canal Walk, south to Dock Head at Peckham Road.
3. A long term masterplan for the park was developed during 2010 including two significant phases of construction works.
4. In 2012 the park reopened after a £9 million investment project, which improved the north and east of the park including new topography and hills, an extension of the lake, wildflower meadows, new play and barbecue areas, together with a new BMX track and gardens along St. George's Way.
5. The masterplan was updated in 2015 to take account of changes in the way that the public use the site, the redevelopment of the Aylesbury Estate, and the creation of official cycle routes through the park. The review included substantial community consultation.
6. The council now wishes to progress Burgess Park West, which is the next phase of the implementation of the masterplan.
7. The Burgess Park West (BPW) project will deliver improvements to the southwestern section of the park, which was not included in the previous regeneration.

8. Plans include cycle Quietways with lighting, a play area, an enlarged nature area, removal of a redundant section of New Church Road from inside the park and integration of additional sites that are not currently owned by the council.

Site location and description

9. The area affected by the current proposals is bounded to the north by a central path leading from Camberwell Road to the underpass at Wells Way, residential properties and warehouses to the rear of Parkhouse Street and Southampton Way to the south and west, and properties facing and to the rear of Kitson Street, Rust Square, Addington Square and Bowyer Place to the west. Paths and entrances to Albany Road are also included.
10. The extent to be regenerated is approximately 5.9ha. The site consists of predominantly lawn areas with a path network, some small woodland areas with grasslands and scrub, the closed off New Church Road, Rust Square with a portion of hard surfacing and three sites which are not currently owned by the applicant. The site is located within an urban neighbourhood of predominantly residential areas with some mixed commercial and retail usage.

Details of proposal

11. The application scheme is known as 'Burgess Park West' and proposes alterations and improvements to Burgess Park including:

(i) Alterations to the entrances and boundaries at Bowyer Place, New Church Road, Kitson Road, Depot Street, Rust Square, Addington Square, Albany Road, Wells Way and Southampton Way.

- A new secondary entrance at Southampton Way;
- 2x new tertiary entrances to Rust Square/Kitson Road;
- 5x tertiary entrances renovated at Addington Square, Depot Street, New Church Road and Albany Road;
- Removal of an existing area of hard standing and entrance gateway at Rust Square and conversion to green space;
- New and renovated railings to entrances, park boundary and the play area;
- Removal of a small redundant section of dead end road at Addington Square, including loss of approx. 5 no.parking spaces, and conversation of asphalt to green space;
- Removal of a vehicle entrance on Wells Way and New Church Road; and
- Creation of a new vehicle and pedestrian entrance and access route with associated hard and soft landscape works and signage to Albany Road BMX track.

(ii) General alterations to accessibility and footpaths;

- Stopping up and removal of New Church Road to provide 4,000m² more green space;
- New footpaths, varying in width between 1.5m and 3m to link Rust Square and within the nature area;
- Removal of existing steep sloping footpaths so that surfaced gradients within the park become Disability Discrimination Act (DDA) compliant;
- Installation of lighting columns at regular intervals to illuminate the Quietways and ensure routes are accessible 24/7;
- Reorganisation of temporary car parking spaces; and

- Removal of structures and hardstanding on areas of land at 25 Parkhouse Street, 1 to 11 Southampton Way and 13 Southampton Way (subject to acquisition by the council) and their conversion to green space and inclusion within the park.

(iii) Works in relation to biodiversity across the park;

- Increasing the existing nature areas to 1.28ha;
- Provision of additional habitats such as a seasonally wet grasslands, woodland understorey planting and wildflower meadows;
- Installation of bird and bat boxes to existing trees for supplementary nesting;
- Replacement of sunken brick paving with lawn and areas of wildflower meadow; and
- Management of existing vegetation, including felling and replacement of trees with no net loss of individual specimens, new areas of herbaceous perennial and grassland planting.

(iv) Installation of new street furniture;

- New signage, seating, cycle parking, lighting and electric connection points; and
- Installation of CCTV, to mitigate concerns regarding antisocial behaviour.

(v) Provision of outdoor gym equipment;

- Existing outdoor gym equipment along New Church Road to be removed and reinstated within the park.

(vi) Creation of a new play area for younger children;

- A new play area aimed at children of 5-12 years located to the west of the entrance on Southampton Way to include a play trail, netted climbing and other equipment to encourage natural play not currently provided elsewhere within the park, together with safety surfacing, lawn and trees surrounded by hedgerows and fencing to create a dog-free area.

12. The application envisages two phases of implementation to allow cycle and pedestrian routes to be open during construction.
13. Phase 1 will include work north and west of New Church Road, including the play area, Rust Square, new entrances and new axis footpath/cycleway, requiring temporarily diverting Quietways along New Church Road during construction.
14. Phase 2 will cover the majority of the nature area works, including removal and re landscaping of the remaining section of New Church Road and incorporation of the three parcels of land along the southern boundary which Southwark Council wishes to purchase and add to the park.
15. The application indicates that, if planning permission is granted, works would begin in spring 2017, with the first phase of works expected to be completed by summer of 2017.

Planning history

16. Over the course of the creation of Burgess Park there have been many planning applications for alterations or developments affecting the park. The most relevant is the application (10-AP-3061) for a screening opinion, which concluded that an EIA

would not be needed in relation to the subsequent major alterations throughout the park including re-landscaping (10/AP/3246) granted 03 February 2011. More recently (11-AP-3764) for construction of a national standard BMX Track was granted permission on 29 March 2012. Other applications in recent years have also been limited to alterations to sports and other facilities within the park.

10/AP/3061 Application type: Screening Opinion (EIA) (SCR) Request for screening opinion: regulation 5 (1) of Town and Country Planning Act (Environmental Impact Assessment) (England & Wales) Regulations 1999 regarding ("the Regulations") (as amended) regarding revitalisation of Burgess Park. Decision date 09/11/2010 Decision: Screening Opinion - EIA Regs (SCR)
10/AP/3246 Application type: Council's Own Development - Reg. 3 (REG3) Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park. Decision date 03/02/2011 Decision: Granted (GRA)
11/AP/3764 Application type: Full Planning Permission (FUL) Clearance of existing area of vegetation, existing inner trees and multi use games area at the corner of the park adjacent to Albany Road and Wells Way. Construction of a National Standard BMX Track and perimeter fencing. The proposal includes the retention of the trees fronting Albany Road and Wells way. Decision date 29/03/2012 Decision: Granted (GRA)
13/AP/1068 Application type: Council's Own Development - Reg. 3 (REG3) The installation of five new containers including doors, windows and green roof incorporated into the BMX track layout. Decision date 07/08/2013 Decision: Granted (GRA)
09/EQ/0132 Application type: Pre-Application Enquiry (ENQ) Proposed Adizone area in park Decision date 07/01/2014 15:32:24 Decision: Pre-application enquiry closed (EQC)
15/AP/2571 Application type: Full Planning Permission (FUL) Erection of eight 15m lighting stanchions Decision date 12/08/2016 Decision: Granted (GRA)

Planning history of adjoining sites

17. Since 1999 the Aylesbury New Deal for Communities (now the Creation Trust) has been working with the council to deliver a major social programme on the Aylesbury Estate. In September 2009 the council decided to redevelop the estate with demolition carried out in stages over the next 15 to 20 years.
18. Application 14/AP/3843 and 14/AP/3844 for full planning permission at Aylesbury Estate, bounded by Albany Road, Portland Street, Westmoreland Road, Bagshot Street, Alvey Street, East Street, Dawes Street And Bradenham Close for demolition of existing buildings and redevelopment to provide a mixed use development comprising a number of buildings ranging between two to 20 storeys in height, providing a combined total of 3,575 residential dwellings; flexible community use, early years facility; public and private open space; new accesses; energy centre; gas pressure reduction station; associated car, cycle parking, landscaping, public realm and associated works was subsequently consented 05 August 2015.

19. The redevelopment of the nearby Elmington Estate secured funding earmarked for local parks, open space and play. These funds have been allocated to the Burgess Park West project and will be used towards building the play area, which will benefit the families living in flats on the newly redeveloped Elmington Estate, who may have limited or no access to private gardens.
20. Application 11-AP-4309 for full planning permission at the site bounded by Edmund Street, Southampton Way and Notley Street for demolition of existing buildings and redevelopment of the site comprising new buildings ranging from 3 to 7 storeys in height to provide 279 residential units together with the construction of a new road, pedestrian and cycle routes and new access to the public highway, car and cycle parking, energy centre, open space and landscaping was consented 22 March 2012.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

21. The main issues to be considered in respect of this application are:
 - a) The principle of the development in terms of land use and conformity with strategic policies for Metropolitan Open Land; and
 - b) The acceptability of the new landscaping design, entrances, play areas and footpaths, and impact on accessibility, trees, planting and biodiversity.

Planning policy

22. National Planning Policy Framework (the Framework)
 - Section 4 – Promoting Sustainable Transport
 - Section 7 - Requiring good design
 - Section 8 - Promoting healthy communities
 - Section 11 - Conserving and enhancing the natural environment
 - Section 12 - Conserving and enhancing the historic environment
23. The London Plan 2016
 - Policy 2.18 - Green Infrastructure
 - Policy 3.16 - Protection and enhancement of social infrastructure
 - Policy 7.2 - An inclusive environment
 - Policy 7.3 - Designing out crime
 - Policy 7.4 - Local character
 - Policy 7.5 - Public realm
 - Policy 7.8 - Heritage assets and archaeology
 - Policy 7.17 - Metropolitan Open Land
 - Policy 7.18 - Protecting open space and addressing deficiency
 - Policy 7.19 - Biodiversity and access to nature
 - Policy 7.21 - Trees and woodlands
 - Policy 6.9 - Cycling
 - Policy 6.10 - Walking
24. Core Strategy 2011
 - Strategic Policy 1 - Sustainable development
 - Strategic Policy 2 - Sustainable transport
 - Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles
 - Strategic Policy 11 - Open spaces and wildlife
 - Strategic Policy 12 - Design and conservation
 - Strategic Policy 13 - High Environmental Standards

25. 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.

Saved Policy 3.2 - Protection of Amenity

Saved Policy 3.25 - Metropolitan Open Land

Saved Policy 3.28 - Biodiversity

Saved Policy 3.15 - Conservation of The Historic Environment

Saved Policy 3.16 - Conservation Areas

Saved Policy 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Saved Policy 3.19 - Archaeology

Saved Policy 5.3 - Walking and Cycling

26. The Aylesbury Area Action Plan 2010

Policy PL4 - Open Space

Policy PL5 - Burgess Park

Policy COM1 - Location of social and community facility

Policy COM5 - Community space and arts and culture

Principle of development

27. The proposed scheme is on Metropolitan Open Land (MOL) and so saved policy 3.25 is applicable.
28. Policy 7.17 of The London Plan states that the strongest possible protection should be given to London's MOL, whilst Strategic Policy 11 Open spaces and wildlife of the core strategy commits the council to protect open spaces against inappropriate development.
29. Saved policy 3.25 states that within Metropolitan Open Land planning permission will only be permitted for the following purposes:
- i) Agriculture or forestry; or
 - ii) Essential services for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or
 - iii) Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or
 - iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling it replaces.
30. The proposal is seeking to creating a unified space that will integrate the park with adjoining redevelopment to create high quality public realm. It will increase the area of useable green space and tree cover as well as providing new seating, lighting and play space. In addition to enhancing the existing child play facilities and biodiversity value it seeks to provide improved and renovated design features that will increase visual interest. No structures are proposed, indeed, an existing road is to be removed

thereby reducing the visual impact of former development.

31. These works are not considered to detract from the open nature of the site and aim to improve both its character and function, thereby enhancing the overall setting and quality of the open space. The principle of these works can be supported provided the design is of a high standard and incorporates good quality materials. These matters are addressed later in the report under the design section.
32. 17 objections have been received, the majority of which question the designation of the land as MOL. The land in question has been designated as MOL since 19 July 1995 (Southwark Unitary Development Policy C 5.6) and is not a relevant matter for consideration of this application. Notwithstanding these objections, the principle of the proposal is acceptable.
33. The principle of the development is therefore acceptable in accordance with the policies in the National Planning Policy Framework 2012; The London Plan March 2016; Core Strategy 2011 and the saved policy 3.25 of the Southwark Plan 2007.

Summary of consultation responses

34.	Total number of representations:	17				
	In favour:	4	Against:	11	Neutral:	2
	Petitions in favour:	0		Petitions against:	0	

35. Compulsory purchase of land at 1-13 Southampton Way and New Church Road
The council decided on 24 January 2014 to make a compulsory purchase order under section 226(1)(a) of the Town & Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land and new rights. This was for the purpose of improving and extending Burgess Park in accordance with the provisions of the saved policies of the Southwark Plan 2007 and the Core Strategy 2011.
36. The decision authorises the head of property to:
 - a) Take all necessary steps to secure the making, confirmation and implementation of the compulsory purchase order including the publication and service of all notices and the presentation of the council's case at public inquiry should one be called;
 - b) To acquire all interests in land within the compulsory purchase order areas either by agreement or compulsorily;
 - c) Approve agreements with land owners setting out the terms for the withdrawal of objections to the orders, including where appropriate seeking exclusion of land from the orders; and
 - d) Amend the boundaries of the sites.
37. The sites affected are included in the MOL designation and are currently used as a parking facility for the Metropolitan Police and a yard selling reclaimed architectural and other material. These are proposed to be purchased in order to remove hard landscaping and to plant with trees and other soft works, thereby integrating them into the surrounding parkland.

38. Objections relating to the inclusion of these sites within the current application are therefore the subject of separate legal considerations and processes and are not relevant to the consideration of this planning consent.
39. **Creation of a new play area**
The play hub is located parallel to New Church Road to the south of the central pathway linking Rust Square to the main park. It consists of a number of elements primarily aimed at children ages 5-12, with inclusive play for children with mobility issues and additional elements suitable for younger children. These include a large bespoke structure built amongst existing trees together with other equipment incorporating slides, climbing frames / nets, balance beams and rope pieces, and smaller items, favouring natural timber elements.
40. The landscape setting will include complementary natural play elements such as small land form mounds, surfacing and planting.
41. The play area meets the "Six Acre Standard" published by the Fields In Trust (FIT). According to the standard, the BPW play area is classified as LEAP (Local Equipped Area For Play). This states that in regards to distance from local properties, play should have a buffer zone of not less than 10m in depth between the edge of the activity zone and the boundary of the nearest dwelling and a minimum of 20m between the activity zone and the habitable room facade of the dwelling.
42. The BPW play area exceeds this standard, with 20m between the boundary of the nearest dwelling and the edge of the activity zone, and over 30m between the habitable room façade and the activity zone.
43. Play provision was the subject of a separate consultation exercise whereby safety and other concerns regarding antisocial behaviour have led to amendments to the design to include hedging, mounding and fencing around the play perimeter with low natural log seating. The attraction of facilities such as play equipment and an outdoor gym will engender considerate interaction whilst discouraging disruptive or antisocial behaviour.
44. The overall size of the proposed play structures have been scaled down whilst concerns regarding disturbance have also been addressed via the re-siting of the play area to increase separation from residential properties.
45. **Rust Square**
The two proposed entrances from Kitson Road and New Church Road remain open access with a new layout that defines the square and clarifies the overall park perimeter. This was an objective from the original masterplan for the park and in keeping with other boundaries. Remodelled entrances will prevent vehicular access which is a recurrent problem whilst also discouraging fly tipping.
46. **Removal of mature trees**
Where trees are to be felled they will be replaced so that there is no net loss of individual specimens. Although some of those lost will be mature, with a greater trunk girth and canopy spread than the replacements, the new trees will be of a greater variety and quality.

Some of the larger specimen trees planted will also have a greater life span and will be designed within the landscape in such a way as to increase connectivity to green infrastructure planting across and outside the park. Overall, a suitable amount of girth will be provided so that there is no net loss of canopy cover in the longer term.

47. Maintenance

The habitat survey identified the need for ecological enhancement addressed by the enlarged nature area together with improved maintenance practices outlined in the management plan. These can be included within existing schedules without the need for significant investment or increased routine maintenance budgets.

Environmental impact assessment

48. The site is above 5ha and so there is a need to assess whether the scheme would fall under the list of projects listed under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and, if so, to determine if the scheme is likely to have significant environmental effects.

49. Schedule 2 lists a range of projects and relevant thresholds that must be considered when screening a project for EIA. Taking account of the provisions set out in the Schedule it is considered that the scheme is capable of being considered a 10 (b) 'urban development project' as the scheme proposes construction, resurfacing works, hard and soft landscaping in an urban area.

50. Consideration has been given to schedule 3 of the EIA regulations taking account of the nature of the development, the environmental sensitivity of the location and characteristics of the potential impacts. Whilst the site exceeds the applicable threshold it is not likely to have significant environmental effects having regard to criteria under schedule 3 of the EIA regulations as the site is not considered to be environmentally sensitive (for the purposes of the EIA regulations) and the nature and characteristics of the likely environmental effects during the period of works will be short term, contained within the park and no more than local importance. For this reason no significant environmental impacts are anticipated to result from this development.

51. However, documentation supplied with the application does give detailed information on the likely environmental impacts of these proposals and on the proposed mitigation measures.

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

52. Saved policies 3.13 and 3.12 seek to ensure new development is of the highest standard of design which should be coordinated wherever possible to avoid unnecessary clutter and to create an attractive environment. It should be designed to incorporate suitable access for people with disabilities or those who are mobility impaired to ensure ease of movement.

53. As the proposals are primarily physical improvements to the park, none of the park features will create additional light pollution for those living near the park boundaries. New facilities such as the playground are located at a reasonable distance from properties and are buffered by new landscaping. However, there will be additional amenity for local people, whether they are visiting or just passing through the park, and the improvements are intended to enhance the surrounding areas.

54. Existing large boundary trees provide valuable screening to the rear of properties on Addington Square and Southampton Way as well as to those fronting Rust Square and New Church Road. These are all to be retained with additional tree planting provided to further abate the perception of noise and to aide privacy.

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

55. The proposed scheme recognises and plans for the increasingly intensive use of the park, improving public accessibility and safety, whilst also improving its potential as a wildlife habitat. In contrast to previous phases, no significant remodelling and landscaping changes are required in order to achieve these aims, other than returning the road to open space. This will inevitably mean some disruption and changes to the existing areas of trees, shrubs and other planting in the park.

Transport issues

56. The proposals aim to build upon the already well established transport links into and around the park by improving the pedestrian and cycle environment.
57. The current weaving path network results in an indirect layout which breaks up available open space and is unsatisfactory for cycling, circulation and permeability.
58. The proposed redesign increases the number of access/egress points, coordinating them with existing crossings along main roads. Footpaths which have been assessed to have the highest cycle use are 4 meters wide to provide sufficient space for both cyclists and pedestrians.
59. Overall, more legible and accessible routes follow desire lines to key destinations within and around the park, whilst safety and security are enhanced via natural surveillance and the encouragement of activity in previously isolated areas.
60. **Cycle routes**
London cycle routes 22 and 23 pass through Burgess Park, and are well used by commuters. Improved connections have been made for the cyclists that use this route and connect with Portland Street. Cycle parking is provided at the Camberwell Road entrance, Chumleigh Gardens, Wells Way Crossing and the Sports Hub.
61. In addition, two Quietways (QW), routes 07 and 08, are proposed by TfL linking to the new, high capacity strategic north-south cycling corridor or Spine route outside the site located to the east. The complex interactions between these routes and pedestrian use have been analysed using current design guidance and assessed to offer a reasonable balance.
62. To address the concern of cyclists travelling too fast in the park and in conflict with pedestrians, a series of physical calming measures are integrated into the proposals.
63. These include rumble strips to slow speed and alert pedestrians to presence of cyclists, extra space at junctions and clear markings to highlight pedestrian priority. In addition, temporary measures are to be introduced on the opening of the Quietway routes, including clear signage.
64. The revised network will be implemented in phases to allow uninterrupted cycle routes to function throughout construction. The Phase 1 works will enable formal opening of the cycle Quietways by the summer of 2017.
65. **Reorganisation of temporary car parking spaces within the park**
The lawn area currently provides temporary parking for events at the BMX track. These events occur once or twice per year, in the summer months, and approximately 350 vehicles use the lawn for parking. Access which currently uses New Church Road has been re provided via a new entrance at Southampton Way with Depot Street as the exit. Both locations are to be redesigned to ensure safety concerns and traffic

modelling are addressed.

66. The proposed path network leading towards the lawn area is legible and safe, whilst the two new Quietways will also improve the sustainable transport opportunities to the BMX track, in turn contributing to the wider Borough and London objectives.
67. The transport policy team supports the principle of interfaces with the surrounding public highway, particularly at Trafalgar Avenue (outside the site) and Wells Way. Suitable details of the quantum and distribution of cycle parking and seating have been provided.
68. The Burgess Park West project complies fully with council policy contained in the borough's Transport Plan and contributes to the objectives of the Sustainable Community Strategy 2016 by making the borough a better place to be in and by improving individual life chances.

Design issues

69. The London Plan places heavy emphasis on improving the quality of, and access to, open space (policy 7.18) and play space (policy 3.6) in the higher density environment of inner London.
70. Improving Burgess Park complies with strategic policy 11 contained in the Core Strategy, to improve, protect and maintain a network of open spaces and green corridors that will make places attractive, provide sport and leisure opportunities for a growing population and improve and protect habitats for a variety of wildlife.
71. The Burgess Park West site is within easy walking distance for many residents of Camberwell. The council's Open Space Strategy (2013) identifies Camberwell as an area with relatively high population density and high child density. Camberwell's park provision (area per population) is below the borough average and is expected to fall in the future as a result of population growth.
72. Saved policies 3.12 and 3.13 of the Southwark Plan seek to ensure new development is of the highest standard of design which should be coordinated wherever possible to avoid unnecessary clutter and to create an attractive environment. It should be designed to incorporate suitable access for people with disabilities or those who are impaired mobility to ensure ease of movement.
73. In the council's Open Space Strategy (2013), Burgess Park is identified as being below average quality and above average value. The Burgess Park West project will improve the quality of the park.
74. The design criteria follows that established as part of the previous park improvement phases informed by CABI guidance and is strongly influenced by the historical context of extensive residential and light industrial clearance including removal of the canal, roads, boundaries and other infrastructure. Historical development of the park has been incomplete and resulted in a fragmented, incoherent use of space with limited accessibility or aesthetic appeal. The new Southwest design aims to enhance the setting and use of the park through six key improvements:
 - i. Making Rust Square feel part of the park
 - ii. New Play Area to connect and activate Rust Square
 - iii. Clarified and expanded path network at Addington Square link.
 - iv. Enhanced and larger nature area
 - v. Improved and expanded activity lawn area
 - vi. New access to the BMX area

75. **Alterations to entrances and boundaries**
The proposed alterations aim to connect Rust Square with the rest of the Park and create safe, legible routes balancing pedestrian and cycling priority. A key feature in the improvement of the character and perception of the Square is the installation of bespoke railings around this currently poorly used and degraded part of the park.
76. Elsewhere, railings will be repaired and repainted with matching designs along boundaries to any land purchased along the southern boundary. None of the entrances will have gates.
77. These changes will provide more welcoming gateways and open up views into and through the park, enhancing visual and physical connectivity. The regrading of paths and steps at entrances will improve disabled access into the park (as well as access for pushchairs) and will benefit the townscape by giving a clearer sense of the parkland beyond.
78. The scheme proposes to achieve the objectives of the Aylesbury Action Area Plan to link the redeveloped estate presenting a more positive and appealing face to the road and increasing the total number of entrances.
79. **General alterations to accessibility and footpaths**
Realigned paths provide longer views and a much clearer feeling of being within a large park where consideration has been given to accessibility, safety and security for all park users. This is achieved primarily via the stopping up and removal of New Church Road which will allow the nature area to expand northwards into the adjacent grassland as far as the proposed footpath and cycleway. A mosaic of habitats will transition from a formal character within the centre of the park to a more natural character at its boundary, increasing green space by 32%. Paths will be a mixture of hard surfacing and permeable self-bonding gravel with minimum light spill, especially in relation to the nature area.
80. The proposals include new signage, litter bins and railings throughout the park with seating that aids accessibility via the incorporation of arm rests.
81. Although no new outdoor gym equipment is proposed, it will be relocated to suitable sites and coordinated with the existing well used exercise fitness circuit within grassed areas. This will have reinforced Grassmatt safety surfacing placed under each piece of equipment. They will be open to the park, without railings or fencing.
82. Other design elements include the retention and reuse of GLA metal orbs which are feature of the Rust Square entrance together with associated steel arch structures, shared surfaces and extensive reuse of existing materials such as granite kerbs. Widened paths are surfaced with either paving or self-bound gravel which enhance sustainability. Overall, the choice of furniture and materials is well specified with innovative seating, signage and screens. The palette is coherent with the wider park providing a consistent feel and quality whilst also being robust and simple to maintain.

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

83. Although no heritage assets or areas are located within the site it adjoins the Addington Square Conservation area and the Grade II listed lime Kiln.
84. It is considered that the proposal complies with Southwark Plan (2007) Policies: 3.15, 3.16, 3.17 and 3.18, in that it seeks to preserve and enhance the setting of adjoining conservation areas and listed buildings. In summary, it is considered that the proposed landscaping works will not compete or have a detrimental impact on the

wider setting of the conservation areas and listed buildings.

Impact on trees

85. A tree strategy was developed as part of the masterplan which informs the approach to tree retention and design. The survey shows recommended tree works where necessary to mitigate against identified hazardous defects and on the basis of good arboricultural management. The London Wildlife Trust has also undertaken a survey of trees of especial ecological value such that none are to be adversely affected by any proposed park remodelling.
86. Felling, transplanting and planting of trees
The improvement works aim to retain as many of the existing trees as possible. However, some losses are inevitable due to new landscaping and remodelling of ground levels, such as the layout of entrances and new footpaths created to improve views through the park.
87. In total, 46 trees are proposed to be removed, over 50 planted and 7 transplanted. Additionally 18 small trees that were not recorded in the tree survey will also be transplanted.
88. Removals include 19 category B Plane, and Poplar trees, 25 category C cherry, ash, maple, oak, poplar, hornbeam and ailanthus trees together with other poor quality leylandii trees that would normally be removed as part of sound arboricultural and amenity practice. These are located at the entrances to Rust Square and Southampton Way. None are removed from elsewhere within the nature area and existing saplings are retained wherever possible, or transplanted to appropriate locations in order to accommodate sight lines and fill gaps within mature avenues.
89. Details will be required on how this is to be completed together with confirmation of the species palette and maintenance specifications.
90. The removal of trees will be mitigated by planting which forms part of wider public realm and re-landscaping to improve the quality and appearance of the south west area. Based on this analysis, the loss is, on balance, considered acceptable as the majority are category C and not considered to be of an irreplaceable quality.
91. New specimen tree planting of 12-18cm stem girth, will include oak, London plane, poplar, limes, disease resistant elm and other ornamental species. The shrubs selected for the woodland mix are also aimed at improving wildlife habitat and biodiversity, and includes hazel, hawthorn, holly, privet, sloe and elder. This is considered to be a good selection of trees and shrubs to support wildlife and biodiversity.
92. There is less emphasis on structural tree planting to internally connect areas of the park or to define park edges. Planting does however aim to use trees and hedges within discrete areas to define and enclose spaces, such as at the play area, or through informal groups of scattered planting within and grading into the Nature Area. Away from small areas of wet scrub and woodland, more architectural or definitive tree planting is limited to the entrances at Rust Square and Wells Way. Extensive areas are laid to species rich lawn and meadows which provide a theme associated with improved entrances and intersections.

93. **Loss of Canopy**
 Whilst the loss of specimen trees may be limited, there will actually be a greater number of all sizes lost which will result in an initial reduction in canopy cover. This is significant as London planning policy regarding climate change refers to canopy cover and the need to compensate for any loss.
94. The site does not contain irreplaceable habitats, ancient woodland or veteran trees whose loss would be contrary to paragraph 118 of the NPPF. It also complies with London Plan Policy 7.21 in the retention of the most valuable trees together with planting of appropriate large-canopied species.
95. No TPO tree are affected as part of the proposed re-landscaping, whilst trees of the greatest benefit to amenity are retained at entrances and the nature area.
96. Where trees are to be felled they will be replaced so that there is no net loss of individual specimens. Although some of those lost will be mature, with a greater trunk girth and canopy spread than the replacements, the new trees will be of a greater variety and quality.
97. Tree planting and landscape conditions are therefore recommended to ensure suitable replacement trees are provided, together with protection measures. Suitable locations elsewhere within the park are available for new planting which have been agreed in principle with the applicant.

Impact on the ecology and biodiversity of the park

98. Burgess Park is a non-statutory 'Site of Borough Grade 2 Importance for Nature Conservation. Surveys of existing habitats and of birds, bats and reptiles were carried out, particularly focusing on the areas most affected by the proposed works. The findings were that it is not habitat-rich, being mainly man-made habitats which have yet to mature. However, the park is potentially a valuable self-contained ecological unit with the capacity to support a diverse range of common species. It has the capacity to increase local biodiversity due to its size through increasing the extent of those areas managed specifically for nature conservation and through wildlife friendly management practices.
99. The proposals will retain and enhance the overall species diversity by retaining and adding to the range of ornamental and semi-natural habitats and by increasing the soft landscaping by the conversion of redundant roads to grassed areas. The new pictorial meadows will enhance the overall ornamental and semi-ornamental habitats within the park creating a more diverse mosaic of foraging, nesting and overwintering habitats for wildlife than is currently supported in this section of the park.
100. A key feature of the design provides additional value via the installation of short species rich meadows at entrances and path edges which develop into a woodland buffer or tree group plantings at building lines.
101. The planting of native tree and shrub species will attract insects and also provide a potential food source for bats and birds. Bat and bird nesting boxes will also be provided in suitable locations.
102. Saved policy 3.28 (Biodiversity) of the Southwark Plan states that development will not be permitted which would damage the nature conservation value of sites of importance for nature conservation (SINC), and where, exceptionally, such developments are permitted, the council will seek mitigation and/or compensation for the damage to biodiversity. No development is proposed that conflicts with this policy.

103. Increasing the size of the nature area by 3,100m² (32%) complies with strategic objective 2F contained in the Core Strategy, to conserve, protect and enhance historic and natural places, including heritage assets and the wider historic environment, open spaces and biodiversity.
104. The submitted surveys are considered acceptable and no further surveys are required. The development will result in clearing areas of planted shrubs and some trees. However, the works should be undertaken outside bird nesting season, (March - August).
105. Although ponds have not been included in the final design sufficient space is retained for these to be created as funding becomes available.

Planning obligations (S.106 undertaking or agreement)

106. Planning obligations are sought to mitigate specified negative impacts of development which is in other respects acceptable. As there are no negative impacts to be mitigated with these proposals there is no requirement for any planning obligations (S106 Planning Agreement).
107. The enhancements to the park will be of benefit to the users of this key community resource, retaining and enhancing the range of facilities available in a more inviting and well-connected environment.
108. There is no proposed change of use or any increase in floorspace. As such, the scheme would not attract a payment under CIL.

Sustainable development implications

109. The proposals enhance the park's ability to create more comfortable microclimates, use less water and manage surface water more effectively. They also include the recycling of existing site materials within the park, achieve a cut and fill balance to ensure all cut materials stay on site, and felled trees will be reclaimed and reused as part of the play elements, dead wood habitat for the park or chipped and re-used in planting areas.
110. A suitable response to climate change is to maintain, and where possible increase, the existing tree canopy cover by replanting. It is therefore proposed to impose a condition requiring additional tree planting to replace tree canopy cover and the associated wildlife habitat.
111. The proposals aim to reduce water use and adopt a sustainable approach to drainage. The previously consented bore hole replaces the mains water supply and the wet woodland areas will hold surface water rather than losing it to storm water drainage, whilst permeable surfacing provides more sustainable drainage from hard areas. The scheme therefore provides for flood storage volumes with a sustainable urban drainage system (SUDs) to attenuate surface water in extreme weather events.
112. Energy efficiency measures in this scheme include aim to include less intensive maintenance (i.e. less frequent and intensive mowing). Enhanced routes through the park encourage walking and cycling, control of temporary car parking numbers, minimising lighting within the park and re-use of existing energy efficient lights. There will also be new waste and recycling bins, whilst existing waste management and recycling will continue.
113. The proposals incorporate new habitats for wildlife, with the aim to both adapt to climate change and mitigate its impacts.

Other matters

114. Flood alleviation
The site lies within Flood Zone 3a as defined by the NPPF. The park is an area of amenity open space and is considered water compatible development. An exception test is therefore not required.
115. The site has a low risk of fluvial and tidal flooding from the River Thames which is approximately 3km to the north. The risk associated with a breach has not been considered due to the water compatible nature of the site and as an area benefiting from flood defences.
116. Flooding from surface water has been assessed by the submitted Flood Risk Assessment (FRA) which notes that the risk varies across the site from high to very low. This is considered acceptable due to the nature and vulnerability classification of the development. The reduction in area of hardstanding and increase in soft landscape area will provide a higher rate of infiltration, whilst all surface water runoff will be contained within the confines of the park. The removal of the existing road drainage within New Church Road will result in lower flows entering the combined sewer system, which will provide an increase in available capacity in the local sewers.
117. The drainage plan therefore demonstrates that any discharge to sewers is not increased by the development. Opportunities to reduce discharge to optimum levels have been addressed via the increased size of the nature area, overall reduction in hard surfacing and use of permeable materials.
118. Removal of a 4000m² redundant section of New Church Road. This element alone will reduce the amount of surface water run-off from the site into the sewer system by 2.5 million litres a year and by around half a million litres during a once in a lifetime storm, significantly reducing local flood risk.
119. Overall, the submitted FRA demonstrates that the flood risks to the site are appropriate for the nature of the development and furthermore, that the development will not increase flood risk elsewhere.
120. Archaeology
Burgess Park borders the Bermondsey Lake Archaeological Priority Zone (APZ) to the east on the Old Kent Road frontage, which is particularly significant for prehistoric finds and in relation to the course of the Roman road and associated roadside settlement. Additionally, the Greater London Historic Environment Record (GLHER) has several entries for heritage assets and archaeological find spots across the Park. It should, however, be noted that the Park has seen significant development impact and much of the archaeology will have been compromised or removed by previous development.
121. The proposal covers a large area of Burgess Park, and whilst the majority of the impacts are surface works and will not have any detrimental impact on the buried archaeological resource, it is possible that in localised areas there may be a deeper impact requiring some archaeological safeguards. An archaeological desk based assessment (DBA) will be submitted to address the impact of the proposals in relation to buried archaeology.
122. Details of a watching brief have been submitted with the application for the areas where deeper excavations will be required (i.e. installation of play equipment and removal of New Church Road). The watching brief proposed is considered acceptable and will be secured by condition.

Conclusion on planning issues

123. The proposals for the improvement of Burgess Park should achieve the objectives of improved access, cohesion and identity as outlined in the masterplan, thereby enabling the park to meet its social, economic and environmental potential. The enhanced park should also provide more of what the community needs in terms of a high quality design, safe open green space for passive enjoyment, social interaction, events, recreation and leisure activities. Environmental sustainability and biodiversity are well considered, as is the overall layout and design of entrances, paths and planting.
124. The scheme has undergone extensive pre-application consultation and as a result the planning consultation responses focus on specific issues. There are both expressions of support for the project and objections expressed about specific aspects of the scheme. The concerns raised and the reasons for the final form of the proposals are explained in this report. However, whilst some issues remain it is considered that the overall benefits of the proposals greatly outweigh any concerns. This is because there are significant improvements for public access, amenity and safety, as well as the enhancement of the landscape, biodiversity and enjoyment of the park facilities, all of which should be supported.
125. Some works to trees of limited amenity value are proposed and can be mitigated through replacement planting. Impacts on the openness of the MOL would be acceptable and disturbance to local residents limited.
126. The scheme is therefore consistent with the status of the park as Metropolitan Open Land, and will retain the openness and recreational function of the land in line with Policy 3.25 of the Southwark Plan. It will enhance the appreciation of heritage assets within and close to the park, also consistent with the Southwark Plan, as well as improving the biodiversity of the landscape. Subject to appropriate conditions, this scheme should be supported to deliver high quality public realm. For these reasons it is recommended that planning permission is granted.

Community impact statement

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

The impact on local people is set out above.

Consultations

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

Consultation replies

129. Details of consultation and any re-consultation undertaken by the Director of Planning in respect of this application are set out in Appendix 1.
130. In addition to the formal consultation on the planning application, the applicants carried out extensive local consultation during the design process. Several groups were identified for consultation including technical and partner stakeholders, and representatives of the community and public. In total, there have been three rounds of

public consultation for the Burgess Park West regeneration project together with consultation of various professionals working for external consultees and Southwark Council including the friends of Burgess Park. Following the third consultation a focused playground workshop was undertaken.

131. A dedicated web site and Facebook page were also set up. Details of the consultation events and workshops have been provided. These identified a great deal of support for the proposals and contributed ideas for the plans and suggestions for further facilities.
132. A majority of respondents (76%) either liked all or some of the proposed plans. Respondents were generally well-informed about the plans prior to completing the survey – only 5% of respondents said they had not seen them.
133. There was support for the removal of redundant roads, an increase in the nature area and new paths.
134. Alterations to the proposed location and specification of outdoor gym equipment and play area were incorporated or amended following input from stakeholders.
135. Overall, a comprehensive programme of consultations has ensured that there were opportunities for the general public and all interested parties to comment and contribute to the development of the scheme. It has also been demonstrated that the comments and suggestions made throughout the consultation process were fully taken into account and have led to changes in the design of the scheme.
136. Details of consultation responses received are set out in Appendix 2.
137. Summary of consultation responses
There has been support for the Burgess Park West improvement proposals, but objections have been received or concerns raised about specific aspects of the scheme:
 - a) The proximity of the play area in relation to noise and disturbance (three objections)
 - b) The enclosure of Rust Square (one objection)
 - c) A decrease in the area and quality of the nature area (one objection)
 - d) The use of outdoor gym equipment (one comment)
 - e) The proposed maintenance of new landscaping, loss and replacement of trees related to their size and maturity; (one comment Friends of Burgess Park)
 - f) The absence of a Flood Alleviation Strategy (Environment Agency)
 - g) The compulsory purchase of land at Southampton Way and its designation as MOL (eight objections).
138. These concerns are addressed in the report.
139. Comments with support or no objection have been received from Historic England, Network Rail, and Transport for London.
140. There have also been detailed comments from the council's urban forester, archaeologist, ecologist, transport and conservation and design officers.

Human rights implications

141. 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.

142. This application has the legitimate aim of providing new and upgraded landscaping. 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/M2022 Application file: 16/AP/3165 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 2090 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Oliver Stutter, Senior Planner	
Version	Final	
Dated	8 November 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		16 November 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 22/08/2016**Press notice date:** 25/08/2016**Case officer site visit date:** 22/08/2016**Neighbour consultation letters sent:** 23/08/2016**Internal services consulted:**

Ecology Officer
 Economic Development Team
 Environmental Protection Team, Environment & Housing Department
 Flood and Drainage Team
 HIGHWAY LICENSING
 Highway Development Management
 Housing Regeneration Initiatives
 Public Realm Comments on Developments Where Trees are Affected
 Waste Management

Statutory and non-statutory organisations consulted:

EDF Energy
 Environment Agency
 Friends of Burgess Park, 48 Willowbrook Road
 Greater London Authority
 Historic England
 London Fire & Emergency Planning Authority
 London Underground Limited
 Metropolitan Police Service (Designing out Crime)
 Natural England - London Region & South East Region
 Network Rail (Planning)
 Thames Water - Development Planning
 Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

Flat 20 55 Wells Way SE5 7TW
 Flat 21 55 Wells Way SE5 7TW
 Flat 18 55 Wells Way SE5 7TW
 Flat 19 55 Wells Way SE5 7TW
 Flat 22 55 Wells Way SE5 7TW
 Flat 25 55 Wells Way SE5 7TW
 Flat 26 55 Wells Way SE5 7TW
 Flat 23 55 Wells Way SE5 7TW
 Flat 24 55 Wells Way SE5 7TW
 Flat 17 55 Wells Way SE5 7TW
 Flat 10 55 Wells Way SE5 7TW
 Flat 11 55 Wells Way SE5 7TW
 Flat 8 55 Wells Way SE5 7TW
 Flat 9 55 Wells Way SE5 7TW
 Flat 12 55 Wells Way SE5 7TW
 Flat 15 55 Wells Way SE5 7TW
 Flat 16 55 Wells Way SE5 7TW

35 Addington Square London SE5 7LB
 Flat A 36 Addington Square SE5 7LB
 15 Addington Square London SE5 7JZ
 Flat 20 Ayres Court SE5 7FA
 Flat 21 Ayres Court SE5 7FA
 Flat 18 Ayres Court SE5 7FA
 Flat 19 Ayres Court SE5 7FA
 Flat 22 Ayres Court SE5 7FA
 13 Addington Square London SE5 7JZ
 14 Addington Square London SE5 7JZ
 Flat 23 Ayres Court SE5 7FA
 Flat 24 Ayres Court SE5 7FA
 39 Addington Square London SE5 7LB
 28 Kitson Road London SE5 7LF
 30 Kitson Road London SE5 7LF
 24 Kitson Road London SE5 7LF
 26 Kitson Road London SE5 7LF

Flat 13 55 Wells Way SE5 7TW
 Flat 14 55 Wells Way SE5 7TW
 Flat 27 55 Wells Way SE5 7TW
 Flat B 36 Addington Square SE5 7LB
 Flat D 36 Addington Square SE5 7LB
 66 Wells Way London SE5 7UA
 25-33 Parkhouse Street London SE5 7TQ
 35a Addington Square London SE5 7LB
 39c Southampton Way London SE5 7SW
 8 Rust Square London SE5 7LG
 15-19 Parkhouse Street London SE5 7TQ
 37 Addington Square London SE5 7LB
 Flat 5 37 Addington Square SE5 7LB
 Flat 30 55 Wells Way SE5 7TW
 21-23 Parkhouse Street London SE5 7TQ
 Flat 28 55 Wells Way SE5 7TW
 Flat 29 55 Wells Way SE5 7TW
 18 Addington Square London SE5 7JZ
 Flat 3 37 Addington Square SE5 7LB
 Flat 4 37 Addington Square SE5 7LB
 21 Addington Square London SE5 7JZ
 Flat 2 37 Addington Square SE5 7LB
 1 Evelina Mansions New Church Road SE5 7JW
 10 Evelina Mansions New Church Road SE5 7JW
 71 Evelina Mansions New Church Road SE5 7JN
 72 Evelina Mansions New Church Road SE5 7JN
 11 Evelina Mansions New Church Road SE5 7JW
 14 Evelina Mansions New Church Road SE5 7JW
 15 Evelina Mansions New Church Road SE5 7JW
 12 Evelina Mansions New Church Road SE5 7JW
 13 Evelina Mansions New Church Road SE5 7JW
 70 Evelina Mansions New Church Road SE5 7JN
 63 Evelina Mansions New Church Road SE5 7JN
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 66 Evelina Mansions New Church Road SE5 7JN
 67 Evelina Mansions New Church Road SE5 7JN
 16 Evelina Mansions New Church Road SE5 7JW
 Flat 1 55 Wells Way SE5 7TW
 Flat 2 55 Wells Way SE5 7TW
 48a New Church Road London SE5 7JJ
 35a-35b Southampton Way London SE5 7SW
 Flat 3 55 Wells Way SE5 7TW
 Flat 6 55 Wells Way SE5 7TW
 Flat 7 55 Wells Way SE5 7TW
 Flat 4 55 Wells Way SE5 7TW
 Flat 5 55 Wells Way SE5 7TW
 9 Evelina Mansions New Church Road SE5 7JW
 2 Evelina Mansions New Church Road SE5 7JW
 3 Evelina Mansions New Church Road SE5 7JW
 17 Evelina Mansions New Church Road SE5 7JW
 18 Evelina Mansions New Church Road SE5 7JW
 4 Evelina Mansions New Church Road SE5 7JW
 7 Evelina Mansions New Church Road SE5 7JW
 8 Evelina Mansions New Church Road SE5 7JW
 5 Evelina Mansions New Church Road SE5 7JW
 6 Evelina Mansions New Church Road SE5 7JW
 Flat A 25 Southampton Way SE5 7SW
 Flat 47 Masterman House Elmington Estate SE5 7HX
 Flat 48 Masterman House Elmington Estate SE5 7HX
 Flat 45 Masterman House Elmington Estate SE5 7HX
 Flat 46 Masterman House Elmington Estate SE5 7HX
 Flat 49 Masterman House Elmington Estate SE5 7HX
 Flat 52 Masterman House Elmington Estate SE5 7HX
 Flat 53 Masterman House Elmington Estate SE5 7HX
 Flat 50 Masterman House Elmington Estate SE5 7HX
 Flat 51 Masterman House Elmington Estate SE5 7HX
 Flat 44 Masterman House Elmington Estate SE5 7HX
 Flat 6 Masterman House Elmington Estate SE5 7HU
 Flat 7 Masterman House Elmington Estate SE5 7HU
 Flat 40 Masterman House Elmington Estate SE5 7HU
 Flat 5 Masterman House Elmington Estate SE5 7HU
 Flat 8 Masterman House Elmington Estate SE5 7HU
 Flat 42 Masterman House Elmington Estate SE5 7HX
 Flat 43 Masterman House Elmington Estate SE5 7HX
 32 Kitson Road London SE5 7LF
 38 Kitson Road London SE5 7LF
 40 Kitson Road London SE5 7LF
 34 Kitson Road London SE5 7LF
 36 Kitson Road London SE5 7LF
 22 Kitson Road London SE5 7LF
 42 Addington Square London SE5 7LB
 10 Kitson Road London SE5 7LF
 40 Addington Square London SE5 7LB
 41 Addington Square London SE5 7LB
 12 Kitson Road London SE5 7LF
 18 Kitson Road London SE5 7LF
 20 Kitson Road London SE5 7LF
 14 Kitson Road London SE5 7LF
 16 Kitson Road London SE5 7LF
 Flat 5 59 Wells Way SE5 7UB
 Flat 6 59 Wells Way SE5 7UB
 Flat 8 59 Wells Way SE5 7UB
 Flat 3 59 Wells Way SE5 7UB
 Flat 9 59 Wells Way SE5 7UB
 Flat 1 83 New Church Road SE5 7JR
 Flat 2 83 New Church Road SE5 7JR
 Flat 13 59 Wells Way SE5 7UB
 1-3 Southampton Way London SE5 7SW
 Flat 7 59 Wells Way SE5 7UB
 Flat 14 59 Wells Way SE5 7UB
 36a New Church Road London SE5 7JJ
 Flat 2 59 Wells Way SE5 7UB
 Flat 4 59 Wells Way SE5 7UB
 Flat 1 59 Wells Way SE5 7UB
 Flat 12 59 Wells Way SE5 7UB
 Flat 15 59 Wells Way SE5 7UB
 Flat 10 59 Wells Way SE5 7UB
 Flat 11 59 Wells Way SE5 7UB
 Flat 3 83 New Church Road SE5 7JR
 Flat 11 Ayres Court SE5 7FA
 Flat 12 Ayres Court SE5 7FA
 Flat 9 Ayres Court SE5 7FA
 Flat 10 Ayres Court SE5 7FA
 Flat 13 Ayres Court SE5 7FA
 Flat 16 Ayres Court SE5 7FA
 Flat 17 Ayres Court SE5 7FA
 Flat 14 Ayres Court SE5 7FA
 Flat 15 Ayres Court SE5 7FA
 Flat 8 Ayres Court SE5 7FA
 Flat 1 Ayres Court SE5 7FA
 Flat 2 Ayres Court SE5 7FA
 Flat 4 83 New Church Road SE5 7JR
 Flat 5 83 New Church Road SE5 7JR
 Flat 3 Ayres Court SE5 7FA
 Flat 6 Ayres Court SE5 7FA
 Flat 7 Ayres Court SE5 7FA
 Flat 4 Ayres Court SE5 7FA
 Flat 5 Ayres Court SE5 7FA
 1 Rust Square London SE5 7LG
 33b Southampton Way London SE5 7SW
 39a Southampton Way London SE5 7SW
 31a Southampton Way London SE5 7SW
 33a Southampton Way London SE5 7SW
 39b Southampton Way London SE5 7SW
 43a Southampton Way London SE5 7SW
 43b Southampton Way London SE5 7SW
 41a Southampton Way London SE5 7SW
 41b Southampton Way London SE5 7SW
 29a Southampton Way London SE5 7SW
 17b Southampton Way London SE5 7SW
 19a Southampton Way London SE5 7SW
 15c Southampton Way London SE5 7SW
 17a Southampton Way London SE5 7SW
 19b Southampton Way London SE5 7SW
 23b Southampton Way London SE5 7SW
 27a Southampton Way London SE5 7SW
 21a Southampton Way London SE5 7SW
 23a Southampton Way London SE5 7SW
 1a Parkhouse Street London SE5 7TQ
 Flat 9 Leslie Prince Court SE5 7JQ
 55 Evelina Mansions New Church Road SE5 7JN
 Flat 5 Leslie Prince Court SE5 7JQ
 Flat 6 Leslie Prince Court SE5 7JQ

Flat 9 Masterman House Elmington Estate SE5 7HU
 Flat 41 Masterman House Elmington Estate SE5 7HX
 Flat 54 Masterman House Elmington Estate SE5 7HX
 Flat 67 Masterman House Elmington Estate SE5 7HX
 Flat 1 Kenyon House Elmington Estate SE5 7HY
 Flat 65 Masterman House Elmington Estate SE5 7HX
 Flat 66 Masterman House Elmington Estate SE5 7HX
 Flat 2 Kenyon House Elmington Estate SE5 7HY
 Flat 8 Kenyon House Elmington Estate SE5 7HY
 Flat 9 Kenyon House Elmington Estate SE5 7HY
 Flat 3 Kenyon House Elmington Estate SE5 7HY
 Flat 7 Kenyon House Elmington Estate SE5 7HY
 Flat 64 Masterman House Elmington Estate SE5 7HX
 Flat 57 Masterman House Elmington Estate SE5 7HX
 Flat 58 Masterman House Elmington Estate SE5 7HX
 Flat 55 Masterman House Elmington Estate SE5 7HX
 Flat 56 Masterman House Elmington Estate SE5 7HX
 Flat 59 Masterman House Elmington Estate SE5 7HX
 Flat 62 Masterman House Elmington Estate SE5 7HX
 Flat 63 Masterman House Elmington Estate SE5 7HX
 Flat 60 Masterman House Elmington Estate SE5 7HX
 Flat 61 Masterman House Elmington Estate SE5 7HX
 Flat 16 Masterman House Elmington Estate SE5 7HU
 Flat 17 Masterman House Elmington Estate SE5 7HU
 Flat 14 Masterman House Elmington Estate SE5 7HU
 Flat 15 Masterman House Elmington Estate SE5 7HU
 Flat 18 Masterman House Elmington Estate SE5 7HU
 Flat 20 Masterman House Elmington Estate SE5 7HU
 Flat 21 Masterman House Elmington Estate SE5 7HU
 Flat 19 Masterman House Elmington Estate SE5 7HU
 Flat 2 Masterman House Elmington Estate SE5 7HU
 Flat 13 Masterman House Elmington Estate SE5 7HU
 Rear Of 35-39 Parkhouse Street SE5 7TQ
 9-11 Southampton Way London SE5 7SW
 Flat B 25 Southampton Way SE5 7SW
 Ground Floor Flat 39 Parkhouse Street SE5 7TQ
 5-7 Southampton Way London SE5 7SW
 Flat 11 Masterman House Elmington Estate SE5 7HU
 Flat 12 Masterman House Elmington Estate SE5 7HU
 Flat 1 Masterman House Elmington Estate SE5 7HU
 Flat 10 Masterman House Elmington Estate SE5 7HU
 Flat 22 Masterman House Elmington Estate SE5 7HU
 Flat 34 Masterman House Elmington Estate SE5 7HU
 Flat 35 Masterman House Elmington Estate SE5 7HU
 Flat 32 Masterman House Elmington Estate SE5 7HU
 Flat 33 Masterman House Elmington Estate SE5 7HU
 Flat 36 Masterman House Elmington Estate SE5 7HU
 Flat 39 Masterman House Elmington Estate SE5 7HU
 Flat 4 Masterman House Elmington Estate SE5 7HU
 Flat 37 Masterman House Elmington Estate SE5 7HU
 Flat 38 Masterman House Elmington Estate SE5 7HU
 Flat 31 Masterman House Elmington Estate SE5 7HU
 Flat 25 Masterman House Elmington Estate SE5 7HU
 Flat 26 Masterman House Elmington Estate SE5 7HU
 Flat 23 Masterman House Elmington Estate SE5 7HU
 Flat 24 Masterman House Elmington Estate SE5 7HU
 Flat 27 Masterman House Elmington Estate SE5 7HU
 Flat 3 Masterman House Elmington Estate SE5 7HU
 Flat 30 Masterman House Elmington Estate SE5 7HU
 Flat 28 Masterman House Elmington Estate SE5 7HU
 Flat 29 Masterman House Elmington Estate SE5 7HU
 20 Addington Square London SE5 7JZ
 33 Addington Square London SE5 7LB
 16 Addington Square London SE5 7JZ
 19 Addington Square London SE5 7JZ
 34 Addington Square London SE5 7LB
 Flat 1 37 Addington Square SE5 7LB
 38 Addington Square London SE5 7LB
 56 Evelina Mansions New Church Road SE5 7JN
 59 Evelina Mansions New Church Road SE5 7JN
 60 Evelina Mansions New Church Road SE5 7JN
 57 Evelina Mansions New Church Road SE5 7JN
 58 Evelina Mansions New Church Road SE5 7JN
 Flat 2 Leslie Prince Court SE5 7JQ
 3a Parkhouse Street London SE5 7TQ
 37a Parkhouse Street London SE5 7TQ
 11a Parkhouse Street London SE5 7TQ
 13a Parkhouse Street London SE5 7TQ
 5a Parkhouse Street London SE5 7TQ
 Flat 1 Leslie Prince Court SE5 7JQ
 Flat 10 Leslie Prince Court SE5 7JQ
 7a Parkhouse Street London SE5 7TQ
 9a Parkhouse Street London SE5 7TQ
 35 Southampton Way London SE5 7SW
 37 Southampton Way London SE5 7SW
 29 Southampton Way London SE5 7SW
 31 Southampton Way London SE5 7SW
 41 Southampton Way London SE5 7SW
 13 Parkhouse Street London SE5 7TQ
 3 Parkhouse Street London SE5 7TQ
 1 Parkhouse Street London SE5 7TQ
 11 Parkhouse Street London SE5 7TQ
 27 Southampton Way London SE5 7SW
 4 Rust Square London SE5 7LG
 5 Rust Square London SE5 7LG
 2 Rust Square London SE5 7LG
 3 Rust Square London SE5 7LG
 6 Rust Square London SE5 7LG
 17 Southampton Way London SE5 7SW
 21 Southampton Way London SE5 7SW
 7 Rust Square London SE5 7LG
 13 Southampton Way London SE5 7SW
 37 Parkhouse Street London SE5 7TQ
 48 New Church Road London SE5 7JJ
 Flat 1 17 Addington Square SE5 7JZ
 44 New Church Road London SE5 7JJ
 46 New Church Road London SE5 7JJ
 Flat 2 17 Addington Square SE5 7JZ
 15a Southampton Way London SE5 7SW
 15b Southampton Way London SE5 7SW
 Flat 3 17 Addington Square SE5 7JZ
 Flat C 36 Addington Square SE5 7LB
 42 New Church Road London SE5 7JJ
 7 Parkhouse Street London SE5 7TQ
 9 Parkhouse Street London SE5 7TQ
 39 Parkhouse Street London SE5 7TQ
 5 Parkhouse Street London SE5 7TQ
 17 New Church Road London SE5 7JH
 38 New Church Road London SE5 7JJ
 40 New Church Road London SE5 7JJ
 19 New Church Road London SE5 7JH
 36 New Church Road London SE5 7JJ
 6 Wellington Place Leeds LS1 4AP
 9 Palfrey Court 74 Edmund Street SE5 7NR
 7 Ayres Court London SE5 7FA
 Flat 87 Andoversford Court Bibury Close SE15 6AF
 69 Coleman Road London SE5 7TF
 10 Ashley Road Dorking RH4 3QJ
 11 Baltimore Place Welling DA16 3LW
 Hextable Village Nursery Puddledock Lane DA2 7QE
 185 Casewick Road West Norwood SE27 0TA
 54 Elephant Lane Rotherhithe SE16 4JD
 Rose Cottage Snag Lane TN14 7RG
 14 Rue De La Capellette 83440
 14 Rue De La Capellette Seillans
 42 Southampton Way London SE5 7TT
 81a Grove Park London SE5 8LE

Re-consultation: n/a

Consultation responses received**Internal services**

None

Statutory and non-statutory organisations

Environment Agency
London Underground Limited
Network Rail (Planning)
Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups

Email representation
Flat 87 Andoversford Court Bibury Close SE15 6AF
Hextable Village Nursery Puddledock Lane DA2 7QE
Rose Cottage Snag Lane TN14 7RG
10 Ashley Road Dorking RH4 3QJ
11 Baltimore Place Welling DA16 3LW
14 Rue De La Capellette Seillans
185 Casewick Road West Norwood SE27 0TA
39b Southampton Way London SE5 7SW
4 Rust Square London SE5 7LG
42 Southampton Way London Se57tt
54 Elephant Lane Rotherhithe SE16 4JD
6 Wellington Place Leeds LS1 4AP
69 Coleman Road London SE5 7TF
7 Ayres Court London SE5 7FA
81a Grove Park London SE5 8LE
9 Palfrey Court 74 Edmund Street SE5 7NR
9 Palfrey Court 74 Edmund Street SE5 7NR

RECOMMENDATION

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

Applicant	Ms Pippa Krishnan Southwark Council Parks & Leisure	Reg. Number	16/AP/3165
Application Type	Council's Own Development - Reg. 3	Case	TP/M2022
Recommendation	Grant permission	Number	

Draft of Decision Notice

Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:

Re-landscaping the South-West region of Burgess Park including a new play area, new access pathways, new lighting fixtures, new surfaces, trees, shrubs, meadow and to include new park furniture.

At: SOUTH-WEST OF BURGESS PARK, ALBANY ROAD, SE5

In accordance with application received on 03/08/2016 08:00:21

and Applicant's Drawing Nos. Bat Surveys - BAT SURVEY ADDENDUM

Bat Surveys - BAT EMERGENCE SURVEY

Bat Surveys - BAT ASSESSMENT

Design and access statement - PART 24 OF 24

Design and access statement - PART 19 OF 24

Design and access statement - PART 18 OF 24

Design and access statement - PART 17 OF 24

Design and access statement - PART 16 OF 24

Design and access statement - PART 15 OF 24

Design and access statement - PART 14 OF 24

Design and access statement - PART 13 OF 24

Design and access statement - PART 12 OF 24

Design and access statement - PART 11 OF 24

Design and access statement - PART 10 OF 24

Design and access statement - PART 9 OF 24

Design and access statement - PART 8 OF 24

Design and access statement - PART 7 OF 24

Design and access statement - PART 6 OF 24

Design and access statement - PART 5 OF 24

Design and access statement - PART 4 OF 24

Design and access statement - PART 3 OF 24

Design and access statement - PART 2 OF 24

Design and access statement - PART 1 OF 24

Design and access statement - PART 22 OF 24

Design and access statement - PART 23 OF 24

Design and access statement - PART 21 OF 24

Design and access statement - PART 20 OF 24

DOCUMENT SCHEDULE

TREE SURVEY SCHEDULE

EXTENDED PHASE 1 SURVEY

SOILS STRATEGY

EARTHWORKS SPECIFICATION

STATEMENT OF INVOLVEMENT

Tree Retention and Protection Plan Rust Square detail 135558/TRPP/RSD

Plan - 4851_100 - APPLICATION SITE

Plan - 4851_110 - LANDSCAPE ZONES

Plan - 4851_150 - SITE SURVEY PLAN

Plan - 4851_150 - REMOVALS PLAN

Plan - 4851_201 - HARDWORKS GA

Plan - 4851_202 - HARDWORKS GA

Plan - 4851_301 - SOFTWORKS GA

Plan - 4851_302 - SOFTWORKS GA
 Plan - 4851_320 - TYPICAL DETAILS - TREE PIT IN LAWN
 Plan - 4851_420 - TYPICAL DETAILS - BESPOKE RAILING
 Plan - 4851_805-806 - SECTIONS
 Plan - 4851_803-804 - SECTIONS
 Plan - 4851_801-802 - SECTIONS
 Plan - TREE RETENTION AND PROTECTION PLAN
 Plan - 4851_800 - SECTIONS REFERENCE PLAN
 Plan - 4851_630 - PLANTING TYPOLOGIES
 Plan - 4851_620 - PLAY EQUIPMENT TYPOLOGIES
 Plan - 4851_610 - FURNITURE TYPOLOGIES
 Plan - 4851_600 - MATERIAL TYPOLOGIES
 Plan - 4851_552 - TREE SURVEY
 Plan - 4851_551 - TREE SURVEY (BY CONNICK TREE CARE)
 Plan - 4851_502 - TREE PLAN; RETAIN, TRANSPLANT & REMOVE
 Plan - 4851_501 - TREE PLAN; RETAIN, TRANSPLANT & REMOVE
 Plan - 4851_421 - BURGESS PARK WEST SIGNAGE MONOLITH
 Planning statement
 Site location plan
 Tree survey and assessment - TREE CONDITION ASSESSMENT
 Tree survey and assessment - TREE ECOLOGICAL ASSESSMENT REPORT
 Tree survey and assessment - ARBORICULTURAL REPORT

Subject to the following eight 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:

Tree Retention and Protection Plan Rust Square detail 135558/TRPP/RSD

Plan - 4851_100 - APPLICATION SITE
 Plan - 4851_110 - LANDSCAPE ZONES
 Plan - 4851_150 - SITE SURVEY PLAN
 Plan - 4851_150 - REMOVALS PLAN
 Plan - 4851_201 - HARDWORKS GA
 Plan - 4851_202 - HARDWORKS GA
 Plan - 4851_301 - SOFTWORKS GA
 Plan - 4851_302 - SOFTWORKS GA
 Plan - 4851_320 - TYPICAL DETAILS - TREE PIT IN LAWN
 Plan - 4851_420 - TYPICAL DETAILS - BESPOKE RAILING
 Plan - 4851_805-806 - SECTIONS
 Plan - 4851_803-804 - SECTIONS
 Plan - 4851_801-802 - SECTIONS
 Plan - TREE RETENTION AND PROTECTION PLAN
 Plan - 4851_800 - SECTIONS REFERENCE PLAN
 Plan - 4851_630 - PLANTING TYPOLOGIES
 Plan - 4851_620 - PLAY EQUIPMENT TYPOLOGIES
 Plan - 4851_610 - FURNITURE TYPOLOGIES
 Plan - 4851_600 - MATERIAL TYPOLOGIES
 Plan - 4851_552 - TREE SURVEY
 Plan - 4851_551 - TREE SURVEY (BY CONNICK TREE CARE)
 Plan - 4851_502 - TREE PLAN; RETAIN, TRANSPLANT & REMOVE
 Plan - 4851_501 - TREE PLAN; RETAIN, TRANSPLANT & REMOVE
 Plan - 4851_421 - BURGESS PARK WEST SIGNAGE MONOLITH

Reason:

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

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

- 3 Prior to works commencing, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff 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.

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

Reason

In order that the applicants supply the necessary archaeological information to ensure suitable mitigation measures and/or foundation design proposals be presented in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 5 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.

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

- 6 Before any above grade work hereby authorised begins, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This is an mandatory criteria of BREEAM (LE5) to monitor long term impact on biodiversity a requirement is to produce a Landscape and Habitat Management Plan

- 7 Before any above grade work hereby authorised begins, details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.14 Designing out crime of the Southwark plan 2007.

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

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

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with 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.

Statement of positive and proactive action in dealing with the application

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

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PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17

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

Name	No of copies	Name	No of copies
To all Members of the sub-committee			
Councillor Leo Pollak (Chair)	1	Environment & Leisure	1
Councillor Ben Johnson (Vice-Chair)	1	Environmental Protection Team	
Councillor Radha Burgess	1		
Councillor James Coldwell	1		
Councillor Helen Dennis	1	Communications	By
Councillor Nick Dolezal	1	Louise Neilan, media manager	email
Councillor David Noakes	1		
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Councillor Lucas Green			
Councillor David Hubber			
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Constitutional Officer, Hub 2 (2 nd Floor), Tooley St.	7		
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Margaret Foley, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		