

Planning Sub-Committee A

Tuesday 1 October 2019 at 6.30pm

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

Membership

Councillor Kath Whittam (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Peter Babudu
Councillor Sunil Chopra
Councillor David Noakes
Councillor Martin Seaton
Councillor Leanne Werner

Reserves

Councillor Anood Al-Samerai
Councillor Renata Hamvas
Councillor Barrie Hargrove
Councillor Richard Leeming
Councillor Victoria Olisa

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

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Access

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Contact

Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 23 September 2019



Planning Sub-Committee A

Tuesday 1 October 2019
6.30 pm

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

Order of Business

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1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	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.	
5.	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.	
6.	MINUTES	1 - 3
	To approve as a correct record the minutes of the meeting held on 10 July 2019.	
7.	DEVELOPMENT MANAGEMENT ITEMS	4 - 7
	7.1. THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE	8 - 28

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[COMMENT...]

Date: 23 September 2019

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**.

- (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, Place and Wellbeing Department
 Tel: 020 7525 5403

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



Planning Sub-Committee A

Minutes of the Planning Sub-Committee A held on Wednesday 10 July 2019 at 6.30 pm at Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Kath Whittam (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Peter Babudu
Councillor Martin Seaton
Councillor Leanne Werner
Councillor Richard Leeming

OFFICER SUPPORT: Dipesh Patel (Development Management)
Margaret Foley (Legal Officer)
Glenn Ruane (Development Management)
Tim Murtagh (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 Councillors Sunil Chopra and David Noakes.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Councillor Richard Leeming, non-pecuniary, as this application was in his ward. He said that he would keep an open mind on the application.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 June 2019 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

RESOLVED:

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.

7.1 LONDON BOROUGH OF SOUTHWARK SPORTS CLUB, DULWICH COMMON, LONDON SE21 7EU

Planning application reference: 19/AP/0538

Report: see pages 11 to 23 of the agenda pack.

PROPOSAL

Retention of 2 x external spectator stands with associated fixtures and fittings.

The sub-committee heard the officer's introduction to the report.

Councillors asked questions of the officer.

Two objectors addressed the meeting and answered questions from the sub-committee.

The applicant's representatives addressed the sub-committee and answered questions posed by the sub-committee.

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

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning application 19/AP/0538 be granted with conditions as set out in the report.

The meeting ended at 7.25pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 1 October 2019	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

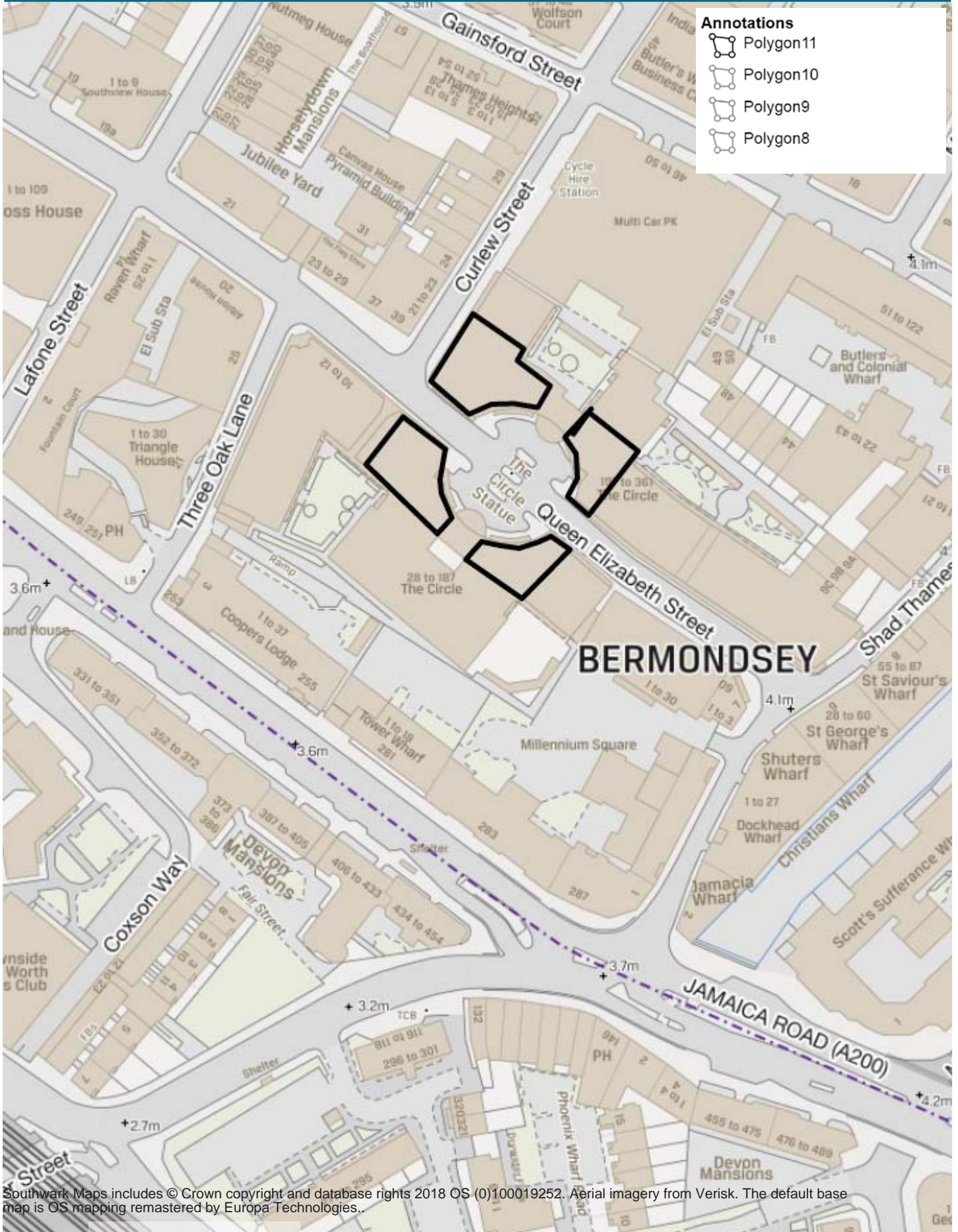
Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Beverley Olamijulo 020 7525 7234
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer or the Planning Department 020 7525 5403

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	20 September 2019	
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	20 September 2019	



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Item No. 7.1	Classification: OPEN	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/0683 for: Full Planning Application Address: THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE Proposal: Construction of single-storey extension at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities		
Ward(s) or groups affected:	North Bermondsey		
From:	Director of Planning		
Application Start Date 04/03/2019		Application Expiry Date 29/04/2019	
Earliest Decision Date 18/04/2019			

1. RECOMMENDATION

That planning permission be granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. This application was first considered by Planning Sub-committee A on 12 June. A decision was deferred pending a site visit. The site visit was carried out on 20 June.
3. The site is a 1980s complex of four apartment buildings between four and seven storeys high with a total of 299 flats along Elizabeth Street and commercial units on the ground floor. The focal point of the buildings is where the four buildings come together to define a spectacular circular space with a statue of a dray horse at its centre. The complex is one of the best known works by celebrated architects CZWG and is regarded as a leading example of post modernism.
4. The complex as whole is known as 'the Circle'. To distinguish this from the circular space at its centre, the circular space is referred to in this report as the 'Circus.'
5. The most striking aspect of the complex is the use of cobalt blue glazed bricks to face the seven-storey curved circus façade of each of the four apartment buildings. Each façade is shaped at high level to form prominent blue 'wings' or 'collars'. Elsewhere London stock bricks are used in a more straightforward way to match adjacent warehouse buildings. The wavy parapet above the fourth floor apartments facing Elizabeth Street alludes to waves on the nearby Thames.
6. The site is within Tower Bridge Conservation Area and is bound by large brick-built Victorian warehouses, now converted to apartment blocks, and by modern apartment

blocks.

7. The complex was listed at Grade II in February 2018



Details of proposal

8. The proposal is for four single-storey roof-top apartments (three two-bed, four- person, one three-bed, six-person) - one each for each of the four buildings that face the circus.
9. The proposal is similar to a scheme which was first granted permission in 2003. A certificate of lawfulness (10/AP/2723) was granted in January 2011 confirming that planning permission 03/AP/0959 had been lawfully implemented within the five year time period. (It should also be noted that planning permission was refused in 2006 for two storey extensions on each quadrant).
10. The latest version of the 2003 scheme (15AP0060), a non-material amendment, was given planning approval in 2015, prior to the buildings being listed. This is referred to throughout this report as 'the approved scheme'.
11. Despite the certificate of lawfulness, progress has been slow, with only the steel work to support the new walls of the extensions above being installed until last year when the wooden structure of the external walls facing the circus was erected. Nevertheless the certificate of lawfulness means that in planning terms the scheme has to be considered as if the 2015 approved scheme extensions exist in their entirety.
12. This scheme will have an almost identical rooftop footprint as the approved scheme and is to be set back from the parapets of the main buildings by the same amount. As submitted it would have been between 0.725 and 0.875 m higher than the approved scheme (this figure varies according to which parts of the building are measured). However, it has been revised so that the parapets of the proposed extension (the most prominent part of the proposals) are only 220mm above those of the approved scheme. (see table below).

	Levels in approved scheme 15/AP/0060	Present application 19/AP/068 3 (revised)	Difference (m)	Comments
Height of top of existing blue parapet above	28.540 (existing)	No change	No change	The parapet is with the exception of lift overruns, the top of

AOD (above ordnance datum)				the existing building.
Height of front parapet of extension	30.210	30.430	+0.220	The most prominent part of the scheme. This will form the visible skyline.
Height of front parapet of extensions above existing blue parapet i.e height above existing facade	1.670	1.890	+0.220	Facades of approved scheme and present proposal are set back from existing blue facade by the same amount.
Height of side and rear parapets of extensions	30.210	30.350	+0.240	Rises above existing brick side facades
Highest part of the building: (Rooflight-15AP0660) (Balcony hand rail- present scheme under consideration).	30.750	31.450	+0.300	Not visible from surrounding streets.
Height of lift shaft	30.330	31.085	+0.755	Increase in lift shaft height granted by 18AP2755.
Height of FFL	27.157	27.190	+0.033	

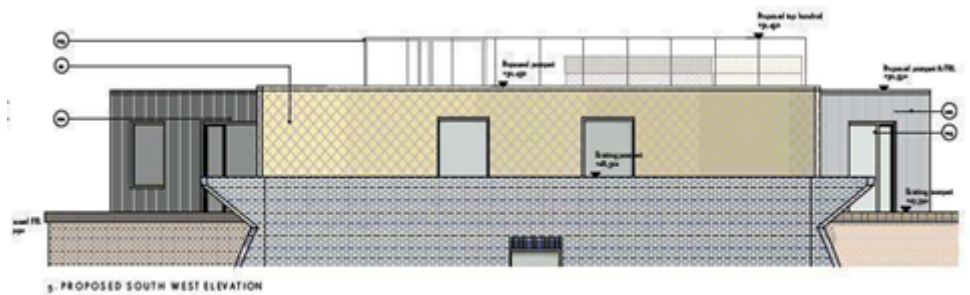


Site progress under NMA 15/AP/0060



Site progress under NMA 15/AP/0060

13. The photographs above show the timber walls of the partially constructed extensions as approved in 2015. As indicated in the table above, the edge as seen against the sky would be marginally taller than the approved scheme but will otherwise form the same profile. The photographs therefore give a good indication of the visibility of the scheme now under consideration.
14. Outdoor amenity space will be provided on the roof of each extension. The balustrade enclosure to each amenity area will be well set back from the street edges of the scheme and will hence not be visible from street level.
15. The extensions will in the main be clad with zinc. This will have a neutral grey colour. The proposed curved façade above the existing blue glazed brick of the circus will be clad in gold coloured shingles.
16. A parallel listed building application accompanies the present proposal.



1. Gold coloured zinc shingles to match existing window frames



2. Vertical standing seam zinc cladding - adhering to the language of a mansard roof



3. Recessed glazed balustrade, not visible from street level of surrounding 5th & 6th floor balconies



CGI of scheme as currently proposed.

Planning history

<p>18/AP/2755 Application type: Full Planning Application (FUL) Installation of four replacement lift cars, extension of the lift infrastructure to service the roof level and associated works. Decision date: 11/10/19 Decision granted (GRA)</p>
<p>18/AP/2756 Application type: Listed Building Consent (LBC) Installation of four replacement lift cars, extension of the lift infrastructure to service the roof level and associated works. Decision date: 11/10/19 Decision granted (GRA)</p>
<p>15/AP/0060 Application type: Variation: non-material changes (VNMC) Non-material amendments to planning permission 03-AP-0959 for: "Extend building at 7th floor level to provide 4 flats together with associated car parking [Renewal of planning permission dated 27/08/1998 LBS Ref 9801150]" to allow: · additional height to main extension (260mm) · alteration and additional height (165mm) to elements set back from roof edge (roof lights) removal of recess on stair elevation for each quadrant (2.0 sqm). Decision date 16/02/2015 Decision: Granted (GRA)</p>
<p>06/AP/0568 Application type: Full planning Application (FUL) Extension of building at 7th floor level to provide 4 no. two-storey flats (NB two storey extensions to each quadrant) Decision date: 17/07/06 Decision: refused (REF)</p>
<p>03/AP/0959 Application type: Full Planning Application (FUL) Renewal of planning permission dated 27/08/1998 for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 23/01/2004 Decision: Granted (GRA)</p>
<p>801150 Application type: Full Planning Application (FUL) Planning permission for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 27/08/1998 Decision: Granted (GRA)</p>
<p>10/AP/2723 Application type: Certificate of lawfulness of proposed use or development (CLP) Certificate of lawfulness of proposed use or development for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 24/01/2011 Decision: Granted (GRA)</p>
<p>NB above history omits alterations to shopfronts and approval of details</p>

Revisions

17. Since being submitted, the proposals have been revised in the following ways:
- a) Extensions reduced in height to more closely match height of the approved scheme.
 - b) Elevations of the curved façades altered to reflect the pattern of windows below.
 - c) Curved façades of elevations facing the circus extended beyond the adjoining extension façades so that they are symmetrical with the existing façades below.
 - d) Edges to rooftop balconies have been replaced with glass balustrades in place of solid upstands.

Planning history of adjoining sites

18. None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

19. The main issues to be considered in respect of this application are:
- a) Effect of proposed extensions on architectural significance of the listed building
 - b) Effect on the character and appearance of the conservation area
 - c) Effect on residential amenity

Adopted planning policy

National Planning Policy Framework (NPPF)

20. The revised National Planning Policy Framework ('NPPF') was published in 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
21. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
22. Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of home
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land Chapter 12 Achieving well-designed places
Chapter 16 Conserving and enhancing the historic environment

London Plan 2016

23. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:
- Policy 1.1 Delivering the strategic vision and objectives for London
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 5.3 Sustainable design and construction
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology.

Core Strategy 2011

24. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:
- Strategic Policy 1 Sustainable development
Strategic Policy 2 Sustainable transport Strategic Policy 5 Providing new homes
Strategic Policy 12 Design and conservation

Strategic Policy 13 High environmental standards.

Southwark Plan 2007 (saved policies)

25. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing, policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 3.1 Environmental effects

Policy 3.2 Protection of amenity

Policy 3.4 Energy efficiency

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 3.15 Conservation of the historic environment

Policy 3.16 Conservation areas

Policy 3.17 Listed buildings

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

Policy 4.2 Quality of residential accommodation

Policy 5.3 Walking and cycling Policy 5.6 Car parking.

Emerging planning policy

Draft New London Plan

26. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. The document is expected to reach examination stage later this year however, given the stage of preparation it can only be attributed limited weight.

New Southwark Plan

27. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. It is anticipated that the plan will be adopted in 2019 following an examination in public (EIP). Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

SPDs / Appraisals

28. Residential Design Standards
Sustainable Design and Construction
Tower Bridge Conservation Area Appraisal

Tower Bridge Conservation Area Appraisal

29. The Tower Bridge Conservation Area Appraisal documents the special architectural and historic interest of the area, including its character and appearance and has guidelines for its preservation and enhancement. Queen Elizabeth Street and the Circle are within Sub Area 4 – Gainsford and Queen Elizabeth Street. A map of the area within the appraisal marks The Circle as being a 'building that makes a positive contribution.
30. Paragraph 3.5.4 of the Appraisal states: Queen Elizabeth Street has become spectacularly redeveloped with new apartment buildings, the focus of which is CZGW's "The Circle". Its blue tiled façade and dray-horse statue make a new and distinctive local landmark, and it contains many quirky details (such as its bulky timber balconies and "wing-collar" cornice line).
31. The guidelines that accompany the Conservation Area Appraisal do not specifically refer to The Circle, although they do note the success of modern architecture in the area in replicating tight traditional street patterns. Roof top extensions are discouraged where these would disrupt the skyline of the conservation area, particularly in long views.

Shad Thames Management Plan

32. The Shad Thames Management plan was produced by residents of Shad Thames area in conjunction with the Council in 2014. It sets out a framework to protect, enhance and celebrate the features in and around Shad Thames which gave rise to its designation as a conservation area.
33. With regard to new development it says:

'New developments must, on the one hand, respect the scale and form of existing structures, and on the other hand, produce contemporary architecture of the highest quality.
34. It has as its objectives on urban design and townscape:
 - To repair, conserve and enhance existing buildings to maintain the traditional townscape character (including structures added to buildings, i.e rooftop terraces).
 - To create new structures of high architectural and urban design quality which make a positive and sustainable contribution to that townscape.
 - To ensure all structures respond to the social, environmental and economic needs of existing and future stakeholders.

Summary of consultation responses

35. A total of 29 objections have been received from residents of The Circle. These cover the following matters:
 - a) Loss of daylight
 - b) Loss of privacy though overlooking
 - c) Harm to special architecture of the listed building-particularly to the prominence of the blue 'wings' of the building, use of over bright materials.
 - d) Loss of communal roofspace
 - e) Because of the balcony on the roof of the extension, the extension is higher than one storey
 - f) A number of building construction matters - emergency egress to roof, access to roof for maintenance.

- g) False representation by the planning agents - the present timber rooftop structure is a temporary structure that does not have permission.
36. Items (a)-(e) are addressed in the planning report. With regard to Item (f) the details of construction are primarily a building control matter. Informal advice has been taken from the council's building control section that the fire and structural requirements arising from an additional floor on each block could be met. With regard to Item (g), a certificate of lawfulness (10/AP/2723) was issued some time ago. This confirms that in planning terms the scheme has been implemented.
37. Comments were received from the Conservation Area Advisory Group (CAAG), the lead design architect for the original scheme and the 20th Century Society. These were about the design and impact on the heritage asset. They are reported and considered in detail within the report for the listed building consent application (19/AP/0698). Historic England had said that they did not wish to comment on the application. The Shad Thames Area Management Partnership detailed a failure to adhere to the requirements of the Shad Thames Management Plan.

Principle of development

38. In planning terms, the principle of additional flats on top of the existing buildings has been established by the extant and partially implemented planning permission 15AP0060 for the site.
39. The effect of the proposals on the special architectural and historic interest of the building, as defined by its list description, is considered under this and the separate listed building application.

Environmental impact assessment

40. Not required.

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

41. The proposed extension would be 1.89 m above existing top parapet of the building. This is 0.220m higher than the extension permitted by the approved planning permission 15/AP/0060:



NB-shows façade as originally submitted - window pattern and height of roof-top extension has been altered.

42. The flats on the additional storey would overlook existing flats. However the distance between the new windows and those on the opposite side of the Circle would be around 30m, much greater than the 12m separation referred to in the Residential Design Standards SPD for 'front to front' separation. In addition the outdoor amenity space of the proposed extensions (from which overlooking would be expected) will be set well back from the roof edges of the Circle, thus minimising views down to the flats below.
43. By adding an eighth storey, the proposal may affect daylight and sunlight to existing properties within the complex but given that the increase in height as compared to the approved scheme is only 220mm at the edge of parapet, any impact would be very small

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

44. The proposed apartments would be at the top of their respective buildings. They would not therefore be subject to overlooking or overshadowing from adjacent buildings. Within the context of its urban location, there are no other particular issues.

Transport issues

45. The provision of one space for each residential unit (i.e. a total of four spaces) is to be reallocated from existing residents' parking within the existing basement car park. This follows the same arrangements permitted under 08/AP/2624 ('Details of car parking spaces in the basement as required by Condition 4 of planning permission dated 23/01/04 (LBS reference: 03AP0959) to extend building at seventh floor level to provide four flats together with associated car parking [Renewal of planning permission dated 27/08/1998, LBS reference: 9801150').
46. Although no new car parking places are to be provided there is a surfeit of existing spaces (413 car parking spaces for 299 flats). In addition the scheme is on the border of PTAL zone 6a (excellent). It has bus stops nearby and is within easy walking distance of London Bridge Station and Bermondsey tube station. A Transport for London (TfL) bicycle docking station is also nearby. In summary the area has excellent transport links which reduces the need for reliance on motor cars.
47. Eight bicycle parking spaces would be provided within the basement. The basement car park is secure and weatherproof, and there is access by lift to the upper floors. Overall, the provision for transport is very adequate by modern Southwark standards but to ensure that there would be no impact on parking, it is recommended that a condition prohibiting occupiers of the proposed flats from obtaining a car parking permit is imposed.

Impact on character of a conservation area and on the significance of a listed building.

Preamble

48. Permission was granted for roof top extensions in 2003 - before the building was listed. This was granted a certificate of lawfulness in 2010 - i.e. it confirmed that scheme been started and could therefore be fully implemented under planning law. The 2015 approved scheme constitutes a non-material amendment to the lawful scheme
49. The above means that the approved scheme can be regarded as implemented under

planning legislation. However the building is now listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states:

“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

(NB: special architectural or historic interest is referred to in present government guidance (National Planning Policy Framework) as ‘significance’)

50. This means that when considering whether to grant planning permission the current scheme needs to be compared to the approved (and in planning terms, lawfully implemented) scheme in terms of its additional impact on the conservation area, and its additional impact on the building’s special significance or interest.
51. In addition, listed building consent is now required for any work (irrespective of any previous planning permissions) that could now affect the buildings’ special architectural interest. This is a separate area of legislation and is considered in a separate report.

Assessment

52. As compared to the approved the scheme, the additional height of the edges of the extensions now proposed is 220mm. This increase in height and with it, bulk, is small and would have a negligible additional effect on the character and appearance of the conservation area and on the listed building.
53. The lift shaft is to be 0.755m higher than the approved scheme. However a separate planning approval has been granted for this increase in height (planning permission reference 18/AP/2755). This notwithstanding, the lift shaft is set well back from the street edges such that its additional height will not be conspicuous as viewed from surrounding streets. Similarly the glass balustrade enclosing the outdoor amenity space on top of the roofs of the extensions is set back from the street edges such that it is unlikely to be visible from surrounding streets. As above, the higher parts of the scheme now proposed would not affect character and appearance of the conservation area or the listed building, (as compared to lawfully approved scheme).
54. The approved scheme was to have brick façades throughout and an almost blank façade facing the Circus. In contrast, the present scheme, in having neutral zinc clad façades to adjoining streets and a more assertive gold shingle façade to the Circus, follows the same design principles as the existing buildings i.e neutral street facing façades with more assertive facades to the Circus.
55. The use of shingles to clad the Circus facades of the extensions enables these façades to match the curve of the existing façades below (as compared to the alternative of continuing the zinc cladding which would have had to have been faceted around the curve - a much cruder arrangement). The gold colour of the shingles will contrast with the existing blue brickwork below such that the brickwork remains a conspicuous feature, and such that the silhouette of the blue Circus façades is still obvious, albeit viewed against a partially gold backdrop instead of the sky. The gold colour will also match the colour of the existing windows within the complex.

(NB: Conditions on materials and detailing are included in the recommendation on the parallel listed building application).

56. In addition, the windows on the curved façades of the revised current scheme would match the size of those of the façade below and follow the diagonal pattern of window openings across the lower façades.
57. In summary the currently proposed scheme is marginally higher than the lawful approved scheme. The additional effect of this increase in size on the character and appearance of the conservation area is negligible. The proposal is a more positive and bespoke response to the architecture of the characterful existing buildings as compared to the dull approved scheme. It would therefore preserve the character and appearance of the conservation area as required by saved Policy 3.16 of the 2007 Southwark Local Plan
58. In addition to the above, there will be no loss of architectural features, and the scheme will leave the key architectural features of this robust building intact as key stand-out elements of the original design. The design is bespoke to the Circle's architecture and will not detract to any meaningful extent from its special architectural interest or significance. The proposal therefore accords with saved Policies 3.15 and 3.17 of the 2007 Southwark Local Plan, Strategic Policy 12 of the Southwark Core Strategy, 2011, and Policy 7.8 of the London Plan 2016.

(The effect of the proposals on the significance of The Circle is discussed in more detail in the officer's report on the parallel listed building application).

Assessment against Tower Bridge Conservation Area Appraisal and Tower Bridge Management Plan.

59. The 'quirky details' of The Circle referred to in paragraph 3.5.4 of the Tower Bridge Conservation Area Appraisal (paragraph 30 of this report) will not be altered by the proposals. The Circle will still stand out as distinctive local landmark that adds to the character of the area. The 'wing-collar cornice line' referred to in the same paragraph is the silhouette of the blue glazed drum at the centre of The Circle. In some views the proposed roof-top extensions will rise above this but it will still form an extremely powerful and assertive feature that defines the overall character of The Circle.
60. The proposed rooftop extensions would not rise above the general scale and form of the large and assertive warehouse and apartment buildings within the area. They would not therefore be prominent in any long distance views and will really only be visible from within Queen Elizabeth Street. They would form a small scale addition to the skyline in this specific location but, in line with the guidelines of the appraisal cannot be said to disrupt the general skyline of the area. It should also be noted that there are numerous rooftop additions in the surrounding area which do not detract from the general character of the conservation area.
61. By being very much secondary to the existing buildings and being a bespoke design, the proposed rooftop extensions would acknowledge and respect the existing buildings of The Circle as required by the Shad Thames Management Plan. They would form a carefully considered juxtaposition with the geometry of the existing buildings and would thus be of high urban design quality. The architecture of the extensions would also constitute a carefully considered response to the existing architecture and geometry of the existing buildings, and would form distinctive high quality architectural elements in themselves.
62. In summary, the proposal conforms with the guidelines laid down within the Tower Bridge Conservation Area Appraisal and the Shad Thames Management Plan. They will preserve the character of The Circle and would hence preserve the character of

this part of the conservation area, as required by statute.

Quality of accommodation

63. All of the dwellings proposed would be triple aspect and would have more than the required 10sqm outdoor amenity space. The two bedroom flats would be at least 113sqm while the three bedroom flat would be 127sqm, all well in excess of the minimum standards required. The equality of accommodation proposed would be good.

Planning obligations (S.106 undertaking or agreement)

64. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration, however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
65. In Southwark the Mayoral CIL was established at a rate of £60 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development and in this instance would be £435 per sqm of residential floorspace, subject to the indexation.
66. Based on the CIL Info Form dated 28 February 2019 received from the applicant, 468sqm of chargeable GIA will be added by this development. This equates £28,080 of MCIL2 and £234,844.07 of SCIL in SCIL Zone 1 for residential use at this location
67. It should be noted that the CIL chargeable amount is subject to change. A further check by the council will be carried out when the liable notices are issued.

Sustainable development implications

68. By providing additional flats to current environmental standards in an accessible location, the proposed development would deliver on the three dimensions (economic, environmental and social) of sustainable development as set out in the NPPF.

Conclusion on planning issues

The proposal will deliver four additional flats that meet or exceed Southwark standards with regard to housing quality and standards. The proposals would affect the character and appearance of the conservation area and the buildings of the complex (which has recently been listed) but this impact, when considered against the extant permission, would be a positive one or neutral at worst.

Consultations

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

Consultation replies

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

Community impact statement / Equalities assessment

71. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - c) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - d) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding
72. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
73. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
74. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

75. 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.
76. This application has the legitimate aim of providing rooftop extensions. 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/240-30	Place and Wellbeing Department	Planning enquiries telephone: 020 7525 5403
Application file: 19/AP/0683	160 Tooley Street London	Planning enquiries email: planning.enquiries@southwark.gov.uk

Southwark Local Development Framework and Development Plan Documents	SE1 2QH	Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk
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APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Martin McKay, Team Leader	
Version	Final	
Dated	12 September 2019	
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	19 September 2019	

APPENDIX 1**Consultation undertaken**

Site notice date: 26/03/2019

Press notice date: 14/03/2019

Case officer site visit date: n/a

Neighbour consultation letters sent: See parallel listed building application

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Historic England, 20th C Society, original architect, Conservation Area Advisory Group consulted on listed building application.

Neighbour and local groups consulted:

Shad Thames Area Management Partnership. see parallel listed building application

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

See parallel listed building application

Neighbours and local groups

28no. – see parallel listed building application

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 David Mayes Linden Property Holdings Limited	Reg. Number 19/AP/0683
Application Type	Full Planning Application	
Recommendation	Grant permission	Case Number TP/240-30

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of single-storey extension at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities

At: THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE

In accordance with application received on 01/03/2019 16:06:02

and Applicant's Drawing Nos.

Amended plan - CPH- WTA-00-XX-DR-A-1115 (Rev A) -PROPOSED WEST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A-1105 (Rev A) - PROPOSED SOUT WEST ELEVATION
 Amended plan - CPH- WTA- 00-XX-DR-A 1113 (Rev A) - PROPOSED EAST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A-1114 (Rev A) - PROPOSED SOUTH UNIT ROOF AND SECTIONS
 Amended plan- CPH- WTA-00-07-DR-A-1100 (Rev A) - PROPOSED BLOCK PLAN
 Amended plan - CPH- WTA-00-07-DR-A-1102 (Rev A) - PROPOSED 7TH FLOOR PLAN
 Amended plan - CPH- WTA-00-08 DR-A 1103 (Rev A) - PROPOSED ROOF PLAN (8TH FLOOR)
 Amended plan - CPH- WTA-00-XX-DR-A-1104 (Rev A) - PROPOSED NORTH EAST ELEVATION
 Amended plan - CPH- WTA-00-XX-DR-A 1113 (Rev A) - PROPOSED EAST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1106 (Rev A) - PROPOSED NORTH WEST SECTION
 Amended plan - CPH- WTA-00-XX-DR-A 1107 (Rev A) - PROPOSED SOUTH EAST SECTION
 Amended plan - CPH- WTA-00-XX-DR-A 1108 (Rev A) - PROPOSED NORTH UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1109 (Rev A) - PROPOSED EAST UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1110 (Rev A) - PROPOSED SOUTH UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1111 (Rev A) - PROPOSED WEST UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1112 (Rev A) - PROPOSED NORTH UNIT ROOF PLAN AND SECTIONS
 Plan - proposed - CPH-WTA-00-XX-DR-A-0012 - PROPOSED DEMOLITION - NE ELEVATION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0013 - PROPOSED DEMOLITION - SW ELEVATION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0015 - PROPOSED DEMOLITION - SW SECTION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0014 - PROPOSED DEMOLITION - NW SECTION
 Plan - proposed - CPH-WTA-00-B1-DR-A-1117 - PROPOSED CAR PARKING SOUTH AND WEST UNITS
 Plan - proposed - CPH-WTA-00-B1-DR-A-1116 - PROPOSED CAR PARKING NORTH AND EAST UNITS
 Plan - proposed - CPH-WTA-00-06-DR-A-1101 - PROPOSED 6TH FLOOR PLAN
 HERITAGE STATEMENT, February 2019
 PLANNING STATEMENT, February 2019
 DESIGN AND ACCESS STATEMENT, February 2019

Subject to the following three conditions:

Time limit for implementing this permission and the approved plans

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

Amended plan - CPH- WTA-00-XX-DR-A-1115 (Rev A) -PROPOSED WEST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A-1105 (Rev A) - PROPOSED SOUT WEST ELEVATION
 Amended plan - CPH- WTA- 00-XX-DR-A 1113 (Rev A) - PROPOSED EAST UNIT ROOF PLAN AND SECTIONS

Amended plan - CPH- WTA-00-XX-DR-A-1114 (Rev A) - PROPOSED SOUTH UNIT ROOF AND SECTIONS
 Amended plan- CPH- WTA-00-07-DR-A-1100 (Rev A) - PROPOSED BLOCK PLAN
 Amended plan - CPH- WTA-00-07-DR-A-1102 (Rev A) - PROPOSED 7TH FLOOR PLAN
 Amended plan - CPH- WTA-00-08 DR-A 1103 (Rev A) - PROPOSED ROOF PLAN (8TH FLOOR)
 Amended plan - CPH- WTA-00-XX-DR-A-1104 (Rev A) - PROPOSED NORTH EAST ELEVATION
 Amended plan - CPH- WTA-00-XX-DR-A 1113 (Rev A) - PROPOSED EAST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1106 (Rev A) - PROPOSED NORTH WEST SECTION
 Amended plan - CPH- WTA-00-XX-DR-A 1107 (Rev A) - PROPOSED SOUTH EAST SECTION
 Amended plan - CPH- WTA-00-XX-DR-A 1108 (Rev A) - PROPOSED NORTH UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1109 (Rev A) - PROPOSED EAST UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1110 (Rev A) - PROPOSED SOUTH UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1111 (Rev A) - PROPOSED WEST UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1112 (Rev A) - PROPOSED NORTH UNIT ROOF PLAN AND SECTIONS
 Plan - proposed - CPH-WTA-00-XX-DR-A-0012 - PROPOSED DEMOLITION - NE ELEVATION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0013 - PROPOSED DEMOLITION - SW ELEVATION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0015 - PROPOSED DEMOLITION - SW SECTION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0014 - PROPOSED DEMOLITION - NW SECTION
 Plan - proposed - CPH-WTA-00-B1-DR-A-1117 - PROPOSED CAR PARKING SOUTH AND WEST UNITS
 Plan - proposed - CPH-WTA-00-B1-DR-A-1116 - PROPOSED CAR PARKING NORTH AND EAST UNITS
 Plan - proposed - CPH-WTA-00-06-DR-A-1101 - PROPOSED 6TH FLOOR PLAN

Reason:

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

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

Reason

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

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

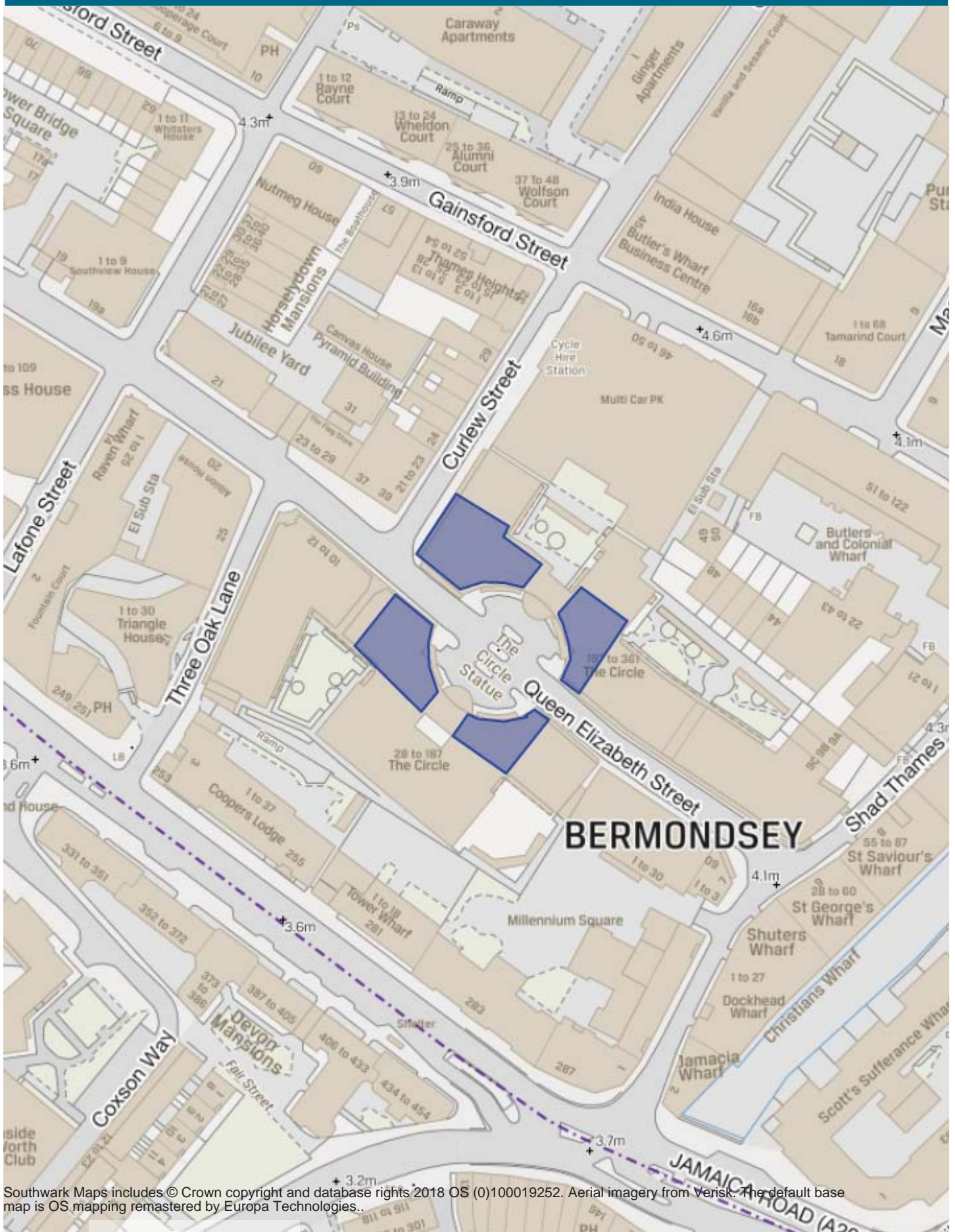
- 3 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

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



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Scale = 1250

19-Sep-2019

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Item No. 7.2	Classification: OPEN	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 19/AP/0698 for: Listed Building Consent Address: THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JU Proposal: Construction of single-storey extensions at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities		
Ward(s) or groups affected:	North Bermondsey		
From:	Director of Planning		
Application Start Date 04/03/2019		Application Expiry Date 29/04/2019	
Earliest Decision Date 24/04/2019			

RECOMMENDATION

1. That listed building consent be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2.

Type of property	4no. 1980s apartment buildings between four and seven storeys high with commercial uses at the ground floor, set around a circular central space (referred to in the list description and in this report as a 'circus').
Site bound by	Historic warehouse buildings, now converted to flats
Is property listed?	YES - Grade II
In conservation area?	YES - Tower Bridge

Details of proposal

3. Construction of single-storey extensions at roof level of each of the four buildings of the Circle to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities.

Planning History

4.

15/AP/0060 Application type: Variation: non-material changes (VNMC) Non-material amendments to planning permission 03-AP-0959 for: "Extend building at 7th floor level to provide 4 flats together with associated car parking [Renewal of planning permission dated 27/08/1998 LBS Ref 9801150]" to
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<p>allow:</p> <ul style="list-style-type: none"> • additional height to main extension (260mm) • alteration and additional height (165mm) to elements set back from roof edge (roof lights) • removal of recess on stair elevation for each quadrant (2.0 sq m). <p>Decision date 16/02/2015 Decision: Granted (GRA)</p>
<p>03/AP/0959 Application type: Full Planning Application (FUL) Renewal of planning permission dated 27/08/1998 for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 23/01/2004 Decision: Granted (GRA)</p>
<p>03/AP/0959 Application type: Full Planning Application (FUL) Renewal of planning permission dated 27/08/1998 for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 23/01/2004 Decision: Granted (GRA)</p>
<p>06/AP/0568 Application type: Full planning Application (FUL) Extension of building at 7th floor level to provide 4 no. two-storey flats (NB two storey extensions to each quadrant) Decision date: 17/07/06 Decision: refused (REF)</p>
<p>9801150 Application type: Full Planning Application (FUL) Planning permission for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 27/08/1998 Decision: Granted (GRA)</p>
<p>10/AP/2723 Application type: Certificate of lawfulness of proposed use or development (CLP) Certificate of lawfulness of proposed use or development for: Extend building at 7th floor level to provide 4 flats together with associated car parking Decision date 24/01/2011 Decision: Granted (GRA)</p>
<p>18/AP/2755 Application type: Full Planning Application (FUL) Installation of four replacement lift cars, extension of the lift infrastructure to service the roof level and associated works. Decision date: 11/10/19 Decision granted (GRA)</p>
<p>18/AP/2756 Application type: Listed Building Consent (LBC) Installation of four replacement lift cars, extension of the lift infrastructure to service the roof level and associated works. Decision date: 11/10/19 Decision granted (GRA)</p>
<p>NB: Above list omits applications for alterations of shop units and applications for the approval of details.</p>

5. In summary, planning permission (03/AP/0959) was granted for rooftop extensions to each of the four apartment buildings in 2003. A certificate of lawfulness (10/AP/2723) was granted in January 2011 confirming that the planning permission had been lawfully implemented within the five year time period (in simple terms the scheme has started and could be completed).
6. The latest version of this scheme (15AP0060), a non-material amendment, was given planning approval in 2015.

7. The building was listed at grade II in February 2018. At the time of listing, implementation of the planning permission was underway. A steel floor structure had been installed along with timber wall frames.

Planning permission and listed building consent

8. As detailed above, the buildings benefit from an extant planning permission for a scheme which is similar in dimensions to the scheme currently being considered. This A lawful development certificate has been issued which means that in planning law the scheme is underway and can be completed. However, the buildings of The Circle were listed last year. Listed building legislation is covered under the Listed Building and Conservation Areas Act (1990) [the Act] as amended and updated and is completely separate from planning legislation. This means that, irrespective of the extant planning permission and lawful development certificate, listed building consent is now required for any changes that could affect the buildings' special architectural or historic interest.
9. Planning permission is now sought for a revised scheme which has an identical footprint to the approved 2015 scheme, but which is a little higher (see planning report 19AP0683). Listed building consent is also being sought for this scheme and is covered by this report.
10. This application and the parallel planning application were first considered by Planning Sub-committee A on 12 June 2019. A decision was deferred pending a site visit. The site visit was carried out on 20 June 2019.

Adopted planning policy

11. Listed building consent is considered under the terms of the Listed Building and Conservation Areas Act (1991) [the Act] as amended and updated. The main principles of the Act are repeated in the NPPF (2018), and reinforced by the council's policies, and associated guidance documents. The main issue in these cases is the effect of the proposal on the special architectural and historic interest of the listed building.
12. The Act places great weight on the 'special interest' of heritage assets and their settings, and stresses the importance of preserving and enhancing their architectural and historic significance.
13. Section 66 of the Act states:

'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

National Planning Policy Framework (NPPF)

14. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
15. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

16. Chapter 16 is titled 'Conserving and Enhancing the Historic Environment'. It reinforces these principles of the Listed Buildings and Conservation Areas Act by stressing that heritage assets are irreplaceable and once lost can never be recovered. It requires Local Planning Authorities to avoid harm to heritage assets and to ensure that development conserves and enhances heritage assets and their settings.
17. Paragraph 190 states the local authorities should assess the particular significance of any heritage asset (in this case The Circle) and take this into account when considering the impact of a proposal.
18. Paragraph 192 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
19. Paragraphs 193-195 state that when considering the impact of a proposed development on the significance of a designated heritage asset (i.e The Circle) great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm. Substantial harm should be wholly exceptional and should be refused consent unless it can be demonstrated that substantial harm or loss is necessary to achieve substantial public benefits, or if it can be demonstrated by a range of criteria that the heritage assets has no viable future.
20. Paragraph 195 states that where a development would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use.

London Plan 2016

21. Policy 7.8: Heritage Assets and Archaeology.

Core Strategy 2011

22. Strategic Policy 12: Design and Conservation

Southwark Plan 2007 (saved policies)

23. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

3.15 Conservation of the Historic Environment

3.17 Listed Buildings

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

Revisions

24. Since being submitted, the proposals have been revised in the following ways:
 - a) The extensions have been reduced in height by approximately 0.5m
 - b) The elevations of the curved facades of each extension has been altered to reflect the pattern of windows below

- c) The curved facades of the elevations facing the Circus have been extended beyond the adjoining extension facades so that they are symmetrical with the existing facades below
- d) Edges to rooftop balconies have been replaced with glass balustrades in place of solid upstands.

Summary of consultation responses (including to parallel planning application)

- 25. A total of 27 objections have been received from residents of The Circle. These cover a range of matters of which the following relevant to this listed building application:
 - a) Harm to special architecture of the listed building-particularly to the prominence of the blue 'wings' of the building, use of over bright materials.
 - b) False representation by the planning agents- the present timber rooftop structure is a temporary structure that does not have permission.
- 26. The Conservation Area Advisory Group (CAAG) was concerned about the proposal's impact on the silhouette of the top of the building. They noted that the amount of the extension visible and hence the impact of its "gold" metal shingle clad facing on the view from below has been increased by the raising the proposed building's roof as compared to the approved scheme. The group noted that the designers claimed their design was in the spirit of the building but felt uncertain about that.
- 27. Piers Gough, the lead design architect for the original scheme and still a partner at CZWG, has objected to the proposal on the grounds that it fails to preserve or enhance the listed buildings and that the extensions appear discordant in form and materials.
- 28. The 20th Century Society does not oppose the principle of roof top development but raise concerns that the proposal would not read as a later extension and object to the gold coloured zinc shingle material proposed and say that the extensions should be subservient to the host building.
- 29. Historic England have stated that they did not wish to comment on the application.

How the application addresses these

- 30. The revised scheme partially addresses the concerns of the CAAG and the original architect in that the extensions have now been reduced in height such that they are closer to the height of the approved scheme. The extensions will still be visible from within the Circle but will be less conspicuous and will have less of an impact on the character of the area and the complex
- 31. Windows on the front facade of the extensions have been altered to address the original architect's concerns with regard to window pattern and symmetry.
- 32. With regard to the revisions the original architect has subsequently written:

'I accept the conclusion of your officer's report that, given the pre existing construction, the amended proposals are an improvement. 'Thank you for ensuring the additions and their windows are now lower and symmetrical above their parapets. I commend the gold shingled wall as a witty reference to the existing gold windows. It will rely on the colours matching. I trust that you can ensure that they will.

33. The 20th Century Society's lack of opposition to rooftop extensions in principle is noted. Other concerns are addressed in the report.

Understanding the significance and the proposal

34. Paragraph 189 of the NPPF requires the applicant together with the Local Planning Authority to identify the architectural or historic significance of a designated heritage asset and to record the effect of any proposal on that architectural or historic significance.
35. The architectural or historic significance of any heritage asset includes its internal and external historic features and its setting. In addition to the facades of a Listed Building its features of significance could include its roof, its plan form, decorative internal features like original cornices, skirtings and fireplaces and important structures like floor beams, staircases or chimneys.
36.

In addition to the features described or noted in the Listing Description, are there features of architectural or historic significance that this property currently retains?	No
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Details

37. The list description is comprehensive description of the listed buildings of The Circle and their significance. Amongst other reasons it states that the reason for the building's designation as a listed building is as follows:

“Architectural interest: for its compelling fusion of Post-Modern architectural design and place-making, which juxtaposes references to neighbouring warehouses with the dramatic urban intervention of a cylindrical void in brilliant blue...”

38. It goes on to state:

“There are two contrasting design forms employed in the scheme: street elevations in stock brick responding to the C19 warehouses of Shad Thames; and the blue cylinder of the circus which variously references storage vessels and the area's C19 dye and paint works. The circus is faced in cobalt blue glazed bricks and comprises four quadrants, each having a row of diagonal balconies. Each quadrant has a parapet with curved sides shaped like a vast vessel terminating with triangular projections.”

39. As laid out above, planning permission 15/AP/0060 for roof top extensions was partially implemented at the time The Circle was considered for listing. The extant timber structure of the facades of these extensions is mentioned in the list description under the heading of 'context'. Other than this the description does not comment on the matter. However, the uncompleted structure is clearly of no significance.

Assessment of harm to significance architectural or historic significance of the heritage asset

Preamble

40. The Listed Building and Conservation Areas Act (1990) [the Act] as amended and updated requires “local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest”.

(i.e considerable weight should be given to the preservation of the architectural interest of the listed building when assessing this application).

The NPPF requires Local Planning Authorities to consider whether a proposal would result in harm to the significance of a heritage asset and to decide whether that harm would be substantial or less than substantial.

41. Any harm should require clear and convincing justification. It can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset.

Assessment

42. The present scheme, in having neutral zinc clad facades to adjoining streets and a more assertive gold shingle facade to the Circus, follows the same design principles as the existing buildings i.e. neutral street facing facades with more assertive facades to the circus.
43. The street facing zinc-clad facades are to be set well back and will not be conspicuous features within the streetscape. Instead, the key issue is the effect of the proposals on the focal point of the scheme, the circus, as defined by four facade quadrants of the apartment buildings. Piers Gough of CZWG, the original architect, along with the 20th Century Society, has stated the importance of the dramatic silhouette of the existing blue circus facades against the sky. This is backed up by the list description.
44. However, it should be noted that the timber inner skins of the front facades of the extensions as previously approved were installed prior to The Circle being listed and are clearly visible rising above the curved blue facades of the original buildings. The applicants sought a view from Historic England on this aspect at the time the buildings were being considered for listing. In an email to the Heritage Consultants working for the applicant, Historic England stated:

" Based on the review information supplied, an external visit was made by HE in April 2018. It is understood that the work taken place consisted of the installation of additional steel posts and timber stud-wall on the roof of the four central quadrants. These structures can be seen from street level, but are set back and partially obscured by the parapets. The review request does not claim that any elements of the original structure have been lost, and the distinctive blue tiling has not been significantly altered by the work. These additions have neither contributed to nor undermined the special architectural interest as set out in the list entry."

45. (Above email from Andrew Dodge, Designation and Heritage Protection Casework Manager at Historic England, to Jonathan Edis of Heritage Collective, 19 June 2018).
46. In summary, the advice states that the additions do not undermine the special architectural interest of the buildings and that they have caused no harm to its special architectural interest as laid out definitively in the list description.
47. This stance is supported by officers- the curved facades of the circus are and will remain the dominant and spectacular feature that sets the character of The Circle. The existing timber framework of the scheme previously granted permission and the currently proposed scheme take away, and will take away, very little from this. The buildings remain and will remain robust and assertive in character.
48. In addition, the timber facades were a part of the buildings at the time it was listed- they exist as a part of the building. The present scheme therefore has to be compared

only to the timber facades in terms of the harm it would do to the special architecture of the buildings.

49. In this respect:

- The proposed extensions would be only marginally higher than the existing timber facades. The additional height is negligible.
- The use of use of shingles to clad the Circus facades of the extensions enables the cladding to match the curve of the existing facades below (as compared to the alternative of continuing the zinc cladding which would have had to have been faceted around the curve- a much cruder arrangement).
- The gold colour of the shingles is intended to match the gold colour of the existing windows set within the blue brick facade below. It will contrast with the existing blue brickwork such that the brickwork remains a conspicuous feature, and that the silhouette of the blue Circus facades is still obvious, albeit viewed against a partially gold backdrop instead of the sky.

50. Even if a consideration of the existence of the timber façades is put to one side, the last point above still pertains. In addition, the set back of the extensions is such that they will not be dominant and will not be unduly conspicuous as viewed from surrounding streets. The assertive blue drum, a crucial part of the buildings' architectural significance, will remain as the dominant feature, in line with the design intentions of the original architect.

51. It is accepted that the precise gold colour of the shingle cladding to the curves of the extensions should be selected with care. It should form an effective contrast with the brickwork below which allows the blue silhouette to stand out whilst not being overly bright or showy. The precise finish can be controlled via a listed building condition requiring samples of materials to be submitted at a later date for approval

52. In summary, the proposal is a positive and bespoke response to the robust architecture of the characterful existing buildings. The harm to the architectural significance of The Circle will be negligible.

Balancing harm against public benefits

53. Paragraph 195 of the NPPF states that:

‘Where a proposed development would lead to substantial harm (or total loss of significance of) a designated heritage asset (i.e a listed building) local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits’

54. Paragraph 196 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

55. It should be noted that substantial harm equates to the almost total loss of significance. Rooftop extensions on top of a large and robust building could not be judged to fall into this category.

56. Harm to the architectural significance of the building that will be caused by the scheme proposals, such as it may be, clearly falls into the category of ‘less than

substantial'. In line with Paragraph 196 of the NPPF, this harm requires to be weighed against the public benefits of the scheme.

57. In this case the benefits are small- 4no. dwellings towards meeting Southwark's housing needs, and securing a marginally more optimum viable use of the site. However, and as laid out in this report, the harm to the architectural significance of The Circle that would be caused by this development is also small (in fact it is described as negligible in the paragraphs above). The two can be balanced against each other to justify this scheme. The proposal is therefore acceptable.

Conclusion on planning and other issues

58. In this case, whilst the public benefits may be small, the modest scale and set-back design which closely follows the previously approved design, causes negligible harm to the architectural and historic significance of The Circle.
59. The proposal demonstrates that it conforms with the Listed Building and Conservation Areas Act (1990) [the Act] as amended and updated. It complies with current policy to: preserve and enhances the heritage asset and its setting; provide good design; and address issues raised by statutory consultees and should therefore be granted Listed Building Consent.

Community impact statement / Equalities Assessment

60. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
61. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
62. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.

63. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

64. 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.
65. This application has the legitimate aim of providing 4no 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/240-30 Application file: 19/AP/0698 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 1818 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Martin McKay, Team Leader	
Version	Final	
Dated	19 September 2019	
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		19 September 2019

APPENDIX 1**Consultation undertaken****Site notice date:** 26/03/2019**Press notice date:** 14/03/2019**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 25/03/2019**Internal services consulted:** n/a**Statutory and non-statutory organisations consulted:**

Historic England
 Twentieth Century Society
 Conservation Area Advisory Group
 CZWG (original architect)

Neighbour and local groups consulted

325 The Circle Queen Elizabeth Street SE1 2JU	352 The Circle Queen Elizabeth Street SE1 2JU
69 The Circle Queen Elizabeth Street SE1 2JG	118 The Circle Queen Elizabeth Street SE1 2JJ
326 The Circle Queen Elizabeth Street SE1 2JU	353 The Circle Queen Elizabeth Street SE1 2JU
72 The Circle Queen Elizabeth Street SE1 2JG	115 The Circle Queen Elizabeth Street SE1 2JJ
323 The Circle Queen Elizabeth Street SE1 2JU	356 The Circle Queen Elizabeth Street SE1 2JU
75 The Circle Queen Elizabeth Street SE1 2JG	116 The Circle Queen Elizabeth Street SE1 2JJ
324 The Circle Queen Elizabeth Street SE1 2JU	360 The Circle Queen Elizabeth Street SE1 2JU
77 The Circle Queen Elizabeth Street SE1 2JG	129 The Circle Queen Elizabeth Street SE1 2JJ
327 The Circle Queen Elizabeth Street SE1 2JU	361 The Circle Queen Elizabeth Street SE1 2JU
73 The Circle Queen Elizabeth Street SE1 2JG	142 The Circle Queen Elizabeth Street SE1 2JJ
330 The Circle Queen Elizabeth Street SE1 2JU	358 The Circle Queen Elizabeth Street SE1 2JU
74 The Circle Queen Elizabeth Street SE1 2JG	143 The Circle Queen Elizabeth Street SE1 2JL
331 The Circle Queen Elizabeth Street SE1 2JU	359 The Circle Queen Elizabeth Street SE1 2JU
67 The Circle Queen Elizabeth Street SE1 2JG	140 The Circle Queen Elizabeth Street SE1 2JJ
328 The Circle Queen Elizabeth Street SE1 2JU	259 The Circle Queen Elizabeth Street SE1 2JW
60 The Circle Queen Elizabeth Street SE1 2JG	141 The Circle Queen Elizabeth Street SE1 2JJ
329 The Circle Queen Elizabeth Street SE1 2JU	272 The Circle Queen Elizabeth Street SE1 2JW
61 The Circle Queen Elizabeth Street SE1 2JG	144 The Circle Queen Elizabeth Street SE1 2JL
322 The Circle Queen Elizabeth Street SE1 2JU	273 The Circle Queen Elizabeth Street SE1 2JW
58 The Circle Queen Elizabeth Street SE1 2JG	147 The Circle Queen Elizabeth Street SE1 2JL
315 The Circle Queen Elizabeth Street SE1 2JU	270 The Circle Queen Elizabeth Street SE1 2JW
59 The Circle Queen Elizabeth Street SE1 2JG	148 The Circle Queen Elizabeth Street SE1 2JL
316 The Circle Queen Elizabeth Street SE1 2JU	271 The Circle Queen Elizabeth Street SE1 2JW
62 The Circle Queen Elizabeth Street SE1 2JG	145 The Circle Queen Elizabeth Street SE1 2JL

313 The Circle Queen Elizabeth Street SE1 2JU
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 81 The Circle Queen Elizabeth Street SE1 2JG
 349 The Circle Queen Elizabeth Street SE1 2JU
 94 The Circle Queen Elizabeth Street SE1 2JJ
 342 The Circle Queen Elizabeth Street SE1 2JU

 79 The Circle Queen Elizabeth Street SE1 2JG
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 337 The Circle Queen Elizabeth Street SE1 2JU
 96 The Circle Queen Elizabeth Street SE1 2JJ
 340 The Circle Queen Elizabeth Street SE1 2JU

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 146 The Circle Queen Elizabeth Street SE1 2JL
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 139 The Circle Queen Elizabeth Street SE1 2JJ
 278 The Circle Queen Elizabeth Street SE1 2JW
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 133 The Circle Queen Elizabeth Street SE1 2JJ
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 135 The Circle Queen Elizabeth Street SE1 2JJ
 264 The Circle Queen Elizabeth Street SE1 2JW
 136 The Circle Queen Elizabeth Street SE1 2JJ
 267 The Circle Queen Elizabeth Street SE1 2JW

 268 The Circle Queen Elizabeth Street SE1 2JW

 265 The Circle Queen Elizabeth Street SE1 2JW

 266 The Circle Queen Elizabeth Street SE1 2JW
 28 Anchor Brewhouse, Shad Thames SE1 2LY
 198 The Circle Queen Elizabeth Street SE1 2JN
 Anchor Brewhouse, Flat 23 50 Shad Thames SE1 2LY
 70 The Circle Queen Elizabeth Street SE1 2JG
 Flat 313 The Circle Queen Elizabeth Street SE1 2JU
 71 The Circle Queen Elizabeth Street SE1 2JG
 22 Anchor Brewhouse The Boilerhouse 50 Shad Thames SE1 2LY
 68 The Circle Queen Elizabeth Street SE1 2JG
 Xxxx London SE1 2JG
 71 The Circle Queen Elizabeth Street SE1 2JG
 Unit 20 The Circle SE1 2JE
 173 The Circle Queen Elizabeth Street SE1 2JL
 Units 13 To 15 The Circle SE1 2JE
 170 The Circle Queen Elizabeth Street SE1 2JL
 309 The Circle Queen Elizabeth Street SE1 2JW
 171 The Circle Queen Elizabeth Street SE1 2JL
 302 The Circle Queen Elizabeth Street SE1 2JW
 174 The Circle Queen Elizabeth Street SE1 2JL

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

None

Statutory and non-statutory organisations

Historic England
Twentieth Century Society
Conservation Area Advisory Group
CZWG (original architect)

Neighbours and local groups

STAMP: Shad Thames Area Management Partnership

186 The Circle Queen Elizabeth Street SE1 2JL 345 The Circle
Queen Elizabeth Street SE1 2JU 72 The Circle Queen Elizabeth
Street SE1 2JG

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 David Mayes	Reg. Number 19/AP/0698
Application Type Listed Building Consent	
Recommendation Grant permission	Case Number TP/240-30

Draft of Decision Notice

Listed Building CONSENT was given to carry out the following works:

Construction of single-storey extension at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities

At: THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JU

In accordance with application received on 01/03/2019

and Applicant's Drawing Nos.

Amended plan - CPH- WTA-00-XX-DR-A-1115 (Rev A) - PROPOSED WEST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A-1105 (Rev A) - PROPOSED SOUT WEST ELEVATION
 Amended plan - CPH- WTA- 00-XX-DR-A 1113 (Rev A) - PROPOSED EAST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A-1114 (Rev A) - PROPOSED SOUTH UNIT ROOF AND SECTIONS
 Amended plan- CPH- WTA-00-07-DR-A-1100 (Rev A) - PROPOSED BLOCK PLAN
 Amended plan - CPH- WTA-00-07-DR-A-1102 (Rev A) - PROPOSED 7TH FLOOR PLAN
 Amended plan - CPH- WTA-00-08 DR-A 1103 (Rev A) - PROPOSED ROOF PLAN (8TH FLOOR)
 Amended plan - CPH- WTA-00-XX-DR-A-1104 (Rev A) - PROPOSED NORTH EAST ELEVATION
 Amended plan - CPH- WTA-00-XX-DR-A 1113 (Rev A) - PROPOSED EAST UNIT ROOF PLAN AND SECTIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1106 (Rev A) - PROPOSED NORTH WEST SECTION
 Amended plan - CPH- WTA-00-XX-DR-A 1107 (Rev A) - PROPOSED SOUTH EAST SECTION
 Amended plan - CPH- WTA-00-XX-DR-A 1108 (Rev A) - PROPOSED NORTH UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1109 (Rev A) - PROPOSED EAST UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1110 (Rev A) - PROPOSED SOUTH UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1111 (Rev A) - PROPOSED WEST UNIT PLAN AND ELEVATIONS
 Amended plan - CPH- WTA-00-XX-DR-A 1112 (Rev A) - PROPOSED NORTH UNIT ROOF PLAN AND SECTIONS
 Plan - proposed - CPH-WTA-00-XX-DR-A-0012 - PROPOSED DEMOLITION - NE ELEVATION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0013 - PROPOSED DEMOLITION - SW ELEVATION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0015 - PROPOSED DEMOLITION - SW SECTION
 Plan - proposed - CPH-WTA-00-XX-DR-A-0014 - PROPOSED DEMOLITION - NW SECTION
 Plan - proposed - CPH-WTA-00-B1-DR-A-1117 - PROPOSED CAR PARKING SOUTH AND WEST UNITS
 Plan - proposed - CPH-WTA-00-B1-DR-A-1116 - PROPOSED CAR PARKING NORTH AND EAST UNITS
 Plan - proposed - CPH-WTA-00-06-DR-A-1101 - PROPOSED 6TH FLOOR PLAN
 HERITAGE STATEMENT, February 2019
 PLANNING STATEMENT, February 2019
 DESIGN AND ACCESS STATEMENT, February 2019

Subject to the following three 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 under Section 18 of the Planning (Listed Buildings & Conservation Areas) 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.

- 2 The following samples shall be made available on site for inspection by the Local Planning Authority, and approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given.
- i) 4m² sample panel of gold shingle cladding, showing curved façade and edge details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2019, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

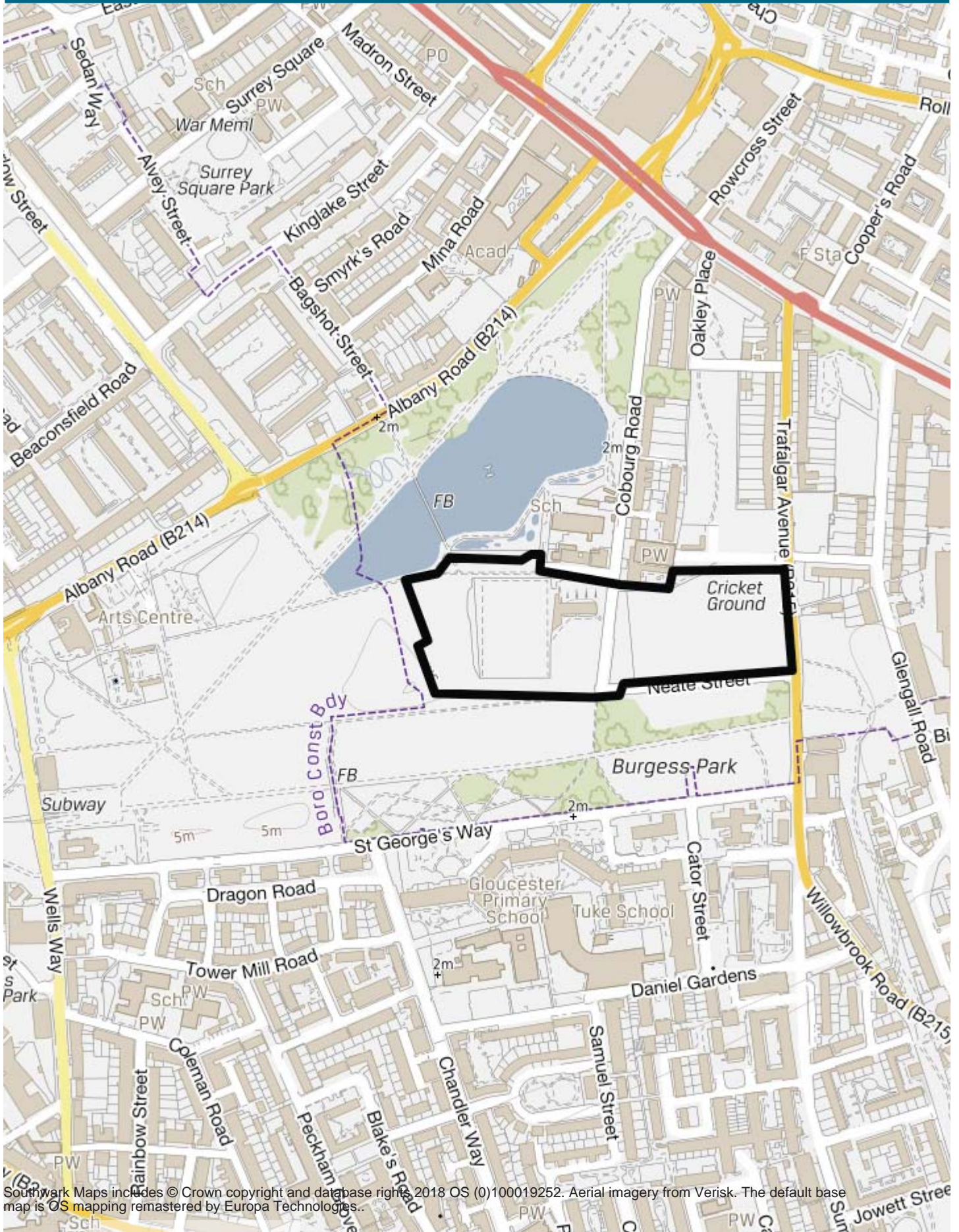
- 3 Construction drawings at a scale of 1:5 of the external envelope of the extensions showing
- 1) window/ wall junctions
 - 2) roof/wall junctions, and
 - 3) amenity area balustrades
- shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2019, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.



BURGESS PARK COMMUNITY SPORTS GROUND,
BURGESS PARK COMMUNITY SPORT PAVILION, COBOURG ROAD,
SE5



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Scale = 1:5000

19-Sep-2019

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Item No. 7.3	Classification: Open	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/1275 for: Full Planning Application Address: Burgess Park Community Sports Ground, Burgess Park Community Sport Pavilion, Cobourg Road, London, SE5 0JB Proposal: Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches		
Ward(s) or groups affected:	Peckham		
From:	Director of Planning		
Application Start Date 13/06/2019		Application Expiry Date 15/10/2019	
Earliest Decision Date 24/09/2019			

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site comprises approximately 4.68ha located in eastern portion of Burgess Park. The site as existing hosts a fenced artificial grass football pitch (AGP) located in the western part surrounded by ancillary park land and footpaths to the north, west and south. To the immediate east adjoining the AGP is the existing Burgess Park community sports centre. To the east of the sports centre is Cobourg Road running north/south through the site, to the east of which further are the existing community cricket and ruby pitches. All of the above are included within the application site boundary.
3. The existing sports centre is an irregularly shaped single storey building. It is partially obscured by a grass verge facing terraced residential properties located to the north on Loncroft Road. Nearby beyond this is a Victorian school and former church, now a mosque, and which are all situated within the Cobourg Road conservation area. The mosque is Grade II listed and approximately 37m north west of the site albeit set back from the established building line of the surrounding houses.
4. To the east behind the mosque and to the north of the cricket and rugby community sports pitches is Waite Street which meets the eastern site boundary road in Trafalgar Avenue. This returns west as the southern boundary to the site as Neate Street to

meet the bottom of Cobourg Road in the centre of the site, with parkland footpaths continuing west.

5. The site is located in:
 - a) Metropolitan Open Land (MOL)
 - b) Site of Importance for Nature Conservation (SINC)
 - c) The setting of a conservation area and Grade II listed building
 - d) An area of PTAL 2 and 3 and in small portions 1b
 - e) Flood zone 3
6. The site borders the Old Kent Road Opportunity Area to the immediate north which the Cobourg Road Conservation Area is located within, and whose boundary runs along Waite Street and Loncroft Road.
7. The area surrounding the site comprises the wider setting of Burgess Park, most extensively to the west. Areas of Peckham of a primarily dense, mixed and urban character are located east and south beyond the park, with the modest Cobourg Road Conservation Area to the north noted above.

Details of the proposal

8. The proposal would see the redevelopment of the existing single AGP, sports centre building and surrounding ancillary grassland located west of Cobourg Road for the provision of:
 - A new sports centre facility fronting Cobourg Road comprising x6 team changing rooms, lockers, a 'club room/café space and kitchen, ancillary offices and sports equipment storage facilities in the centre of the site
 - Two new artificial grass pitches ('AGPs) with fence boundary treatment and flood lights to the west of the sports facility
 - Three new 'spectator mounds' on the perimeter of the site around the western-most AGP
 - Re-landscaping across the site and highway works, including removal of existing on street parking bays, to Cobourg Road
9. The new sports centre building would be located on a north-south orientation. It would be located in broadly the same location as the existing building between new public realm fronting Cobourg Road to the immediate east with the AGPs located on and accessed from the adjoining western side.
10. The building's club café would be located to the north overlooking the corner of Cobourg and Loncroft Road with the building entrance and reception near this. Refuse store and sports equipment storage would be located at the southern end of the building. The changing rooms and lockers would run the length of the building in between.
11. The building would be single storey of a broadly rectangular floor plan and profile, at a maximum height of 4.5m and approximately 70m long. The height and width of the floor plan would be 'pushed in' from the extremities to give the impression of an extending 'wing span' from the public entrance point as the focus of the new public realm in Cobourg Road, where the lowest point in the elevation would be approximately 3.5m high.
12. It would be clad in perforated metal cladding with window reveals within solid walls behind. The cladding would be 'pleated' along the Cobourg road elevation. Facing the

AGPs on the western elevation the cladding would have a concertina effect to create alcoves affording depth for sculptured concrete benches for pitch side users of the facilities.

13. Large glazing panels would be utilised behind the metal screening in the northern elevation to provide outlook, access to daylight and a semi-public-facing aspect of the club room/café space behind at the junction of the site with local roads. The southern elevation would be relieved of the retaining walls behind to provide a level of openness and transparency to the equipment store through the perforations.
14. The proposal also includes 'Ballstop' perimeter fences around the pair of AGPs and community cricket/rugby sports pitches which would stand 4.5m high. The two AGPs would be afforded dedicated, permanently installed floodlights. A noise barrier would be installed between the fencing along the northern boundary of the AGPs and the run of retained trees opposite and with a view to protecting the amenity of the occupiers of the facing houses on Loncroft Road.
15. There would be alteration to existing boundary fence arrangement of and other minor changes to the community cricket and rugby pitches located to the east of Cobourg Road and further landscaping and lighting of the surrounds, most notably near Waite Street to the north and with the interim footpath to Cobourg Road between.
16. Amendments to the proposal since submission

The proposals were initially submitted with provision of full Multi-Use Games Area ('MUGA') located to the immediate east of Cobourg Road. Following objections from the England and Wales Cricket Board (ECB) and, by extension, Sport England, the provision of the MUGA was subsequently removed.

17. Revisions were also submitted for the approach to the treatment of the highway along Cobourg Road in front of the proposed sports centre building and the associated number of parking spaces to be removed.
18. The changes underwent 14-day re-consultation following the receipt of the revised plans. This period closed following the preparation of this report, therefore an addendum will be prepared to report back on any further consultation responses received as a result of this additional consultation.
19. **Planning history**

<p>02/CO/2111 Application type: Full planning permission (FUL) BURGESS PARK CORNER OF COBOURG ROAD & LONGCROFT ROAD SE5 Extension of existing artificial pitch to north, replacement of existing 2.5m high fencing around pitch with 4.6m high sections behind goals together with new gated vehicular access. Decision: Granted (GRA) Decision issue date: 23/06/2003</p>

<p>03/AP/1115 Application type: Full planning permission (FUL) YOUTH PITCH BUILDING BURGESS PARK SE5 Erection of a single storey building to provide changing and community facilities at the east end of Burgess Park close to Longcroft Road Decision: Granted (GRA) Decision issue date: 12/08/2003</p>

<p>07/CO/0160 Application type: Full planning permission (FUL) SPORT GROUND BETWEEN WAITE STREET & NEATE STREET LONDON SE15 6AX</p>

Removal of old chainlink fence and replace with stronger twin wire mesh sports fence to maximum height of 3.68m. Installation of double and single gates
Decision: Granted (GRA) Decision issue date: 29/01/2008

08/CO/0023 Application type: Full planning permission (FUL)
BURGESS PARK CORNER OF COBOURG ROAD & LONCROFT ROAD SE5
Details for proposed vehicular access as required by Condition 3 of planning application dated 23/06/03 - LBS Registration No 02-CO-2111 for extension of existing artificial pitch to north, replacement of existing 2.5m high fencing around pitch with 4.6m high sections behind goals together with new gated vehicular access.
Decision: Granted (GRA) Decision issue date: 24/06/2008

17/EQ/0346 Application type: Pre-application enquiry (EQ)
BURGESS PARK SPORTS CENTRE BURGESS PARK, ALBANY ROAD, LONDON SE5
Relocation of existing Burgess Park Sports Centre in to a new, larger single storey building along Cobourg Road with the addition of 2x new all weather pitches to the west.
Decision: Pre-application Enquiry enclosed (ENQ) Decision issue date: 13/10/2017

Planning history of adjoining sites

20. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

21. The main issues to be considered in respect of this application are:
- a) Principle of development
 - b) Environmental Impact Assessment
 - c) Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - d) Design issues
 - e) Transport and servicing issues
 - f) Landscaping and trees
 - g) Impact on trees
 - h) Ecology and biodiversity
 - i) Energy and sustainability
 - j) Ground contamination
 - k) Flood risk
 - l) Planning obligations
 - m) Community infrastructure levy (CIL)
 - n) Community involvement and engagement
 - o) Other matters

Adopted planning policy

National Planning Policy Framework (NPPF)

22. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

23. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Chapter 2 Achieving sustainable development
 Chapter 5 Delivering a sufficient supply of homes
 Chapter 6 Building a strong, competitive economy
 Chapter 7 Ensuring the vitality of town centres
 Chapter 8 Promoting healthy and safe communities
 Chapter 9 Promoting sustainable transport
 Chapter 10 Supporting high quality communications
 Chapter 11 Making effective use of land
 Chapter 12 Achieving well-designed places
 Chapter 14 Meeting the challenge of climate change, flooding and coastal change
 Chapter 15 Conserving and enhancing the natural environment
 Chapter 16 Conserving and enhancing the historic environment

London Plan 2016

24. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 3.1 – Ensuring equal life chances for all
 Policy 3.2 – Improving health and addressing health inequalities
 Policy 3.16 - Protection and enhancement of social infrastructure
 Policy 5.12 - Flood risk management
 Policy 5.13 - Sustainable drainage
 Policy 5.21 - Contaminated land
 Policy 6.9 - Cycling
 Policy 7.3 - Designing out crime
 Policy 7.6 - Architecture
 Policy 7.8 - Heritage assets and archaeology
 Policy 7.17 - Metropolitan open land
 Policy 7.19 - Biodiversity and access to nature
 Policy 7.21 - Trees and woodland

Core Strategy 2011

25. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

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

Southwark Plan 2007 (saved policies)

26. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

- 3.2 - Protection of amenity
- 3.4 - Energy efficiency
- 3.7 - Waste reduction
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the historic environment
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.25 - Metropolitan open land
- 3.28 - Biodiversity
- 5.2 - Transport impacts
- 5.3 - Walking and cycling

Emerging development plan policy

New Southwark Plan: Proposed Submission Version

27. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the initial draft of the Proposed Submission version ('PSV') (Regulation 19) on 27 February 2018. Consultation on a selected number of 'amended' (relative to the initially published PSV) policies concluded in May 2019. It is anticipated that the plan will be submitted for Examination in Public (EIP) in Autumn 2019.
28. As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
29. Policies considered in the context of this planning application include:
 - SP2: 'Regeneration that works for all'
 - SP5: 'Healthy active lives'
 - SP6: 'Cleaner, greener, safer'
 - P56: Open space

Old Kent Road Area Action Plan

30. The council is preparing an Area Action Plan/Opportunity Area Planning Framework for Old Kent Road (AAP/OAPF) which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line with new stations along the Old Kent Road towards New Cross and Lewisham. Consultation has been underway for 4 years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21 March 2018. As the document is still in draft form, it can only be attributed limited weight.

Consultation

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

Summary of consultation responses

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

Summary of consultation responses from members of the public

- 46 Supported
 - 22 Objected
 - 2 Neutral
 - One objecting petition from representatives of the Southwark Tigers and Lancers Rugby Club, undersigned by 101 members and supporters agreeing with their objections and points raised
33. Note: Some responders formally registered objections while clarifying general support but objected to or raised concerns regarding specific parts of the proposals. Similarly several responses registered as being supportive of the proposals were supplemented by cautious concerns and/or specific objections. The above figures reflect the totals of the overarching tone of each response in addition to what the responder directly registered their comments as. Where responses registered as support but supplemented by strong concerns/objections, these were counted as objections for the avoidance of doubt.
34. In addition to general indications of support, objection or otherwise to the principle of the development, more detailed comments, substantially comprising objections and/or concerns, regarding the following issues were raised by members of the public in response to the public consultation on the application:
- Neighbour amenity impacts
Issues are addressed in detail in paragraphs 50 -55.
 - Design quality and site layout.
Issues are addressed in detail in paragraphs 56 -72.
 - Transport, parking, highways, deliveries and servicing matters
Issues are addressed in detail in paragraphs 73 -80.
 - Environmental impact during the construction phase (noise, dust and dirt etc.)
Issues are addressed in detail in paragraphs 121 - 122.
 - Ecology and biodiversity
Issues are addressed in detail in paragraphs 93 -97.
 - Security and prevention of crime and anti-social behaviour
Issues are addressed in detail in paragraphs 53 – 54, 86 - 87 and 115
 - Concerns of the cost of use (and by extension accessibility) of new facilities as a result of improvement
Issue is addressed in detail in paragraphs 116 - 120.

Summary of consultation responses from internal, statutory and non-statutory consultees

35. The following responses from internal, statutory and non-statutory consultees should be noted.
36. Sport England submitted a response to the application which objected to the initially

proposed scheme on a number of grounds and which communicated additional comments and concerns from both the England and Wales Cricket Board ('ECB') and Rugby Football Union (RFU). Sport England concluded that in order to be able to support the proposed development the following would be required:

- Remove or provide stronger justification for the proposed MUGA within the scheme; and
 - Clarify whether either of the two AGPs will be able to be used for Rugby.
37. As noted above in para 16 - 18, the initially proposed MUGA has been removed from the scheme. Clarification of the technical specification of the AGPs and their application in Rugby use was confirmed by the applicant.
38. The issues cited as requiring to be addressed in order for Sport England as a statutory consultee to support the proposals have therefore been addressed. However a formal written response from Sport England has not yet been received confirming the support for the scheme. This is in light of on-going discussion with representatives of both ECB and RFU regarding additional concerns regarding the proposals that have been subsequently raised, including fencing arrangement and interaction of the community rugby and cricket pitches from the revised layouts.
39. The primary reasons for the initial formal objection have therefore been addressed, however there do remain outstanding issues at the time of writing this report which has prevented submission of a formal written response confirming that Sport England support the revised proposals. It is anticipated that resolution to these issues will be able to be confirmed through the addendum report to be presented to the members of the planning sub-committee following the close of the 14 day re-consultation period.
40. The following internal, statutory and non-statutory consultees also provided responses to the consultation confirming that the proposed development would be acceptable subject to conditions.
- Environment Agency
 - Metropolitan Police
 - Environmental Protection Team
 - Design and Conservation Team
 - Ecologist
 - Highways: Development Management

Principle of development

41. There is no objection to the principle of the development in land use terms. The use of the land in the site would remain as existing, falling under Use Class D2 (outdoor sports facilities). The council's adopted development plan, comprised of the saved Southwark Plan policies, the Core Strategy and the London Plan, has specific criterion for development on Metropolitan Open Land (MOL) to adhere to. Additionally, the draft New Southwark Plan and draft new London Plan (2019) also have their equivalent strategic and detailed policies regarding development on MOL.
42. As MOL, Burgess Park is afforded protection under policy 7.17 of the London Plan. This policy advises that the strongest protection should be given to MOL and inappropriate development refused, unless in very special circumstances. With regard to Southwark's policies, saved policy 3.25 states that within MOL planning permission will only be permitted for appropriate development which is considered to be for the following purposes:

43. i) Agriculture and forestry; or
 ii) Essential facilities 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, provided 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 that it replaces.
44. The equivalent draft New Southwark Plan policy P56 ('Open space') has similar wording to the effect of the above quoted saved Southwark Plan policy (3.25), albeit is substantially strengthened in one respect whereby criterion iii) of saved policy 3.25 noted above applies to all buildings rather than dwellings only. This is considered in further detail in paras 56 - 62 below.
45. The proposed development would provide the sports centre facility, two new AGPs and landscaping summarised in para 8 of this report above. This would support the use of the park for outdoor sport and recreation, and as such is considered to comply with part ii) of the policy. The design of the proposal is such that it would preserve the openness of the MOL. This is considered further below in the design section of this report (paras 56 - 62).
46. MOL is afforded the same protection as green belt thus the guidance on green belt in the National Planning Policy Framework is a material consideration. The Framework states that new buildings providing appropriate facilities for outdoor sport and recreation are acceptable. The principle of the proposed development is therefore considered to be acceptable in land use terms.

Environmental impact assessment

47. A screening assessment to establish whether a full environmental impact assessment (EIA) is required providing the proposed development falls within any of the following categories:
- (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;
 (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
 (ii) the development includes more than 150 dwellings; or
 (iii) the overall area of the development exceeds 5 hectares.
48. and is a type of development set out in either Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The schedules cover development types such as heavy infrastructure, heavy industry and large scale leisure and tourism uses (such as ski slopes, marinas and theme parks) that should be subject to an EIA screening assessment where the development meets either criterion (b) (i), (ii) or (iii) noted above.
49. The development falls within category b)(i) noted above however it does not fall under any of the development types in either Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The requirement for a screening assessment to establish whether an EIA is required is therefore not applicable.

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

50. The proposed sports centre building is set on a north-south axis which affords it a relatively modest profile viewed from these directions. The northern end of the building is located opposite a blank flank elevation of an end-of-terraced house which fronts Cobourg Road with a view to minimising the visual impact on the Loncroft Road neighbour's daylight sunlight and open outlook. As a result of this arrangement the view of the park from the perspective of these residents will retain the sense of openness to their southerly primary aspect that they currently enjoy.
51. The proposed floodlights would not incur any harm to the amenity of these facing occupiers as confirmed through technical 'lux' (light intensity) analysis while still enabling the required levels for play on the pitches. A condition limiting the light levels emitted from the floodlights is recommended to be appended to any grant of planning permission, as recommended by the council's Environmental Protection Team.
52. The acoustic barrier running 2.5m high between the perimeter fence and the row of retained trees would be installed alongside the northern boundary edge to ensure noise from the use of the pitches will not harm the amenity of these adjoining neighbours. The 3db increase in noise from the development, from the perspective of these neighbours, minimised as a result of the noise barrier will have no observed effect. The barrier would largely be obscured by the retained trees running in front along Loncroft Road. Details of this barrier are recommended to be secured by condition in the absence of the submission of detailed plans submitted with the full application.
53. Responses submitted to the consultation on the application raised concerns about the impact of the increased provision of the facilities on the occupiers of the nearby residential properties. This included noise of crowds dispersing from matches through the local streets, use of resident's bins, increase in perception/fear of crime and increase in crime in the immediate vicinity due to the increase in people.
54. While these concerns are legitimate, it is not considered that the proposed development would incur any greater risk of noise and disturbance and crime than the existing facility on the site to the extent that would warrant refusal when these concerns are considered as planning issues. Refuse and 'secured by design' are addressed as planning issues and as they relate to the proposed development for the purposes of this planning application elsewhere in this report.
55. The proposed spectator mounds to the west and north of the proposed new western-most AGP would go some way to mitigate noise impacts arising as a result of the play conducted on the pitches and therefore help to minimise the impact of the development on the amenity of the users of the other nearby portions of the park.

Design issues

Scale, height, massing, layout and urban and detailed design

56. The proposed sports centre building would cover approximately 570sqm GIA. This is marginally smaller relative to the existing sports facility which comprises a total GIA area of approximately 643sqm. The existing facility as existing comprises two perpendicular wings, one of which is a maximum height of 5m, orientated on an east-west axis and with the northern elevation hidden by a grass verge (facing residents on Loncroft Road). The remaining wing lies adjacent to the existing AGP on a north-south axis and is approximately 3.5m on the eastern elevation in front of the main entrance to the facility while is approximately 3m high on the AGP (western) side.

57. The proposed new building relative to the existing would be in a more prominent location within the park and the site. This design decision has been taken partially with a view to improve way finding, with the entrance to the existing bunker-like facility tucked away in a corner where the two wings meet following a footpath off Cobourg Road.
58. The proposed replacement building would certainly be more noticeable within the park grounds due to the location, orientation, shape and dimensions of the building and indeed architectural treatment with regard to façade articulation and materials. It would not be hidden by a grass verge as per the current facility on the site and would by contrast provide a strong axis on which to focus the clustering of the sports offer in Burgess park located either side of Cobourg Road. This is considered to be appropriate for the proposed facility in a park of this stature and a design improvement on the existing facility in this regard.
59. Despite the stronger presence within this part of the park's landscape, the reduction in maximum height and GIA, combined with the approach to reducing the maximum heights and widths to the overall building volume means that the proposed approach would meet the updated draft New Southwark Plan version of saved Southwark Plan policy 3.25 which requires that any replacement building within MOL 'is no larger than the building it replaces.' The approach to cladding and retaining materials behind at the northern and southern ends of the building would additionally contribute to a reduction of any perceived increase in massing within the park's landscape.
60. The cladding would otherwise be an interesting and robust material intended to be almost continuous with adjacent enclosing fences, with what could nevertheless form quite a hard edge to this part of the park. This would be mitigated by the creation of a 'plaza' between the building and the public highway of Cobourg Road and by the wedged shaped footprint of the building itself which will funnel visitors towards its entrance. This will allow for an element of street activity with the relatively neutral cladding of the building behind. The light reflective colour of the cladding will vary according to light conditions. Shadows cast on the perforated, pleated panels by nearby trees will also add some interest.
61. The increase in the overall provision and coverage area of the associated 4.5m fencing and flood lighting and will impose itself on this part of the park and impact its existing relatively quiet character afforded by the low key entrance and set back position of the existing sports centre facility and single AGP behind this.
62. However, given the existing uses and arrangement of these uses on the site the impact is overall considered to be 'additional' rather than 'new.' As viewed from the across the park from the west and south the additional impact will not be significantly more noticeable. As viewed from the south along Cobourg Road the additional fencing will be partially screened by the proposed small scale sports centre.

Impact on heritage assets

63. The complex is adjacent to Cobourg Road Conservation Area (CA) which has a picturesque park side setting. The new complex would have some harm on this setting and, with the increase in provision of fencing and floodlighting, harm this picturesque quality. However, and as pointed out above, the additional harm, over and above that caused by the existing AGP would be relatively limited.
64. These nearby houses within the CA are of generous proportions. They feature floor to ceiling heights of 3m comprising ground, first floors with eaves to 6m and pitched roofs with a roof ridge heights at close to 9.5m high at the party wall ridge level. As noted

above the smaller area of the northern elevation of the proposed sports centre building would face such a blank flank façade with what would otherwise be a dividing party wall. In this context the maximum 4.5m height of the proposed sports centre building opposite is not considered to be inappropriate.

65. It is worth noting that the park side setting is not an original part of the Conservation Area's character - other buildings would have enclosed the street of Cobourg and Loncroft Roads prior to the post-war creation of Burgess Park. Nevertheless the harm to the setting by imposition of a new, unapologetically contemporary building with a stronger street presence along with increased provision of boundary fencing will harm the relatively green and quiet setting for the conservation area. This will have to be balanced against the public benefit accruing from the proposals.
66. Taking the location and stature of the park as noted above into account, it is not unreasonable to expect the park to be used for active recreation and for it to take on whatever characteristic accrues from this. Providing it is done in a carefully considered way to comply with the requirements of development plan policy for development on MOL (as it does here, noted above) it is on balance acceptable.

Consultation response - objections received on design grounds

67. It should be noted that a number of objections to the proposal were submitted the council objecting to the proposed design of the scheme including overall layout and detailed design specification of the proposed sports centre building.
68. These included comments that the overall layout is poor and would create barriers across the park. There would be an increase in the extent of fencing around the perimeter of the site, necessitated by the two new AGPs which replace the existing single AGP located in the same part of the site. It is acknowledged that the additional land take of the new AGP and associate fencing would impede on what is currently open outlying ancillary grassland areas. However the provision of a net uplift of one AGP in this location is in accordance with the 2015 Burgess Park Masterplan and is required to meet the demand for facilities identified in the council's Playing Pitch Strategy (2017).
69. Additionally, it should be noted that the proposals as a whole would not (with the exception of the footpath into, and terminating at, the entrance of the existing sports centre building) cut off or impede any formally established routes of either footway or highway within or around the site. The proposals would, as noted above, aid way finding and legibility of this part of the park. This objection has therefore been given limited weight in the consideration of the application.
70. Objections were also received on the basis of the encroaching of the sports facilities, including the AGPs, into what is as existing the ancillary outlying grasslands of the park, including the impact of the reduction of this space on their use and potential to accommodate for non-sporting and self-organised activities by users of the park. However, as noted in para 104 below, the proposed layout is a logical one minimising the impact of the parkland land-take and is in accordance with the principles of the expansion of the sports facilities, including an additional AGP, established in the council's Burgess Park Masterplan and Playing Pitch Strategy.
71. In addition to this there is no shortage of spaces for non-sporting or self-organised activities to take place elsewhere in the park including in the immediate vicinity of the site. These objections similarly have therefore been afforded little weight in the consideration of the application.
72. Finally, a number of objections were received that related to the detailed design of the

proposed sports centre building itself, specifically relating to the functionality of the building and whether the proposed design would adequately meet user requirements. These are noted in Appendix 2. Following review and discussion of these points with the applicant, officers are satisfied that the proposed arrangement in terms of detailed design of the facilities would meet anticipated user needs and is therefore acceptable.

Transport and servicing

General

73. The site is within a CPZ and a 20 MPH Zone with a school and mosque located in the immediate area to the north, generating footfall and motorised traffic during peak times. Traffic can approach from Old Kent Road and Trafalgar Avenue. The site is PTAL primarily 3 in this area and is a short walk to bus services on Trafalgar Road and the Old Kent Road.

Car parking, access and road safety

74. The application proposes changes to the public highway, including a reduction in car parking spaces along Cobourg Road by approximately 30 spaces. This reduction is amended from the initially proposed reduction of approximately 45 spaces in this part of the site. The proposed highway works include
- Introduction of a raised table across the junction of Loncroft Road with Coburg Road
 - Introduction of a raised crossing on Coburg Road to the southern end of the sports centre building and plaza.
 - Introduction of Single Yellow lines to restrict parking between the two raised tables and
 - The removal of parking bays at this section of Cobourg Road (approximately 75m on either side of the road, equivalent to approximately 30 spaces)
75. The exact location and materials will be subject to a S278 arrangement. The retained parking bays on Coburg Road will be reviewed for uses to include Blue Badge parking, secure cycle parking and some pay and display bays that could be used by visitors to the facilities.
76. A parking survey confirmed that the removal of the existing parking spaces would mean demand would still be able to be accommodated with the reduced number at the initially proposed 45 space reduction. The proposed changes to the existing parking arrangements are to be reduced than what was initially proposed and will be confirmed as part of the Section 278 agreement.
77. Transport planning and highways officers acknowledged that outside of the proposals put forward in this planning application, provision of and changes to parking would continue to be reviewed and rationalised, including under the CPZ process, with a view to making the borough a greener and safer place for residents workers and visitors.
78. The approach has been proposed in the forward-looking context of strategic policies set out in the draft New Southwark Plan: Proposed Submission Version and Old Kent Road Area Action Plan (in addition to adopted development plan policies). The reduction of the parking spaces to the level approximately now proposed will both adequately fulfil demand generated by the facility in the interim, while ensuring where possible users of the facilities are encouraged to travel by more sustainable modes of transport including walking, cycling and public transport accessible from nearby Old

Kent Road and Trafalgar Avenue.

Cycle Parking

79. The applicant has identified locations for sufficient cycle parking to exceed both draft and adopted London Plan standards and draft New Southwark Plan standards for visitor spaces. The number proposed comprises 28 spaces indicated as being located on the plaza area in front of the sports centre building. The exact location will be subject to confirmation by the S278 arrangement if located on the public highway or through submission of further details by condition. The applicant has confirmed that further cycle parking spaces in the site to increase the provision can be identified and will be confirmed through submission of details to be secured by condition and/or the S278 agreement.

Servicing and delivery

80. The servicing requirements would be minimal and will take place from Coburg Road. Submission of a delivery and service management plan to ensure timings of deliveries avoid conflict during times of high activity in the area is recommended to be secured by condition.

Landscaping and trees

Trees

81. 22 trees within the site were identified as requiring removal to facilitate the development. These comprised 4 category B trees and 18 category C trees. The trees proposed to be removed are all located on the western portion of the site where the new x2 AGPs, spectator mounds and sports centre building would be located.
82. New tree planting would take place across the site to ensure that canopy lost is replaced with at least equivalent than that being removed. The total loss of canopy cover from the removal of the identified 22 trees is approximately 700sqm which will be adequately offset by replanting of x40 trees on site on recommendation of the council's urban forester.
83. A run of mature lime trees located along the eastern side of Cobourg Road adjacent to the community cricket pitch would be retained and remain unaffected by the proposal.

Landscaping

84. The 'spectator mounds' would be located along the west (being 38m and 47m wide respectively) and north (63m wide) of the western-most AGP. They would be approximately 2m high with gently sloping front and rear aspects as well sloping 'sides' to provide access. The rear aspect faces away from the AGPs and would be planted with native shrub planting to provide habitat for biodiversity. The slope facing the AGPs providing the opportunity for additional tiered make-shift 'seating.'
85. There is no objection to the provision of these mounds in landscaping/urban design terms. They would increase the utility of this aspect of the park by providing dedicated places from which to spectate on games activities within the new AGPs. The demarcation of areas of Burgess Park by raised mounds has precedent elsewhere and is established in the Masterplan for Burgess Park.' As well as offering a space for spectators, the provision of the mounds would have several other benefits identified elsewhere in this report (see para 96 re: ecology, para 55 re: noise and para 122 re: soil and HGV movements).

86. An additional area of raised land would be located to the north of the existing cricket pitch at the junction of Cobourg Road in the centre of the site and which would also accommodate a Sustainable Urban Drainage scheme (SUDs) including planting. This corner space forms an intermediary link with the footpath between Waite Street to the north east and Cobourg Road to the west.
87. New lighting would be introduced along this route that, combined with the new, more open corner area and re-located entrance of the community/cricket pitches at this meeting point of routes, would improve safety and reduce the perception of and opportunity for crime. The lighting would continue along the hard landscaped plaza in front of the new sports centre along Cobourg Road.
88. As noted above, both the area of the combined two AGPs and the existing community cricket/rugby sports pitches will be bounded by 4.5m high 'ballstop' perimeter fencing. The pitches of the AGPs themselves will be bounded internally by additional 3.5m pitch perimeter fencing separating the two from each other and the outlying hard landscaped area adjacent to the sports centre building.
89. Given the presence of the fencing accommodating the existing single AGP and same community cricket/rugby pitches, there is no objection to the principle or the impact of the proportionate increase in fencing bounding the facilities within the setting of the park in landscaping terms.
90. The plaza area between the new sports centre building and public highway of Cobourg Road would accommodate basic provisions for the street including benches, cycle parking, bollards, bins and a 'Legible London' style way finding monolith sign. Materials have been indicatively confirmed as meeting the requirements of the Southwark Streetscape Design Manual, and include improved paving/raised junctions to provide better east/west links across the two halves of the site.
91. Details of the public realm works on the adopted highway would be secured under Section 278 of the Highways Act in association with the development. Details of any landscaping works to areas not part of the adopted highway are recommended to be secured by condition.
92. As part of wider project works to Burgess Park, formal paving along a footpath that runs from the south of the park, partially through the south west corner of the site, to the barbeque area to the west of the site, would be implemented, including in the portion which lies within the site boundary.

Ecology and biodiversity

93. Burgess Park is designated a Scientific Importance for Nature Conservation (SINC). The site is currently host habitat comprising primarily of 'ancillary' amenity grassland surrounding the existing AGP in addition to the numerous trees interspersed across the site. A small section of planted shrubbery is located in front of the existing sports centre facility.
94. A survey confirmed the site is used by bats as habitat. The updated Bat survey (Sept 2019) confirmed that light-sensitive species were not observed as habiting the area and therefore the impact of the proposed artificial lighting on bats would be negligible.
95. Further recommendations were set out in the survey to minimise the anticipated impact on bats (assessed as being either negligible or low, with the exception of the potential impact of the construction impacts which could be moderate). These are recommended to be secured by conditions.

96. A range of new planting, including native shrubbery would be implemented across the site in relevant locations such as the rear facing slopes of the spectator mounts and in the new opened corner in the north of the site located to the east of Cobourg Road, hosting the SUDs scheme planting. Details of this will be secured through the landscaping conditions.
97. The opportunity for provision of a green roof was considered however given the implications for the additional height incurred, in the context of the parkland MOL and adjacent conservation area setting and requirement to minimise impact on the openness afforded by MOL, in addition to the adjacent conservation area, the exclusion of habitat at this roof level is acceptable.

Energy and sustainability

98. As a 'community facility' (Use Class D2) the new sports centre building would be required to achieve BREEAM level 'Very Good' according to Core Strategy Strategic Policy 13 'High environmental standards.' An indicative 'BREEAM approach' analysis was undertaken which confirmed the proposed sports centre facility would be able to achieve 'Good' rather than a policy-compliant 'Very Good' level.
99. This is due to the limitations of the proposal in 'modifying a significant area of 'undeveloped' [sic] land' with there being no evidence that the change in the ecological value of the site will be equal to or greater than the mandatory credit score required to achieve 'Very Good' rating. The low score would essentially be due to the existing extensive area of ancillary amenity grassland being replaced with AGPs. Given the public benefits of the proposed scheme, including a new and improved sports facility provision within Burgess Park, the lack of achievement of 'Very Good' is considered acceptable given the reasonable justification.
100. The indicative 'BREEAM approach' analysis notes that the scheme has the potential to achieve 'Very Good' equivalent scores in many other categories outside of 'ecology.' A standard condition requiring submission of a full pre-assessment and subsequent post-completion assessment is recommended to be secured by planning condition to ensure that the percentage saving, currently identified at maximum 52.7% under the current design stage, is increased during detailed design to see delivery of the scheme at 58% score where feasible and following fit out.
101. The new building would be constructed of materials which would see U-values (insulation) and G-values (solar transmittance in glazing) supersede those required under Part L of the 2013 Building Regulations. The proposed façade treatment with the perforated cladding will provide solar shading to what would otherwise be large openings in the elevations, minimising the impact of solar gain in summer months.
102. The development is of too small a scale to be required to achieve minimum 35% on site savings on Part L of the 2013 Building Regulations. Nonetheless by virtue of the above noted design specification the proposed building is considered to otherwise fulfil the requirement to maximising carbon emissions savings through the application of the Mayor's Energy hierarchy, including prioritisation of passive design measures to improve energy efficiency of the building.

Consultation responses – objection to principle of redevelopment of site on sustainability grounds

103. Consultation responses objected to the scheme on the grounds of the sustainability of the approach to both replacement of the existing building which was constructed in 2005-06 and the lack of any proposed new renewable or clean energy supply as was incorporated into the existing facility on the site.

104. Part of the justification for the redevelopment of the existing building for a new one is on design grounds. This includes improving way finding and ensuring the presence of the overall facility is appropriate for and makes the most of the opportunities afforded by the location and context of the site. A further reason is that the re-location enables the provision of an net addition of one APG (an established aim set out in both the council's Burgess Park Masterplan (2015) and the Playing Pitch Strategy (2017)) in a logical arrangement with the two AGPs proposed located side by side one another.
105. A structural report concluded that while the building was in overall sound structural condition, due to the age of parts of it continual and costly maintenance would be required to address and upkeep the parts noted as requiring immediate attention. In addition to the above, one of the reasons the existing facility is not considered to be fit for purpose is partly on the basis of the ambitious but now failed low carbon emissions strategy with PV panels and the installed Ground Source Heat Pumps (GSHP) that the current building was designed and built out with.
106. A building inspection report submitted to support the application confirmed that the original automated 'Building Management System' (BMS) responsible for controlling and distributing heat supplied by the GSHP within the existing facility was over-engineered, being too complicated and fighting with the supplementary, 'top-up' electric immersion heaters. This was the result of a number of design flaws and poor construction resulting in an inefficient, difficult-to-manage and costly building to run.
107. On balance, while the proposed building is overall of a scale below the policy requirement threshold of minimum 35% on site carbon emissions savings beyond Part L of the 2013 Building Regulations, justification for the wholesale redevelopment of the existing facility, which would bring a number of wider benefits noted above and elsewhere in this report is considered to be reasonable and therefore acceptable.

Ground conditions and contamination

108. An unexploded bomb survey and ground contamination report was submitted with the application which officers from environmental protection team reviewed. Due to the area's recent history as a heavily bombed industrial area during WWII, risk of unexploded bombs and ground contamination was concluded to be high. Conditions securing further details on these aspects of the site and impacts on the development will be able to satisfactorily manage and mitigate any risk imposed by the redevelopment of the site.

Flood risk

109. The site is located in Flood Zone 3 but in an area that benefits from the defences of the Thames Barrier and therefore is subject to a low risk of tidal and fluvial flooding. Similarly due to the basin-like nature of much of the parkland, while pockets of the site (such as the highway of Cobourg Road) are at low lying levels, the overall probability of surface water flooding is low.
110. Technical calculations were submitted as part of a flood risk assessment confirming that the site overall would achieve greenfield run off rates to the council's Flood and Drainage team's satisfaction. A small area of 'SUDs planting' has been indicated in the corner of the site to the immediate north east of Cobourg Road. Details of this will be secured as part of the landscaping condition.

Planning obligations (S.106 undertaking or agreement)

111. There are no obligations to secure by legal agreement. The highways works subject to a separate Section 278 agreement under the Highways Act 1980 will be secured by condition

Mayoral and borough community infrastructure levy (CIL)

112. The Southwark CIL charge for this type of development in across the whole borough is £0 per sqm. There is therefore no Southwark CIL payment to make to the council as the charging authority should planning permission be granted and the development implemented.
113. Under MCIL2 the Mayor of London charges £60 per sqm for all development in Southwark. The Mayoral CIL charge can be indicatively reported to be in the region of £34,000. A final figure will be able to be confirmed following any grant of planning permission and would be subject to the relevant technical calculation and indexation.

Community involvement and engagement

114. An engagement summary was provided by the applicant confirming the community engagement and formal consultation undertaken prior to the submission of the planning application according to the council's 'engagement summary' template as required by the council's development consultation charter.

Other matters

Secured by Design

115. The Metropolitan Police's Secure by Design officer reviewed the application and confirmed that the development would be able to achieve Secure by Design certification providing details of the building specification is confirmed to the appropriate standards. Details of these are therefore recommended to be secured by condition.

Cost for users facilities and facility management and governance

116. Responses to the public consultation raised concerns and objected to the proposals on the basis of the potential increase in costs to the users of the facilities, including the established local clubs. The number and strength of the objections indicated strong opposition to the scheme on the basis of fear of the development of the facilities would be to the exclusion of established local community groups.
117. One consultation response comprising a petition of 101 signatories from Southwark Tigers and Lancers Rugby Club members and supporters cited several development plan policies (noted above, including London Plan 3.1, 3.2 and 3.16) to indicate that the redevelopment and re-provision of the existing facilities potentially amounted to 'loss' of facilities by virtue of a change in management/operation regime of the proposed sports centre. Several other development plan policies were cited regarding access to community facilities, citing concerns that no information regarding management arrangements of the proposed facility were included in the application.
118. Subsequent to this analysis the petition requested a condition be appended to any grant of planning permission for submission and approval of a management plan to be prepared in consultation with the local community and which should be bought back for discharge by planning committee, in addition to a legal agreement to set affordable rent levels for the existing community groups.

119. The development as proposed conforms to the specific requirements of the cited development plan policies regarding access to community and healthy facilities. However the detailed operational and management arrangements of the facilities are not considered to be material consideration for this planning application. Such arrangements would be an agreement between the relevant parties outside of a planning application.
120. Nonetheless it can be brought to the planning committee's attention that the operation and management arrangements of the proposed facility have been considered in detail and in principle approved by the deputy leader of the council and cabinet member for culture, leisure, equalities and communities on 8 May 2019, including the community involvement and access arrangements. This report and record of the decision can be found on the 'council and democracy' section of the council's website.

Construction impacts

121. Some consultation responses raised concerns about construction impacts including the requirement for the closure of the community cricket pitch for up to two years as a result of the build out of the project. The applicant has confirmed that the building programme would not disrupt the use of the community cricket pitch.
122. It should be noted that the proposed spectator mounds will be constructed from the removed soil excavated to facilitate construction of the project. This will minimise the impact of the construction of the project on the local area by reducing the necessary HGV trips to and from the site that would otherwise be required to shift the material offsite.

Conclusion on planning issues

123. A grant of planning permission is recommended on the basis of the proposed development conforming to the strategic and detailed development management policies cited in paras 22 – 30 above, including: Acceptable principle of development by virtue of the proposed land use, acceptable impact on the amenity of the adjoining and nearby occupiers, acceptable design including landscape impact of park setting and on nearby heritage assets, acceptable transport and highways impacts, acceptable impact on ecology, biodiversity and trees, acceptable with regards to sustainability and other matters detailed further in this report above.

Community impact statement / Equalities Assessment

124. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
125. f) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- g) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

- h) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
126. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
127. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
128. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. No matters pertaining to the impact of this development on people with protected characteristics have been raised through the consultation and no impact above in that detailed above in the 'planning assessment' is expected.
129. Throughout the consultation process no information was received to indicate that any members of the public falling under the protected characteristics would be affected by the development, and thus no specific mitigation measures are required in this regard.

Human rights implications

130. 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.
131. This application has the legitimate aim of providing new affordable housing. 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: 19/AP/1275 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 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	Tom Weaver, Planning Officer	
Version	Final	
Dated	19 September 2019	
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		20 September 2019

APPENDIX 1

Consultation undertaken

Site notice date: 20/06/2019

Press notice date: 27/06/2019

Case officer site visit date: 20/06/2019

Neighbour consultation letters sent: 24/06/2019

Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
 Highway Development Management
 Design and Conservation Team
 Flood and drainage team
 Urban Forester
 Ecology Officer

Statutory and non-statutory organisations consulted:

Sport England
 Historic England
 Thames Water
 Environment Agency
 Metropolitan Police
 Friends of Burgess Park
 UKPN

Neighbour and local groups consulted:

- Flat 15, 85 Cobourg Road, London
- Flat 14, 85 Cobourg Road, London
- Flat 17, 85 Cobourg Road, London
- Flat 16, 85 Cobourg Road, London
- Flat 11, 85 Cobourg Road, London
- Flat 10, 85 Cobourg Road, London
- Flat 13, 85 Cobourg Road, London
- Flat 12, 85 Cobourg Road, London
- 91 Cobourg Road, London, SE5 0HU
- 89 Cobourg Road, London, SE5 0HU
- 65 Cobourg Road, London, SE5 0HU
- 93 Cobourg Road, London, SE5 0HU
- Flat 19, 85 Cobourg Road, London
- Flat 18, 85 Cobourg Road, London
- 87 Cobourg Road, London, SE5 0HU
- Flat 20, 85 Cobourg Road, London

- Flat 9, 85 Cobourg Road, London
- 79 Cobourg Road, London, SE5 0HU
- 77 Cobourg Road, London, SE5 0HU
- 83 Cobourg Road, London, SE5 0HU
- 81 Cobourg Road, London, SE5 0HU
- Flat 14, 103 Cobourg Road, London
- Flat 13, 103 Cobourg Road, London
- New Peckham Mosque, 99 Cobourg Road, London
- Flat 15, 103 Cobourg Road, London
- Flat 6, 85 Cobourg Road, London
- Flat 5, 85 Cobourg Road, London
- Flat 8, 85 Cobourg Road, London
- Flat 7, 85 Cobourg Road, London
- Flat 2, 85 Cobourg Road, London
- Flat 1, 85 Cobourg Road, London
- Flat 4, 85 Cobourg Road, London
- Flat 3, 85 Cobourg Road, London
- 67 Cobourg Road, London, SE5 0HU
- Flat B, 47 Trafalgar Avenue, London
- First Floor Flat, 34 Glengall Road, London
- Garden Flat, 47 Trafalgar Avenue, London
- Flat 10, 77 Trafalgar Avenue, London
- Flat 1, 77 Trafalgar Avenue, London
- Cobourg School House, Cobourg Road, London
- Main Block, Cobourg Primary School, Cobourg Road
- Flat C, 52 Trafalgar Avenue, London
- Flat A, 52 Trafalgar Avenue, London
- 36A Bird In Bush Road, Peckham, SE15 6RW
- Top Floor Flat,, 261 Liverpool Road, London
- 256 Gainsborough Court, 14 Stubbs Drive, London
- Flat 59 Oslo Tower, Naomi Street, London
- 146 Seely Road, London, SW17 9QY
- Flat 5, 220 Blackfriars Road, London
- 128 Church Lane, Top Floor Flat, London
- 324 South City Court, London, SE15 6AU
- 43 Peregrine House, Hall Street, London
- 77A, Dunton Road, London
- Flat 22, Ian Court, Dacres Road, London
- 83 Hatcham Park Road, London, SE14 5QF
- 25 Aylesbury Road, London, SE17 2EQ
- Flat 5, 77 Trafalgar Avenue, London
- Flat 4, 77 Trafalgar Avenue, London
- Flat 7, 77 Trafalgar Avenue, London
- Flat 6, 77 Trafalgar Avenue, London
- Flat 12, 77 Trafalgar Avenue, London
- Flat 11, 77 Trafalgar Avenue, London
- Flat 3, 77 Trafalgar Avenue, London
- Flat 2, 77 Trafalgar Avenue, London

- 26 Glengall Road, London, SE15 6NN
- Flat 1, 103 Cobourg Road, London
- 9 Glengall Terrace, London, SE15 6NW
- Flat 3, 103 Cobourg Road, London
- Flat 2, 103 Cobourg Road, London
- 6 Glengall Terrace, London, SE15 6NW
- 5 Glengall Terrace, London, SE15 6NW
- 8 Glengall Terrace, London, SE15 6NW
- 7 Glengall Terrace, London, SE15 6NW
- Flat 9, 103 Cobourg Road, London
- Flat 8, 103 Cobourg Road, London
- Flat 11, 103 Cobourg Road, London
- Flat 10, 103 Cobourg Road, London
- Flat 5, 103 Cobourg Road, London
- Flat 4, 103 Cobourg Road, London
- Flat 7, 103 Cobourg Road, London
- Flat 6, 103 Cobourg Road, London
- 4 Glengall Terrace, London, SE15 6NW
- 49 Trafalgar Avenue, London, SE15 6NP
- 38 Glengall Road, London, SE15 6NN
- 52 Trafalgar Avenue, London, SE15 6NR
- 51B Trafalgar Avenue, London, SE15 6NP
- 30 Glengall Road, London, SE15 6NN
- 28 Glengall Road, London, SE15 6NN
- 36 Glengall Road, London, SE15 6NN
- 32 Glengall Road, London, SE15 6NN
- 64 Trafalgar Avenue, London, SE15 6NR
- 62 Trafalgar Avenue, London, SE15 6NR
- 3 Glengall Terrace, London, SE15 6NW
- 1 Glengall Terrace, London, SE15 6NW
- 56 Trafalgar Avenue, London, SE15 6NR
- 54 Trafalgar Avenue, London, SE15 6NR
- 60 Trafalgar Avenue, London, SE15 6NR
- 58 Trafalgar Avenue, London, SE15 6NR
- 14 Addington Square, London, SE5 7JZ
- 11 Leydon Close, London, SE16 5PF
- 31 Councillor Street, London, SE5 0LY
- 9B Vicarage Grove, London, SE5 7LW
- Flat 44, Leysdown House, London
- Casa Sul Monte, Tysea Hill, Stapleford Abbots
- 128 New Cross Road, London, SE14 5BA
- Flat 26, Macclesfield House, Central Street, London
- 9 Black Horse Mews, Borough Green, Sevenoaks
- 67 South Way, Croydon, CR0 8RH
- 54 Underhill Rd, London, SE22 0QT
- Flat 15, 43 Searles Road, London
- 1 Merrick Square, London, SE1 4JB
- 163 Athenlay Road, London, XXXX

- 30 Pepys Road, Newcross, London
- 806 Baldwin Point, London, SE17 1FH
- Flat 351 Imperial Court, 225 Kennington Lane, London
- Flat 23 151-153 Bermondsey St, London, SE1 3HA
- 70 Ivydale Road, London, SE15 3BS
- 59D Richborne Terrace, London, SW8 1AT
- Garden Flat, 37 Fenwick Road, London
- 28 Evelyn Street, London, SE8 5DG
- 23 Ravenstone Street, London, SW12 9ST
- Flat 9 Daisy Dormer Court, Brixton, SW9 8DW
- Flat 2, 22 Leam Terrace, Leamington Spa
- 37 Chapter Road, London, SE17 3ES
- Flat 28, Beaconsfield Close, London
- 201 Cold Harbour Lane, Flat 4, London
- 2B Ethel Street, Elephant And Castle, SE17 1NH
- 68 Riverpark Gardens, Bromley, BR2 0BH
- 3 Somerton Rd, London, SE15 3UG
- 49 Wakefield House, Goldsmith Road, London
- 99A Glenarm Road, London, E5 0LY
- 99A Glenarm Road, London, E5 0LY
- 122 Casino Avenue, London, SE24 9PP
- 13 Camberwell Green, London, SE5 7AF
- 10 Kelmores Grove, London, SE22 9BH
- 210 Merrow Street, London, SE17 2NX
- Flat 5 , Capitol Aprtments., 5 Bolingbrooke Walk, London
- Flat 69, 64 St George's Way, London
- 184 New Cross Road, London, SE14 5AA
- 113B Grove Vale, East Dulwich, London
- 30 Myrdle St, London, E1 1EU
- 1, Sterry Street, Borough, SE1 4NE
- Flat 8 - Chamberlain Court, Silwood Street, London
- 118 Stockwell Road, Brixton, SW9 9HR
- Flat 21, Bath House, Bath Terrace, London, SE1 6PU
- 22 Lloyd Villas, London, SE4 1US
- Shumleigh Gardens, Burgess Park, London
- Flat 2 114 Camberwell Road, London, SE5 0EE
- 100 Claverdale Road, London, SW2 2DL
- 6 Maple Leaf Square, London, SE16 6SB
- 76 Brookdale Road, London, SE6 4JP
- 33 Trafalgar Avenue, London, SE15 6NP
- Flat 1, Littlebourne House, Upnor Way, London
- 78 Tower Mill Road, London, SE15 6BP
- Basement Flat, 34 Glengall Road, London
- Flat A, 50 Trafalgar Avenue, London
- 2 Glengall Terrace, London, SE15 6NW
- Flat C, 50 Trafalgar Avenue, London
- Flat B, 50 Trafalgar Avenue, London
- 66 Trafalgar Avenue, London, SE15 6NR

- The Annexe, Cobourg Primary School, Cobourg Road
- 48B Glengall Road, London, SE15 6NH
- 48A Glengall Road, London, SE15 6NH
- Upper Ground Floor Flat, 34 Glengall Road, London
- Ground Floor Flat, 40A Glengall Road, London
- Flat C, 47 Trafalgar Avenue, London
- Flat A, 47 Trafalgar Avenue, London
- 5 Pepler Mews, London, SE5 0HX
- 104 Cobourg Road, London, SE5 0JB
- 102 Cobourg Road, London, SE5 0JB
- 41 Loncroft Road, London, SE5 0JE
- 39 Loncroft Road, London, SE5 0JE
- 71 Cobourg Road, London, SE5 0HU
- 69 Cobourg Road, London, SE5 0HU
- 100 Cobourg Road, London, SE5 0JB
- 73 Cobourg Road, London, SE5 0HU
- 2 Pepler Mews, London, SE5 0HX
- 1 Pepler Mews, London, SE5 0HX
- 4 Pepler Mews, London, SE5 0HX
- 3 Pepler Mews, London, SE5 0HX
- 45 Loncroft Road, London, SE5 0JE
- 43 Loncroft Road, London, SE5 0JE
- 49 Loncroft Road, London, SE5 0JE
- 47 Loncroft Road, London, SE5 0JE
- Flat 12, 103 Cobourg Road, London
- First Floor Flat, 50 Glengall Road, London
- Flat C, 44 Glengall Road, London
- Ground Floor Flat, 50 Glengall Road, London
- Second Floor Flat, 50 Glengall Road, London
- Flat 9, 77 Trafalgar Avenue, London
- Flat B, 44 Glengall Road, London
- Flat A, 44 Glengall Road, London
- 42 Glengall Road, London, SE15 6NH
- 40 Glengall Road, London, SE15 6NH
- 24 Glengall Road, London, SE15 6NN
- 46 Glengall Road, London, SE15 6NH
- First Floor Flat, 40A Glengall Road, London
- 75A Cobourg Road, London, SE5 0HU
- Christ Apostolic Church Mount Zion International, 1A Sumner Road, London
- Burgess Park Community Sports Pavilion, Burgess Park Community Sport Ground, 106 Cobourg Road
- Flat 8, 77 Trafalgar Avenue, London
- 75 Cobourg Road, London, SE5 0HU
- 51A Trafalgar Avenue, London, SE15 6NP

Re-consultation:

- Flat 15, 85 Cobourg Road, London

- Flat 14, 85 Cobourg Road, London
- Flat 17, 85 Cobourg Road, London
- Flat 16, 85 Cobourg Road, London
- Flat 11, 85 Cobourg Road, London
- Flat 10, 85 Cobourg Road, London
- Flat 13, 85 Cobourg Road, London
- Flat 12, 85 Cobourg Road, London
- 91 Cobourg Road, London, SE5 0HU
- 89 Cobourg Road, London, SE5 0HU
- 65 Cobourg Road, London, SE5 0HU
- 93 Cobourg Road, London, SE5 0HU
- Flat 19, 85 Cobourg Road, London
- Flat 18, 85 Cobourg Road, London
- 87 Cobourg Road, London, SE5 0HU
- Flat 20, 85 Cobourg Road, London
- Flat 9, 85 Cobourg Road, London
- 79 Cobourg Road, London, SE5 0HU
- 77 Cobourg Road, London, SE5 0HU
- 83 Cobourg Road, London, SE5 0HU
- 81 Cobourg Road, London, SE5 0HU
- Flat 14, 103 Cobourg Road, London
- Flat 13, 103 Cobourg Road, London
- New Peckham Mosque, 99 Cobourg Road, London
- Flat 15, 103 Cobourg Road, London
- Flat 6, 85 Cobourg Road, London
- Flat 5, 85 Cobourg Road, London
- Flat 8, 85 Cobourg Road, London
- Flat 7, 85 Cobourg Road, London
- Flat 2, 85 Cobourg Road, London
- Flat 1, 85 Cobourg Road, London
- Flat 4, 85 Cobourg Road, London
- Flat 3, 85 Cobourg Road, London
- 67 Cobourg Road, London, SE5 0HU
- Flat B, 47 Trafalgar Avenue, London
- First Floor Flat, 34 Glengall Road, London
- Garden Flat, 47 Trafalgar Avenue, London
- Flat 10, 77 Trafalgar Avenue, London
- Flat 1, 77 Trafalgar Avenue, London
- Cobourg School House, Cobourg Road, London
- Main Block, Cobourg Primary School, Cobourg Road
- Flat C, 52 Trafalgar Avenue, London
- Flat A, 52 Trafalgar Avenue, London
- 36A Bird In Bush Road, Peckham, SE15 6RW
- Top Floor Flat,, 261 Liverpool Road, London
- 256 Gainsborough Court, 14 Stubbs Drive, London
- Flat 59 Oslo Tower, Naomi Street, London
- 146 Seely Road, London, SW17 9QY
- Flat 5, 220 Blackfriars Road, London

- 128 Church Lane, Top Floor Flat, London
- 324 South City Court, London, SE15 6AU
- 43 Peregrine House, Hall Street, London
- 77A, Dunton Road, London
- Flat 22, Ian Court, Dacres Road, London
- 83 Hatcham Park Road, London, SE14 5QF
- 25 Aylesbury Road, London, SE17 2EQ
- Flat 5, 77 Trafalgar Avenue, London
- Flat 4, 77 Trafalgar Avenue, London
- Flat 7, 77 Trafalgar Avenue, London
- Flat 6, 77 Trafalgar Avenue, London
- Flat 12, 77 Trafalgar Avenue, London
- Flat 11, 77 Trafalgar Avenue, London
- Flat 3, 77 Trafalgar Avenue, London
- Flat 2, 77 Trafalgar Avenue, London
- 26 Glengall Road, London, SE15 6NN
- Flat 1, 103 Cobourg Road, London
- 9 Glengall Terrace, London, SE15 6NW
- Flat 3, 103 Cobourg Road, London
- Flat 2, 103 Cobourg Road, London
- 6 Glengall Terrace, London, SE15 6NW
- 5 Glengall Terrace, London, SE15 6NW
- 8 Glengall Terrace, London, SE15 6NW
- 7 Glengall Terrace, London, SE15 6NW
- Flat 9, 103 Cobourg Road, London
- Flat 8, 103 Cobourg Road, London
- Flat 11, 103 Cobourg Road, London
- Flat 10, 103 Cobourg Road, London
- Flat 5, 103 Cobourg Road, London
- Flat 4, 103 Cobourg Road, London
- Flat 7, 103 Cobourg Road, London
- Flat 6, 103 Cobourg Road, London
- 4 Glengall Terrace, London, SE15 6NW
- 49 Trafalgar Avenue, London, SE15 6NP
- 38 Glengall Road, London, SE15 6NN
- 52 Trafalgar Avenue, London, SE15 6NR
- 51B Trafalgar Avenue, London, SE15 6NP
- 30 Glengall Road, London, SE15 6NN
- 28 Glengall Road, London, SE15 6NN
- 36 Glengall Road, London, SE15 6NN
- 32 Glengall Road, London, SE15 6NN
- 64 Trafalgar Avenue, London, SE15 6NR
- 62 Trafalgar Avenue, London, SE15 6NR
- 3 Glengall Terrace, London, SE15 6NW
- 1 Glengall Terrace, London, SE15 6NW
- 56 Trafalgar Avenue, London, SE15 6NR
- 54 Trafalgar Avenue, London, SE15 6NR
- 60 Trafalgar Avenue, London, SE15 6NR

- 58 Trafalgar Avenue, London, SE15 6NR
- 14 Addington Square, London, SE5 7JZ
- 11 Leydon Close, London, SE16 5PF
- 31 Councillor Street, London, SE5 0LY
- 9B Vicarage Grove, London, SE5 7LW
- Flat 44, Leysdown House, London
- Casa Sul Monte, Tysea Hill, Stapleford Abbots
- 128 New Cross Road, London, SE14 5BA
- Flat 26, Macclesfield House, Central Street, London
- 9 Black Horse Mews, Borough Green, Sevenoaks
- 67 South Way, Croydon, CR0 8RH
- 54 Underhill Rd, London, SE22 0QT
- Flat 15, 43 Searles Road, London
- 1 Merrick Square, London, SE1 4JB
- 163 Athenlay Road, London, XXXX
- 30 Pepys Road, Newcross, London
- 806 Baldwin Point, London, SE17 1FH
- Flat 351 Imperial Court, 225 Kennington Lane, London
- Flat 23 151-153 Bermondsey St, London, SE1 3HA
- 70 Ivydale Road, London, SE15 3BS
- 59D Richborne Terrace, London, SW8 1AT
- Garden Flat, 37 Fenwick Road, London
- 28 Evelyn Street, London, SE8 5DG
- 23 Ravenstone Street, London, SW12 9ST
- Flat 9 Daisy Dormer Court, Brixton, SW9 8DW
- Flat 2, 22 Leam Terrace, Leamington Spa
- 37 Chapter Road, London, SE17 3ES
- Flat 28, Beaconsfield Close, London
- 201 Cold Harbour Lane, Flat 4, London
- 2B Ethel Street, Elephant And Castle, SE17 1NH
- 68 Riverpark Gardens, Bromley, BR2 0BH
- 3 Somerton Rd, London, SE15 3UG
- 49 Wakefield House, Goldsmith Road, London
- 99A Glenarm Road, London, E5 0LY
- 122 Casino Avenue, London, SE24 9PP
- 13 Camberwell Green, London, SE5 7AF
- 10 Kelmere Grove, London, SE22 9BH
- 210 Mellow Street, London, SE17 2NX
- Flat 5 , Capitol Aprtments., 5 Bolingbrooke Walk, London
- Flat 69, 64 St George's Way, London
- 184 New Cross Road, London, SE14 5AA
- 113B Grove Vale, East Dulwich, London
- 30 Myrdle St, London, E1 1EU
- 1, Sterry Street, Borough, SE1 4NE
- Flat 8 - Chamberlain Court, Silwood Street, London
- 118 Stockwell Road, Brixton, SW9 9HR
- Flat 21, Bath House, Bath Terrace, London, SE1 6PU
- 22 Lloyd Villas, London, SE4 1US

- Shumleigh Gardens, Burgess Park, London
- Flat 2 114 Camberwell Road, London, SE5 0EE
- 100 Claverdale Road, London, SW2 2DL
- 6 Maple Leaf Square, London, SE16 6SB
- 76 Brookdale Road, London, SE6 4JP
- 33 Trafalgar Avenue, London, SE15 6NP
- Flat 1, Littlebourne House, Upnor Way, London
- 78 Tower Mill Road, London, SE15 6BP
- Basement Flat, 34 Glengall Road, London
- Flat A, 50 Trafalgar Avenue, London
- 2 Glengall Terrace, London, SE15 6NW
- Flat C, 50 Trafalgar Avenue, London
- Flat B, 50 Trafalgar Avenue, London
- 66 Trafalgar Avenue, London, SE15 6NR
- The Annexe, Cobourg Primary School, Cobourg Road
- 48B Glengall Road, London, SE15 6NH
- 48A Glengall Road, London, SE15 6NH
- Upper Ground Floor Flat, 34 Glengall Road, London
- Ground Floor Flat, 40A Glengall Road, London
- Flat C, 47 Trafalgar Avenue, London
- Flat A, 47 Trafalgar Avenue, London
- 5 Pepler Mews, London, SE5 0HX
- 104 Cobourg Road, London, SE5 0JB
- 102 Cobourg Road, London, SE5 0JB
- 41 Loncroft Road, London, SE5 0JE
- 39 Loncroft Road, London, SE5 0JE
- 71 Cobourg Road, London, SE5 0HU
- 69 Cobourg Road, London, SE5 0HU
- 100 Cobourg Road, London, SE5 0JB
- 73 Cobourg Road, London, SE5 0HU
- 2 Pepler Mews, London, SE5 0HX
- 1 Pepler Mews, London, SE5 0HX
- 4 Pepler Mews, London, SE5 0HX
- 3 Pepler Mews, London, SE5 0HX
- 45 Loncroft Road, London, SE5 0JE
- 43 Loncroft Road, London, SE5 0JE
- 49 Loncroft Road, London, SE5 0JE
- 47 Loncroft Road, London, SE5 0JE
- Flat 12, 103 Cobourg Road, London
- First Floor Flat, 50 Glengall Road, London
- Flat C, 44 Glengall Road, London
- Ground Floor Flat, 50 Glengall Road, London
- Second Floor Flat, 50 Glengall Road, London
- Flat 9, 77 Trafalgar Avenue, London
- Flat B, 44 Glengall Road, London
- Flat A, 44 Glengall Road, London
- 42 Glengall Road, London, SE15 6NH
- 40 Glengall Road, London, SE15 6NH

- 24 Glengall Road, London, SE15 6NN
- 46 Glengall Road, London, SE15 6NH
- First Floor Flat, 40A Glengall Road, London
- 75A Cobourg Road, London, SE5 0HU
- Christ Apostolic Church Mount Zion International, 1A Sumner Road, London
- Burgess Park Community Sports Pavilion, Burgess Park Community Sport Ground, 106 Cobourg Road
- Flat 8, 77 Trafalgar Avenue, London
- 75 Cobourg Road, London, SE5 0HU
- 51A Trafalgar Avenue, London, SE15 6NP

2

Consultation responses received**Internal services**

Environmental Protection Team:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission.

Design and Conservation Team:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Flood Risk Management Team:

- Acceptable

Officer response to issue(s) raised: N/A

Ecologist:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Highways: Development Management

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Statutory and non-statutory organisations

Environment Agency:

- Acceptable subject to conditions.

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission.

Thames Water:

- No objection.

Officer response to issue(s) raised: N/A

Historic England:

- No comment

Officer response to issue(s) raised: N/A

Metropolitan Police:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Neighbours and local groups

Members of the public provided comments provided on the specific following issues as part of the consultation.

Design quality and site layout:

- Poor layout including
 - Interruption of use of ancillary park grasslands for non-sport or self-organised activities
 - MUGA poorly sited, would take away from training space for junior rugby club, would take away from outfield area of community cricket pitch
- Demolition and redevelopment of existing facility is unsustainable
- Misleading visualisations
- Proposals are barely improved [relative to existing facilities]
- Spectator mounds too far away from pitches
- Proposals create barriers across the park
- Justification for the project is not clear
- Should propose flood lights for the community rugby pitch
- Noise barrier located along Loncroft Road will be ugly
- Poor design of the proposed sports centre building including:
 - No green roof
 - No renewable/low carbon energy proposed
 - Unattractive and is not in keeping with the surrounding area
 - Poorly located refuse store
 - Kitchen and club room is too small
 - Storage should not open out onto club room
 - Roof should be an accessible, hireable space
 - Lockers should be located in the least desirable area
 - West façade should have greater extent of glazing that is openable and accessible overlooking the pitches
 - Not enough storage
 - Reduction in changing rooms will deter female participation in club sport
 - Purpose of the ancillary offices is not clear
 - Design should be amended to allow for greater pitch-side spectator and spill out aspect from within the building

Neighbour amenity impacts:

- No evidence that the noise of football matches will be reduced by wall
- Harm to resident's views

Transport, parking, highways, deliveries and servicing matters:

- Reduction in parking will harm resident's access to parking
- Reduction in parking will impact the users of the facilities who arrive by car

Environmental impact during the construction phase (noise, dust and dirt etc.):

- Concerns regarding the closure of the community cricket pitch for 2 years necessitated by construction programme

Ecology and biodiversity:

- Concern regarding harm to bats and wetland habitat
- Destruction of mature trees

Security and prevention of anti-social behaviour:

- Concern regarding impact on antisocial behaviour, increase in crime, opportunity for crime and perception/fear of crime particularly in the adjoining residential area to the north when streets used as through routes to access and egress the site

Other matters:

- Concerns regarding the cost of facilities as a result of improvement

RECOMMENDATION LDD MONITORING FORM REQUIRED

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

Applicant	Ms Pippa Krishnan London Borough of Southwark	Reg. Number	19/AP/1275
Application Type	Full Planning Application	Case Number	TP/M2022
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches

At: BURGESS PARK COMMUNITY SPORTS GROUND, BURGESS PARK COMMUNITY SPORT PAVILION,
COBOURG ROAD, LONDON, SE5 0JB

In accordance with application received on 01/05/2019

and Applicant's Drawing Nos.

5193_152 REV A Site Location Plan

P001 REV A EXISTING LOCATION PLAN
P002 REV A EXISTING SITE PLAN

5193_150 REV F Proposed Site and Context Plan
5193_151 REV F Existing Aerial Site Plan with Proposals Overlaid

5193_201 REV E Proposed Hard Landscaping 1 of 2 (West)
5193_202 REV E Proposed Hard Landscaping 2 of 2 (East)
5193_301 REV E Proposed Soft Landscaping 1 of 2 (West)
5193_302 REV E Proposed Soft Landscaping 2 of 2 (East)
5193_401 REV A Proposed Spectator Mound Sections

18-0822 00 REV 03 Proposed AGPs Layout
18-0822 01 REV 02 Artificial Grass Pitch Elevations
18-0822 03 REV 02 AGPs Above Ground Elevations
18-0822 04 REV 02 AGPs Floodlights

P 005 Proposed Ground Floor Plan (Sports Centre Building)
P 006 Proposed Roof Plan (Sports Centre Building)
P 007 REV A Proposed Elevations (Sports Centre Building)
P 008 Proposed Sections (Sports Centre Building)

25052-HM-SK-MS-1000 REV 01 PROPOSED MECHANICAL SERVICES - HVAC DISTRIBUTION - DRAFT
25052-HM-SK-MS-1001 REV SK MECHANICAL SERVICES - VENTILATION LAYOUT DRAFT
25052-HM-SK-MS-1002 REV SK MECHANICAL SERVICES - HEATING, COOLING AND HOT WATER

Design and Access Statement Rev B

BREEAM Approach Report REF.: 24071-RP-SU-001 DATED 13/02/2018

Bat Survey REF.: SE1920-791 VERSION V.01 DATED Sept' 2019

Bat Survey REF.: ASW/LBSW/045/20/2016 DATED AUGUST 2016

Arboricultural Impact Assessment and Appendices I, II & III 138535/PRO/REV 2 DATED 12/03/2019

A Ground Soil Investigation Report ref STQ434-GO1 by Soiltechnics Limited

Noise Impact Assessment REF.: 7022/ALM/DO DATED FEBRUARY 2018

Flood Risk Assessment REF.: 320/02 DATED OCT' 2018

Building Inspection Report - Heating and Hot Service Review REV 02 DATED SEPT' 2015

Preliminary Unexploded Ordnance REF: P2067
 Structural Survey REF: CH/2414 D ATED 18/03/2016
 Utilities Statement REF. 4000585 DATED 25/09/2017

Subject to the following eight 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:

5193_150 REV F Proposed Site and Context Plan
 5193_151 REV F Existing Aerial Site Plan with Proposals Overlaid

5193_201 REV E Proposed Hard Landscaping 1 of 2 (West)
 5193_202 REV E Proposed Hard Landscaping 2 of 2 (East)
 5193_301 REV E Proposed Soft Landscaping 1 of 2 (West)
 5193_302 REV E Proposed Soft Landscaping 2 of 2 (East)
 5193_401 REV A Proposed Spectator Mound Sections

18-0822 00 REV 03 Proposed AGPs Layout
 18-0822 01 REV 02 Artificial Grass Pitch Elevations
 18-0822 03 REV 02 AGPs Above Ground Elevations
 18-0822 04 REV 02 AGPs Floodlights

P 005 Proposed Ground Floor Plan (Sports Centre Building)
 P 006 Proposed Roof Plan (Sports Centre Building)
 P 007 REV A Proposed Elevations (Sports Centre Building)
 P 008 Proposed Sections (Sports Centre Building)

25052-HM-SK-MS-1000 REV 01 PROPOSED MECHANICAL SERVICES - HVAC DISTRIBUTION - DRAFT
 25052-HM-SK-MS-1001 REV SK MECHANICAL SERVICES - VENTILATION LAYOUT DRAFT
 25052-HM-SK-MS-1002 REV SK MECHANICAL SERVICES - HEATING, COOLING AND HOT WATER

BREEAM Approach Report REF.: 24071-RP-SU-001 DATED 13/02/2018
 Bat Survey REF.: SE1920-791 VERSION V.01 DATED Sept' 2019

Reason:

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

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

Reason

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

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

3. Prior to works commencing, full details of planting of 40 trees 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 and take the recommendations of the approved document 'Bat Activity Assessment' prepared by Simlaw Ecology (project ref.: SE1920-791 Version 01 dated 3/09/2019). 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.

Reason:

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

accordance with The National Planning Policy Framework 2019 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 Prior to works commencing, including any demolition, an Arboricultural Method Statement including an Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority.
- a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
 - b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
 - c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

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

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

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2019 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

5. a) Prior to the commencement of any development, further site investigations shall be carried out as recommended by A Ground Soil Investigation Report ref STQ434-GO1 by Soiltechnics Limited, dated May 2018. This investigation shall help to inform the requirement of 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 that shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- b) 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.
- c) 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 2019.

6. The development hereby approved by this permission shall not begin until the applicant has entered into a S278 agreement to complete the following works:
- Introduction of a raised table across the junction of Loncroft Road with Coburg
 - Introduction of a raised crossing on Coburg Road linking the proposal and the Burgess Park community sports pitches.
 - Introduction of Single Yellow lines to restrict parking between the two raised tables.
 - The removal of parking bays on Cobourg Road from the junction of Loncroft going south for approximately 75m on either side of the road.
 - Provision of cycle parking

The occupation of the development shall not begin until those works have been completed.

Reason

To ensure that the development enhances the street scene of the area, is of high quality design and has good access arrangements in accordance with The National Planning Policy Framework 2019, Strategic Policies 2 Sustainable Transport and 12 Design and Conservation of the Core Strategy 2011 and saved policies 3.12 Quality in design, 3.13 Urban design, 5.2 Transport impacts and 5.3 walking and cycling 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.

7. 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 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 2019, 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.

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 which shall have been informed by the recommendations set out in section 5 of the approved document 'Bat Activity Assessment' prepared by Simlaw Ecology (project ref.: SE1920-791 Version 01 dated 3/09/2019) 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: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2019; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and conservation) and 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity), 3.12 (Quality in Design) 3.13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

9. 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 2019, Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.14 Designing out crime of the Southwark plan 2007.

10. Prior to above grade works the applicant shall submit details, including to-scale elevations, of the acoustic barrier located along Loncroft Road that has been approved in principle by this planning permission.

Reason

In the interests of the protection of the amenity of the nearby occupiers on Loncroft Road in accordance with saved Southwark Plan policy 3.2 'Protection of amenity' and Core Strategy Strategic Policy 12 'Design and conservation' and 13 'High environmental standards' and the National Planning Policy Framework 2019.

Pre-occupation condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with prior to occupation of the development.

11. (a) Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum level of 'Good' rating (by way of an overall score of at least 58% and achieving credits to a level equivalent to 'Very Good' in categories except 'ecology,' as detailed as being achievable in the approved 'Proposed BREEAM Approach' dated 13/02/2018 ref.:24071-RP-SU-001) 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;
- (b) Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with The National Planning Policy Framework 2019, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

12. Before the first occupation of the building hereby permitted a Service Management Plan detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with The National Planning Policy Framework 2019, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts 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.

13. Any external lighting system installed at the development shall comply with the limits outlined in the following tables

Environmental Lighting Zones			
Zone	Surrounding	Lighting Environment	Example
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty, etc.
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

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Light Limitations for Exterior Lighting Installations						
Environmental Zone	Sky Glow ULR [Max %] (1)	Light Intrusion (into Windows) Ev [lux] (2)		Luminaire Intensity I [candelas] (3)		Building Luminance Pre-curfew (4)
		Pre-curfew (5)	Post-curfew	Pre-curfew	Post-curfew	Average, L [cd/m2]
E0	0	0	0	0	0	0
E1	0	2	0 ^(1*) (6)	2,500	0	0
E2	2.5	5	1	7,500	500	5
E3	5	10	2	10,000	1,000	10
E4	15	25	5	25,000	2,500	25

1. ULR = Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux that goes directly into the sky.

2. Ev = Vertical Illuminance in Lux - measured flat on the glazing at the centre of the window.

3. I = Light Intensity in Candelas (cd)

4. L = Luminance in Candelas per Square Metre (cd/m2)

5. Curfew = the time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.

6. * Permitted only from public road lighting installations

Full details can be found by using this link <https://www.theilp.org.uk/documents/obtrusive-light/>

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with The National Planning Policy Framework 2019, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

14. The kitchen extraction system shall be designed to ensure the ventilation rate is adequate for the size of the area to be ventilated, that the exhaust air is adequately filtered and that exhaust air has a minimum residence time in the carbon filter bank of 0.1s. All components of the extraction system shall be cleaned, serviced, maintained and replaced fully in accordance with manufacturer's recommendations.

Reason

In order to ensure that that any installed kitchen extraction system will not cause a loss of amenity by reason of odour or fume, in accordance with The National Planning Policy Framework 2019, 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. Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the approved drawing P005 of planning application 19/AP/1275 and made available for use by the occupiers of the dwellings/premises and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2019, 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

16. Breathable roofing membrane should not be used in any approved roofing in the event pitched roofs or hanging tiles are utilised. Bitumen roofing felt must be used where roof lining is required in construction.

Reason

To ensure adequate prevention of harm to biodiversity (entanglement of bats) within the roof structures of building, in accordance with saved Southwark Plan policy 3.28 'Biodiversity' and Core Strategy Strategic Policy 11 'Open spaces and wild life' and 13 'High Environmental Standards' and the National Planning Policy Framework 2019.

17. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014

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 2019, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

18. The use hereby permitted for the artificial grass pitches shall not be carried on outside of the hours 09.30 to 22.00 on Monday to Friday or 09.30 to 20.00 on Saturdays, Sundays and Bank Holidays.

Reason

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

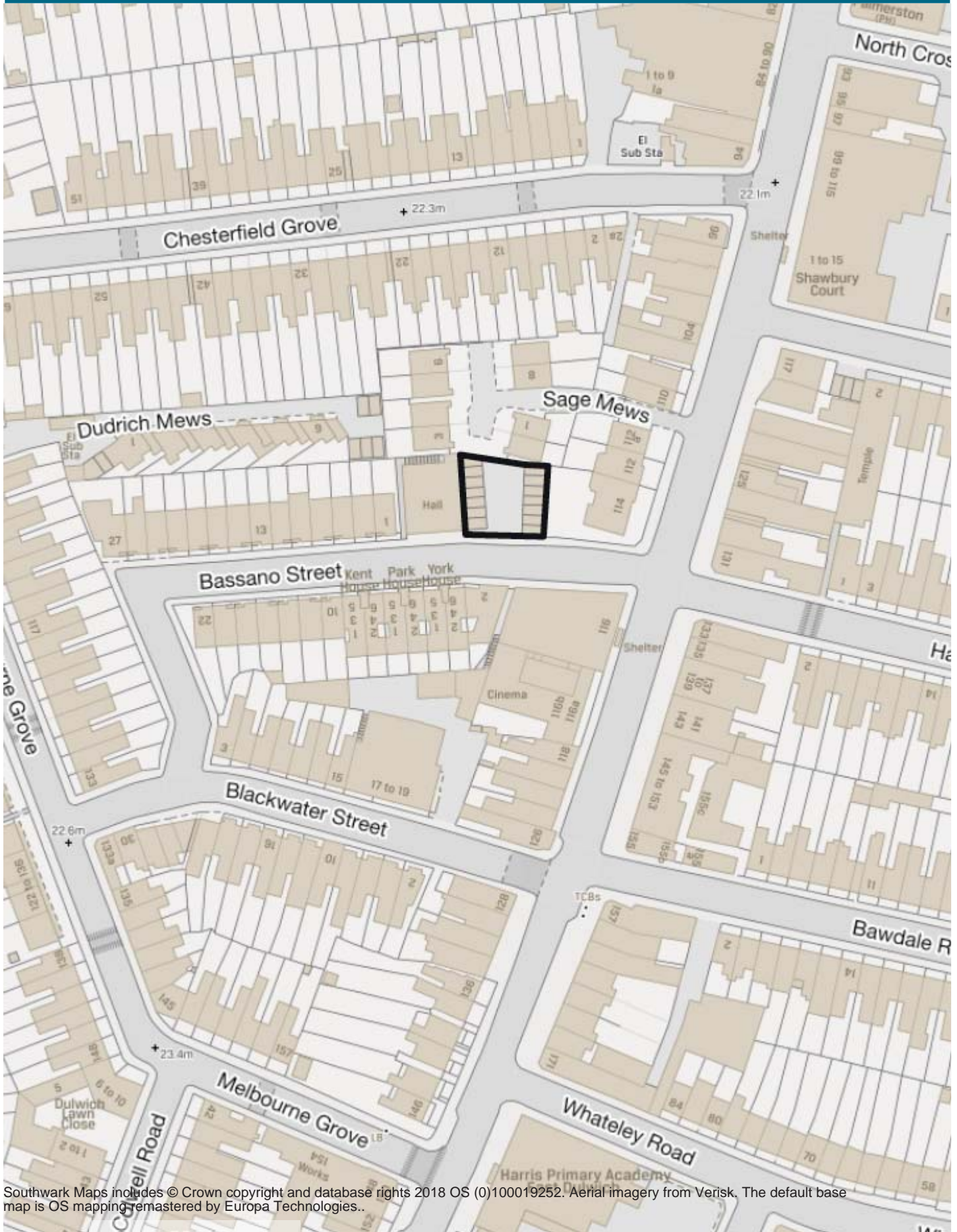
Statement of positive and proactive action in dealing with the application

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

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Agenda Item 7.4

GARAGES, BASSANO STREET, LONDON, SE22 8RU



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50 m

Scale = 1250

19-Sep-2019

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Item No. 7.4	Classification: OPEN	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 19/AP/1861 for: Full Planning Application Address: GARAGES, BASSANO STREET, LONDON SE22 8RU Proposal: Demolition of existing garage site and construction of 4 new homes for social rent within a short terrace of 2-3 storeys.		
Ward(s) or groups affected:	Goose Green		
From:	Director of Planning		
Application Start Date 25/06/2019 12:29:04		Application Expiry Date 20/08/2019 12:29:04	
Earliest Decision Date 04/08/2019			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is currently occupied by two garage blocks with 7 garages per block (a total of 14 spaces), and is located on the Northern Side of Bassano Street.
3. The site is located within:
 - Sub-Urban Density Zone
 - Air Quality Management Area

The site is partially located within the Lordship Lane District Town Centre.

The site is not listed, nor is it within a conservation area. There are no heritage assets in the immediate vicinity of the site.

4. The surrounding area is predominantly characterised by low density residential housing. The site is adjoined to the west by the Church of God 7th Day Sabbath Keeping Temple.

Details of proposal

5. The proposal calls for the demolition of the existing garages on site and the construction of four new, three-storey, family homes. These units would be social rent.

The units would be of the following specifications:

6. Unit 1 - 3b5p

GIA:129sqm
 Kitchen: 9.75sqm
 Living/Dining:25.40sqm
 Single Bedroom: 10.80sqm
 Twin Bedroom: 16.40sqm
 Bathroom: 4.30sqm
 Double bedroom: 14.60sqm
 Storage (total): 7.21sqm
 Garden: 42.92sqm

7. Unit 2 - 3b5p

GIA:112sqm
 Kitchen: 9.49sqm
 Living/Dining: 20.87sqm
 Single Bedroom: 10.40sqm
 Twin Bedroom: 13.80sqm
 Bathroom: 4.13sqm
 Double bedroom: 13.60sqm
 Storage (total): 4.32sqm
 Garden: 25.58sqm

8. Unit 3 - 3b5p

GIA:112sqm
 Kitchen: 9.49sqm
 Living/Dining: 20.87sqm
 Single Bedroom: 10.40sqm
 Twin Bedroom: 13.80sqm
 Bathroom: 4.13sqm
 Double bedroom: 13.60sqm
 Storage (total): 4.32sqm
 Garden: 22.50sqm

9. Unit 4 - 3b5p

GIA:112sqm
 Kitchen: 9.49sqm
 Living/Dining: 20.87sqm
 Single Bedroom: 10.40sqm
 Twin Bedroom: 13.80sqm
 Bathroom: 4.13sqm
 Double bedroom: 13.60sqm
 Storage (total): 4.32sqm
 Garden: 20.43sqm

Planning history

10. None of relevance to this application.

Planning history of adjoining sites

11. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
- a) Principle of development
 - b) Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - c) Impact of adjoining and nearby uses on occupiers and users of proposed development
 - d) Transport issues
 - e) Design issues
 - f) Impact on trees
 - g) Quality of accommodation
 - h) Environmental effects
 - i) Community infrastructure levy (CIL)
 - j) Other matters

Adopted planning policy

National Planning Policy Framework (NPPF)

13. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
14. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
15. Chapter 2 Achieving sustainable development
 Chapter 5 Delivering a sufficient supply of homes
 Chapter 6 Building a strong, competitive economy
 Chapter 8 Promoting healthy and safe communities
 Chapter 9 Promoting sustainable transport
 Chapter 11 Making effective use of land
 Chapter 12 Achieving well-designed places

London Plan 2016

16. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:
- 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 3.13 Affordable housing thresholds
 - Policy 6.9 Cycling
 - Policy 6.10 Walking
 - Policy 6.13 Parking
 - Policy 7.1 Lifetime neighbourhoods
 - Policy 7.4 Local character

Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.14 Improving air quality

Core Strategy 2011

17. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 1 – Sustainable development
 Strategic Policy 2 – Sustainable transport
 Strategic Policy 5 – Providing new homes
 Strategic Policy 6 – Homes for people on different incomes
 Strategic Policy 7 – Family homes
 Strategic Policy 12 – Design and conservation

Southwark Plan 2007 (saved policies)

18. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 3.2 – Protection Of Amenity
 Policy 3.6 – Air Quality
 Policy 3.8 – Waste Management
 Policy 3.11 - Efficient Use Of Land
 Policy 3.12 – Quality In Design
 Policy 3.13 – Urban Design
 Policy 4.2 - Quality Of Residential Accommodation
 Policy 4.4 - Affordable Housing
 Policy 5.1 - Locating Developments
 Policy 5.2 - Transport Impacts
 Policy 5.3 – Walking And Cycling
 Policy 5.6 - Car Parking

19. Mayor of London Housing SPG (2016)
 20. 2015 Technical Update to the Residential Design Standards (2011)

Consultations

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

Consultation replies

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

Summary of consultation responses

23. Fifteen comments have been received regarding this application including 13 objections, 1 in support, and 1 neither supporting nor objecting.

Objections were raised on the following planning issues:

- Design
- Parking strain
- Construction management
- Density
- Air quality
- Bulk, scale, and massing
- Noise
- Access to daylight/sunlight
- Impact on trees
- Impact of neighbouring church
- Sizes of proposed gardens
- Undersized units
- Inappropriate backland development (officer comment- the site is not a backland site)

Several objectors have raised issue with the status of the boundary wall of the site. This is a party wall issue and not a planning matter.

24. Prior to the application, the applicant conducted a consultation process with local residents to explain the proposed development. This included letters to affected residents and garage users, two public drop-in events, and an online questionnaire. All consultation materials were written in plain English and included a named officer and contact details to raise any comments or concerns. The drop-in events were held at the accessible and well-known Dulwich Library. The consultation tools were feedback forms handed out at the events and a short online survey. Throughout the consultation process no information was received to indicate that any additional measures were needed to ensure all affected residents and garage renters were informed and able to have their say.

Principle of development

25. There is no protection afforded to garage spaces within the site or surrounding area in policy terms. Furthermore, the surrounding area is predominantly residential in nature, and the proposal would be in-keeping with the character of the area. Thus, the demolition of the existing garages and provision of residential accommodation would be acceptable in principle.
26. It is noted that the density of the proposal would equate to 506 habitable rooms per hectare. While this is above the 350 habitable rooms per hectare limit for the suburban density zone as per Strategic Policy 5 [Providing New Homes] of the Core Strategy 2011; given this proposal would provide 4 new social rent homes, the public benefit would outweigh the development exceeding the density standards in this instance.
27. Furthermore, both the Core Strategy and Residential Design Standards SPD allow for density standards allow for densities in excess of the density standards in action area cores and opportunity areas when the following tests are met:
- Significantly exceed minimum floorspace standards
 - Provide for bulk storage
 - Include a predominance of dual aspect units in the development
 - Exceed the minimum ceiling height of 2.3 metres required by the Building Regulations

- Have natural light and ventilation in kitchens and bathrooms
- Exceed amenity space standards set out in this SPD
- Meet good sunlight and daylight standards
- Have excellent accessibility within dwellings including meeting Approved Document M of the Building Regulations M4(2) standard for all non wheelchair-user homes
- Minimise corridor lengths by having an increased number of cores
- Minimise noise nuisance in flatted developments by stacking floors so that bedrooms are above bedrooms, lounges are above lounges etc.
- Obtain Secured by Design certification
- Have exceptional environmental performance that exceeds the standards set out in the Sustainable Design and Construction Supplementary Planning Document
- Maximise the potential of the site as demonstrated in the applicant's Design and Access Statement. See the Design and Access Statements Supplementary Planning Document for further guidance
- Make a positive contribution to local context, character and communities, including contributing to the streetscape

While the application site is not in either an action area core or opportunity area, it should be noted it would meet the majority of these tests.

28. In summary, the principle of development is considered acceptable.

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

Daylight/sunlight

29. The daylight sunlight assessment supplied by the applicant has indicated the majority of the surrounding units would experience no significant loss of daylight/sunlight access and where reductions of access would occur these would generally be within the 20% proportional reduction considered acceptable under BRE guidelines.
30. It is noted that one window present at 114 Lordship Lane would see a proportional reduction of 21%, marginally in excess of the 20% guidance. While this marginal loss of daylight/sunlight may be noticeable, it would be to such a minor extent that it would not constitute grounds for refusal. In summary, the proposal would not impact significantly on surrounding properties access to daylight/sunlight and is acceptable in this regard.

Privacy

31. The views front the front of the proposed units to those on the opposite side of Bassano Street would be in excess of 12m and acceptable in line with the Residential Design Standards SPD.
32. To the rear, views towards windows along the front of units within Sage Mews would be oblique and generally in excess of 15m. Given direct views of the units within Sage Mews is approximately 15m, any additional impact on privacy would be negligible and is acceptable. Furthermore, there are no side facing windows at the unit immediately adjacent to the site within Sage Mews.
33. While a side facing window is proposed towards the units along Lordship Lane, this would be opaque glazed and non-opening; therefore this presents no risk to privacy to this side.
34. In summary, any risks to the privacy of surrounding occupiers are negligible and the

proposal is acceptable in these terms.

Loss of outlook/Sense of enclosure

35. As noted above, the views from properties within Sage Mews towards the proposal would be oblique, and as such any impact on outlook would be minimal, given the scale and massing of the proposed development. The proposal would incorporate a sloped design to the rear away from properties on this side, mitigating any sense of enclosure.
36. Towards Lordship Lane, while views from the rear of 112 Lordship Lane would see some impact on outlook and a moderate sense of enclosure, this would be offset by sloped design of the proposal. Given the distance from 114 Lordship Lane to the proposal site, and non-direct views, any impact on outlook or enclosure would be minimal.
37. As such, any impact on outlook or sense of enclosure would not outweigh the positive aspects of the scheme to justify a refusal of planning permission on these grounds.

Overlooking

38. Any overlooking which might be created by the proposal towards the gardens of Sage Mews would both limited, and similar to views from rear of units along Lordship Lane and would not lead to a significant additional impact on privacy.

Noise

39. The surrounding area is defined largely by terraced residential units with individual rear gardens. Therefore any noise stemming from the use of the proposed gardens would be similar to those of the existing and is considered acceptable in the context of a residential area. Similarly, objections have been raised around the possibility of noise across Bassano Street; given the distance between the proposal and the properties opposite, any impact in terms of noise would be minimal and within an acceptable level in the context of a residential area.

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

40. While the views from Sage Mews towards the rear facing windows of the proposal would fall short of the 21m guidance set out in the Residential Design Standards SPD, as noted previously these views are largely oblique and any direct views from the external area within Sage mews would be upward facing. Thus, risks to future occupants of the proposals privacy would be minimal and acceptable.
41. An objection has raised concerns around the impact on future occupants given the close proximity of the church to the West of the site. As there are already a number of residential units to the immediate West and North of the church, any impact on future residents would be expected to be similar to those already living in the area and acceptable. It is noted that the council's environmental protection team had requested a noise impact assessment as a pre-commencement condition to assess the noise impact from the surrounding area including the church. Given the surrounding area is largely residential and co-exists with the church this is not considered necessary.

Transport issues

Refuse Storage

42. Each unit would include storage space for 3 x 240L refuse bins for a total of 720L of waste storage. This is an acceptable level of provision.

Car Parking

43. No car parking has been provided as part of this application, and would see the loss of up to 14 car parking spaces from the existing garage. A parking survey submitted as part of this application has determined 58 (18%) of the surrounding 315 car parking spaces within the nearby road network are typically available. Hence, any additional strain on the local parking network from the proposal and loss of garage spaces would be accommodated under existing arrangements.

Cycle Parking

44. The scheme has incorporated 2 cycle parking spaces per unit for a total of 6 spaces. While it is unclear as to what the exact type of cycle stands would be provided, the level of provision is adequate. The preferred type of stand would be Sheffield style.

Design issues

45. To the front elevation, the proposal is comprised of two storeys of brick detailing with a third storey clad in a zinc coating, partially set back from the eaves. This setback allows the third storey to achieve a roof-like appearance reducing the visual imposition of the proposal when viewed from the street, and responds positively to the mansard style roof on the property on the opposite side of Bassano Street.
46. Towards the rear, a sloped design is incorporated towards the rear of the proposal, reducing the overall scale and massing of the design and offering an articulation closer to the properties seen within Sage Mews.
47. While there is limited architectural consistency in the area along and around Bassano Street, the proposed design responds well to the range of styles seen in the area and positively incorporates appropriate aspects from the built form of the surrounding area resulting in a positive design which is sensitive to the local context.

Impact on trees

48. A large oak tree under a tree preservation order is present to the rear of the garden of 112 Lordship Lane to the North-East of the site. In order to ensure the development does not adversely impact this tree's root protection zone, a condition is recommended requiring an arboricultural survey and impact assessment to confirm the presence of any roots on site.
49. An ornamental cherry tree is present in the garden adjacent to Eastern boundary of the site at 114 Lordship Lane. This tree is in an extremely poor condition showing signs of ivy covering and fungal growths at the base of the tree, thus the tree is unlikely to survive regardless of the proposed development, though development of the site would require the loss of this tree as per the arboricultural survey provided with this application. Given the poor state of this tree this would be acceptable.
50. Subject to the suggested conditions, any impact on nearby trees would be manageable and acceptable.

Quality of accommodation

51. Each unit would achieve good access to daylight/sunlight, dual aspects, and Gross Internal Areas in excess of those required by the residential design standards SPD.

The room sizes proposed are generous, and the proposal would achieve separate kitchens from their respective living/dining areas as required by the residential design SPD.

52. It is noted that the gardens would fall short of the 50sqm of outdoor amenity space required per house. However, given the constrained nature of the site, and otherwise generous room sizes, this is acceptable on balance. Furthermore, a number of nearby gardens, particularly those along Dudrich Mews also fall short of the 50sqm requirement, reflecting the challenges of in-fill development in a sub-urban context.
53. An objection has noted that the development would not provide two separate living spaces as per the London Housing Design Guide's guidance on units with three or more bedrooms. Given this design guide sets this as a priority 2 requirement, and the units are otherwise relatively spacious, and would meet the guide's requirements for a minimum of 29sqm of combined kitchen/dining/living space for a 5 person home; this is acceptable on balance.
54. Overall, the proposed quality of accommodation would be good and acceptable.

Environmental effects

Air quality

55. An air quality assessment has been included as part of this application which has assessed the suitability of the site for residential accommodation, and the impacts of the proposal on local air quality.
56. This assessment has determined that there are no major risks to the use of the site for residential purposes, and that impacts on air quality stemming from the development of the proposal would be controlled by appropriate mitigation measures to safeguard nearby occupiers amenity.
57. This assessment has been reviewed by the council's environmental protection team who are satisfied with the study.

Land contamination

58. A phase 1 land contamination study has been included with this application. A phase 2 studies has been recommended to monitor on-site contamination and provide suitable mitigation measures if necessary; it is recommended this is secured by condition.

Community Infrastructure Levy (CIL)

59. The proposal is liable for Mayoral and Southwark CIL. The party responsible to pay CIL must submit CIL Form1 (Assumption of Liability) and CIL Form6 (Commencement Notice) at least a day prior to material operations start on site.

Other matters

60. None identified.

Conclusion on planning issues

61. This proposal would provide four good sized family homes of a high standard of design. The proposal would have a generally minimal impact on surrounding residential amenity, and would not adversely effect in the local transport network in significant sense. It is therefore recommended that planning permission is granted.

Community impact statement / Equalities Assessment

62. The public sector equality duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
63. a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
64. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
65. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
66. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. No matters pertaining to the impact of this development on people with protected characteristics have been raised through the consultation and no impact above in that detailed above in the ‘planning assessment’ is expected.
67. Throughout the consultation process no information was received to indicate that any members of the public falling under the protected characteristics would be affected by the development, and thus no specific mitigation measures are required in this regard.

Human rights implications

68. 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.
69. This application has the legitimate aim of providing new affordable housing. 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/2311-B Application file: 19/AP/1861 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: 0207 525 5840 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Human Rights Considerations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Glenn Ruane, Planning Officer	
Version	Final	
Dated	18 September 2019	
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	19 September 2019	

APPENDIX 1**Consultation undertaken****Site notice date:** 11/07/2019**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 12/07/2019**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat 3 York House SE22 8RZ	Flat 1 110 Lordship Lane SE22 8HF
Flat 4 York House SE22 8RZ	3 Sage Mews 110a Lordship Lane SE22 8EZ
Flat 2 York House SE22 8RZ	1 Dudrich Mews Melbourne Grove SE22 8AS
Flat 5 Park House SE22 8RY	5 Sage Mews 110a Lordship Lane SE22 8EZ
Flat 1 York House SE22 8RZ	2 Sage Mews 110a Lordship Lane SE22 8EZ
Church Of God 7th Day Sabbath Keeping Temple Bassano Street SE22 8RU	5 Dudrich Mews Melbourne Grove SE22 8AS
Capitano House 116 Lordship Lane SE22 8HD	6 Dudrich Mews Melbourne Grove SE22 8AS
Flat 5 York House SE22 8RZ	4 Dudrich Mews Melbourne Grove SE22 8AS
Flat 3 Kent House SE22 8RX	2 Dudrich Mews Melbourne Grove SE22 8AS
Flat 4 Kent House SE22 8RX	3 Dudrich Mews Melbourne Grove SE22 8AS
Flat 2 Kent House SE22 8RX	21 Bassano Street London SE22 8RU
Flat 2 2 Bassano Street SE22 8RU	22 Bassano Street London SE22 8RU
Flat 1 Kent House SE22 8RX	20 Bassano Street London SE22 8RU
Flat 3 Park House SE22 8RY	19 Bassano Street London SE22 8RU
Flat 4 Park House SE22 8RY	Flat 1 2 Bassano Street SE22 8RU
Flat 2 Park House SE22 8RY	7 Bassano Street London SE22 8RU
Flat 5 Kent House SE22 8RX	9 Bassano Street London SE22 8RU
Flat 1 Park House SE22 8RY	5 Bassano Street London SE22 8RU
1 Sage Mews London SE22 8EZ	23 Bassano Street London SE22 8RU
Flat D 114 Lordship Lane SE22 8HF	3 Bassano Street London SE22 8RU
Ground Floor Flat 112 Lordship Lane SE22 8HF	12 Bassano Street London SE22 8RU
Flat C 114 Lordship Lane SE22 8HF	13 Bassano Street London SE22 8RU
Flat B 114 Lordship Lane SE22 8HF	11 Bassano Street London SE22 8RU
Basement Flat 112 Lordship Lane SE22 8HF	1 Bassano Street London SE22 8RU
5 Sage Mews London SE22 8EZ	10 Bassano Street London SE22 8RU
6 Sage Mews London SE22 8EZ	17 Bassano Street London SE22 8RU
4 Sage Mews London SE22 8EZ	18 Bassano Street London SE22 8RU
2 Sage Mews London SE22 8EZ	16 Bassano Street London SE22 8RU
3 Sage Mews London SE22 8EZ	14 Bassano Street London SE22 8RU
First Floor Flat 112 Lordship Lane SE22 8HF	15 Bassano Street London SE22 8RU
Flat A 114 Lordship Lane SE22 8HF	4 Sydenham Park Road London SE26 4ED
112b Lordship Lane London SE22 8HF	10 Crawthow Grove East Dulwich London SE22 (AA)
7 Sage Mews London SE22 8EZ	133 Crystal Palace Road East Dulwich SE22 9ES
8 Sage Mews London SE22 8EZ	26 Crawthow Grove London SE22 9AB
112a Lordship Lane London SE22 8HF	67 Fellbrigg Road London SE22 9HQ

Flat 1 108 Lordship Lane SE22 8HF
Flat 2 108 Lordship Lane SE22 8HF
4 Sage Mews 110a Lordship Lane SE22 8EZ
Flat A 112a Lordship Lane SE22 8HF
Flat B 112a Lordship Lane SE22 8HF
Flat 3 110 Lordship Lane SE22 8HF
Flat 3 2 Bassano Street SE22 8RU
Flat 2 110 Lordship Lane SE22 8HF
Flat 3 108 Lordship Lane SE22 8HF

Flat 19 Bew Court SE22 8NZ
Unit 1a Industrial Trading Estate SE14 4RW
21b Crystal Palace Road East Dulwich SE22 8BX
96c Coplestone Road Peckham SE15 4AG
40 Linden Grove Peckham SE15 3LF
126 Crystal Palace Road London SE22 9ER
116 Torridon Road Catgotd SE6 1RD
25 Bassano Street London SE22 8RU
Flat3, Park House Bassano Street SE22 8RY

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat3, Park House Bassano Street SE22 8RY
116 Torridon Road Catgotd SE6 1RD
12 Bassano Street London SE22 8RU
126 Crystal Palace Road London SE22 9ER
18 Bassano Street London SE22 8RU
2 Sage Mews London SE22 8EZ
25 Bassano Street London SE22 8RU
3 Sage Mews London SE22 8EZ
3 Sage Mews London SE22 8EZ
3 Sage Mews London SE22 8EZ
4 Sage Mews 110a Lordship Lane SE22 8EZ
40 Linden Grove Peckham SE15 3LF
5 Bassano Street London SE22 8RU
5 Sage Mews London SE22 8EZ
6 Sage Mews London SE22 8EZ
7 Sage Mews London SE22 8EZ
8 Sage Mews London SE22 8EZ

RECOMMENDATION LDD MONITORING FORM REQUIRED

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

Applicant	Ms Phyllis Mensah-Twumasi London Borough of Southwark New Homes Delivery Team	Reg. Number	19/AP/1861
Application Type	Full Planning Application	Case Number	TP/2311-B
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing garage site and construction of 4 new homes for social rent within a short terrace of 2-3 storeys.

At: GARAGES, BASSANO STREET, LONDON, SE22 8RU

In accordance with application received on 24/06/2019 16:30:35

and Applicant's Drawing Nos. 774-0001 - SITE LOCATION PLAN

774-0040 - SITE PLAN AS EXISTING
 774-0050 - BASSANO STREET ELEVATION AS EXISTING
 774-0060 - SECTION A-A AS EXISTING
 774-0061 - SECTION B-B AS EXISTING
 774-0061 - SECTION C-C AS EXISTING
 774-1000 - SITE PLAN AS PROPOSED
 774-2000 - GROUND FLOOR PLAN AS PROPOSED
 774-2001 - FIRST FLOOR PLAN AS PROPOSED
 774-2002 - SECOND FLOOR PLAN AS PROPOSED
 774-2003 - ROOF PLAN AS PROPOSED
 774-3000 - BASSANO STREET ELEVATION AS PROPOSED
 774-3001 - REAR ELEVATION AS PROPOSED
 774-3002 - SIDE ELEVATION AS PROPOSED
 774-4000 - SECTION A-A AS PROPOSED
 774-4001 - SECTION B-B AS PROPOSED
 774-2050 - SCHEDULE OF ACCOMMODATION AS PROPOSED
 774-6000 - STREET VIEW VISUALISATION AS PROPOSED
 PLANNING STATEMENT
 AIR QUALITY ASSESSMENT
 DAYLIGHT AND SUNLIGHT REPORT
 DESIGN AND ACCESS STATEMENT
 TRANSPORT TECHNICAL NOTE
 DRAWINGS AND DOCUMENT REGISTER
 PHASE 1 DESK STUDY
 ARBORICULTURAL SURVEY

Subject to the following eight 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:

774-1000 - SITE PLAN AS PROPOSED
 774-2000 - GROUND FLOOR PLAN AS PROPOSED
 774-2001 - FIRST FLOOR PLAN AS PROPOSED
 774-2002 - SECOND FLOOR PLAN AS PROPOSED
 774-2003 - ROOF PLAN AS PROPOSED
 774-3000 - BASSANO STREET ELEVATION AS PROPOSED
 774-3001 - REAR ELEVATION AS PROPOSED

774-3002 - SIDE ELEVATION AS PROPOSED
 774-4000 - SECTION A-A AS PROPOSED
 774-4001 - SECTION B-B AS PROPOSED
 774-2050 - SCHEDULE OF ACCOMMODATION AS PROPOSED
 774-6000 - STREET VIEW VISUALISATION AS PROPOSED

Reason:

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

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

Reason

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

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

- 3 Prior to 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 details of the foundation works including changes to levels to be used in the construction of this development, showing how the roots will be protected, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the use of trial holes or trenches to check for the position of roots. The development shall not be carried out otherwise than in accordance with any such approval given. All works shall adhere to BS5837: Trees in relation to demolition, design and construction (2012) and National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reason

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

- 5 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 Prior to the commencement of any development above grade (excluding demolition), the developer shall enter into an agreement, under section 278 of the Highways Act, with the Highways Authority to carry out the highways works surrounding the site, on Bassano Street. The development shall not be carried out otherwise than in accordance with this S278 agreement, and such works shall be completed within 3 months of first occupation of any part of the development.

Reason

To ensure that the proposal will not comprise any highway safety in accordance with policy 5.2 transport Impacts of the Southwark Plan 2007 and to ensure that the works are carried out with the agreement of and to the relevant standards of the Highway Authority.

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

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

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

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

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

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2019.

- 8 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

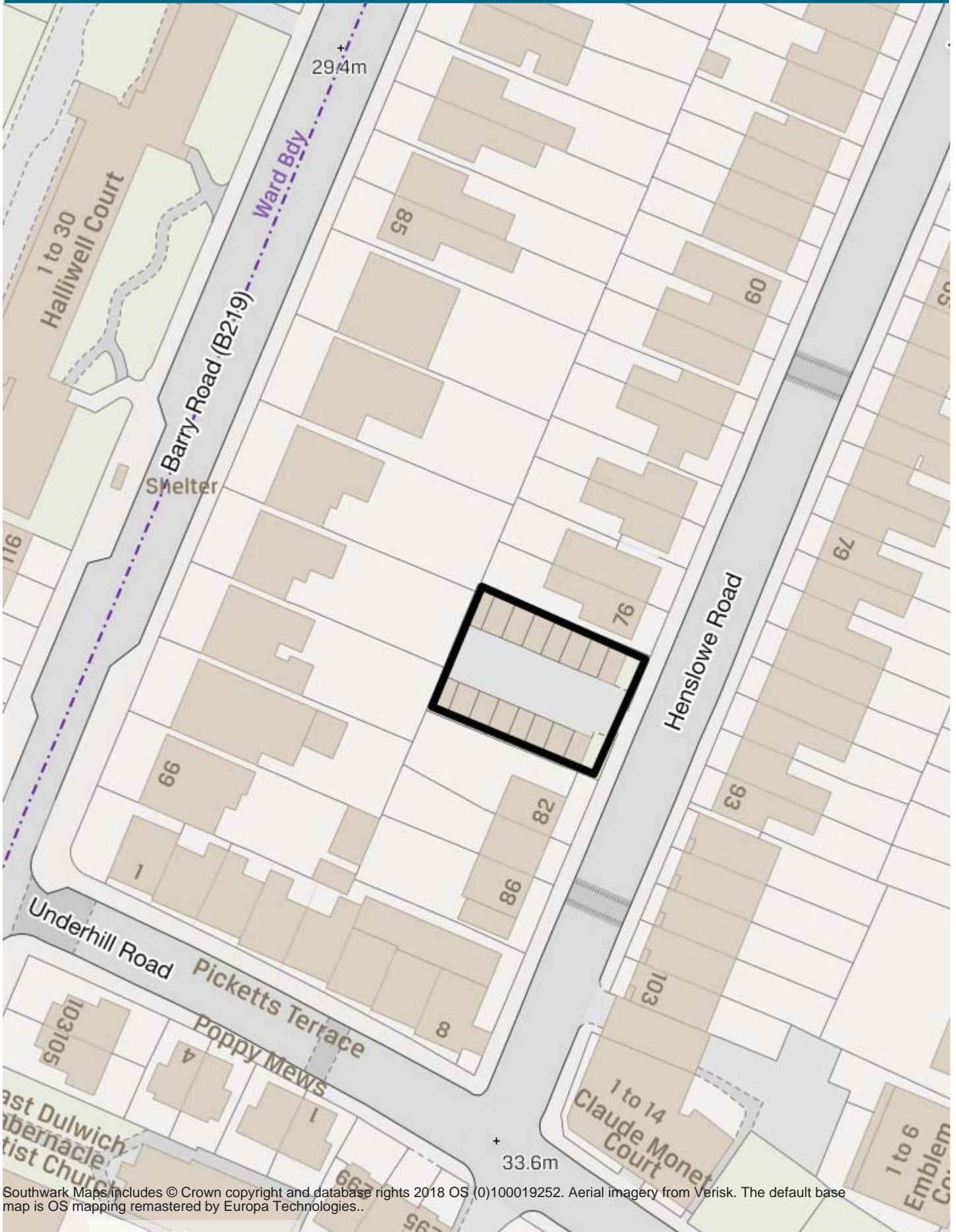
To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2018, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design 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.

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Item No. 7.5	Classification: OPEN	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 19/AP/1862 for: Full Planning Application Address: GARAGES, HENSLOWE ROAD, LONDON SE22 0AS Proposal: Demolition of existing garage site and construction of 3 new houses for social rent within a short terrace of 2/3 storeys. Each individual house includes associated front and rear gardens, with dedicated bin and bike stores in the front garden areas.		
Ward(s) or groups affected:	Dulwich Hill		
From:	Director of Planning		
Application Start Date 25/06/2019		Application Expiry Date 20/08/2019	
Earliest Decision Date 07/08/2019			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is currently occupied by two single storey garage blocks with 8 storage spaces per block (16 total), located on the western side of Henslowe Road.
3. The site is located within:
 - Sub-urban density zone
 - Air quality management area

The site has a Public Transport Accessibility Level of 2.

4. The site is not listed, nor is it within a conservation area. There are no heritage assets in the vicinity of the site.
5. The surrounding area is pre-dominantly low to medium density residential units, with a parcel of other open space (Friern Road Allotments) to the south-west of the site.

Details of proposal

6. The proposal calls for the construction of three, two-storey family homes for social rent on the site. Each home would be a three bedroom five person house, with associated

front and rear gardens, and cycle/refuse storage to the front of the properties.

7. Each unit would be of the following specifications:

Ground floor

Living/Dining area: 26.22sqm

Kitchen: 11.15sqm

Bathroom: 2.39sqm

Storage: 2.09sqm

Rear garden: 30.00sqm

Front garden: 12.30sqm

First floor

Single bedroom: 8.65sqm

Twin bedroom: 12.15sqm

Bathroom: 3.95sqm

Second Floor

Double bedroom: 12.75sqm

En-suite: 3.15sqm

Storage: 2.35sqm

Cycle storage x 2

240L refuse storage x 3

Planning history

8. None of relevance to this application.

Planning history of adjoining sites

9. None of relevance to this application

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) Principle of development
- b) Impact of proposed development on amenity of adjoining occupiers and surrounding area
- c) Impact of adjoining and nearby uses on occupiers and users of proposed development
- d) Transport issues
- e) Design issues
- f) Impact on trees
- g) Quality of accommodation
- h) Air quality
- i) Other matters

Adopted planning policy

National Planning Policy Framework (NPPF)

11. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied.

The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

12. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
13. Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of homes
Chapter 6 Building a strong, competitive economy
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places

London Plan 2016

14. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:
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 3.13 Affordable housing thresholds
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.14 Improving air quality

Core Strategy 2011

15. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:
Strategic Policy 1 – Sustainable development
Strategic Policy 2 – Sustainable transport
Strategic Policy 5 – Providing new homes
Strategic Policy 6 – Homes for people on different incomes
Strategic Policy 7 – Family homes
Strategic Policy 12 – Design and conservation

Southwark Plan 2007 (saved policies)

16. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:
Policy 3.2 – Protection Of Amenity

Policy 3.6 – Air Quality
 Policy 3.8 – Waste Management
 Policy 3.11 - Efficient Use Of Land
 Policy 3.12 – Quality In Design
 Policy 3.13 – Urban Design
 Policy 4.2 - Quality Of Residential Accommodation
 Policy 4.4 - Affordable Housing
 Policy 5.1 - Locating Developments
 Policy 5.2 - Transport Impacts
 Policy 5.3 – Walking And Cycling
 Policy 5.6 - Car Parking

17. Mayor of London Housing SPG (2016)
18. 2015 Technical Update to the Residential Design Standards (2011)

Consultations

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

Consultation replies

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

Summary of consultation responses

21. Seven objections have been received regarding this application; the relevant planning matters raised are:
 - Construction management
 - Parking
 - Privacy impacts
 - Loss of garage space
 - Daylight/sunlight impacts
 - Design
 - Air quality
 - Equalities impacts.
22. A number of objectors have raised the issue of the boundary wall shared with various properties around the site. This is a party wall issue and not a planning matter.
23. Prior to the submission of this application, the applicant conducted extensive consultation with local residents and garage users between October 2018 and March 2019. This consultation campaign included letters, two public drop-ins, two project group meetings, and an online questionnaire. The drop-in events and project group meetings were held at the accessible and well-known East Dulwich Community Centre and Dulwich Library. The consultation tools were feedback forms handed out at the first drop-in event and a short online survey.

Principle of development

24. There is no protection afforded to garage spaces within the site or surrounding area in policy terms. Furthermore, the surrounding area is predominantly residential in nature, and the proposal would be in-keeping with the character of the area. Thus, the demolition of the existing garages and provision of residential accommodation would be acceptable in principle.

25. It is noted that the density of habitable rooms on the site would equate to 338.6 habitable rooms per hectare (based on the proposed 15 habitable rooms on the existing 0.0443 ha site). This would be within the upper limit of 350 habitable rooms per hectare as outlined in Strategic Policy 5 [Providing New Homes] of the Core Strategy 2011. Thus, the principle of development is acceptable.

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

Daylight/Sunlight

26. A detailed daylight/sunlight impact assessment has been included as part of this application. This analysis demonstrates that impact on the majority of windows and dwellings in the vicinity of the application site would be negligible and within the BRE guidelines. Nos 76 and 82 Henslowe Road would be partially impacted, further details are set out below.

76 Henslowe Road

27. Two of the windows assessed at this property would see Vertical Sky Component (VSC) reduction to 0.78 and 0.79 of their present level, which is extremely close to the recommended 0.80 factor set out in the BRE guidelines. Similarly, a ground floor room would receive a No-Sky Line (NSL) reduction of 0.74, which is considered similarly marginal and would be regarded as acceptable on balance.

82 Henslowe Road

28. A side facing door at No 82 would be more significantly affected, seeing a VSC reduction factor of 0.46. Given this is a door, rather than a window, it is highly unlikely to serve as the sole point of daylight/sunlight if a habitable room is on the other side of the door, and any such room would likely be also served by a rear facing window. Similarly, if the door is the sole access to daylight this would likely be to a hallway, which would not be a habitable room and as such would not need to be assessed. Therefore, in either case, the impact on this door would be acceptable.

Overshadowing

29. BRE guidance suggests for an amenity area, such as gardens, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive 2 hours of sunlight on 21 March (21 March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria). Where a new development would impact a neighbouring garden, a reduction of over 20% of existing sunlight may have a noticeable impact on neighbours.
30. The daylight/sunlight assessment submitted as part of this application indicates that the majority of the units surrounding the application site would be largely unaffected by the proposal in terms of overshadowing into gardens. Where impacts would occur, these are typically marginal and below 1% of existing value.
31. 76 Henslowe Road would see a reduction from 27.8% of the garden receiving 2 hours of sunlight on March 21 to 22.5%. This would be a proportional reduction of 19.1%, which would be within BRE guidelines. Therefore, the overall impact of the development in terms of overshadowing would be acceptable.

Privacy

32. The views from the proposed units would be predominantly towards the front and rear,

and no side facing windows have been proposed.

33. To the front, the distance between first/second floor windows and those found on the opposite side of Henslowe Road would be in excess of 17m. To the rear, the direct views would be in excess of 30m to the nearest residential window. Thus, there would be no significant impact on privacy from direct views to the front or rear of the proposal as these distances exceed the 12 and 21m suggested in the residential design standards SPD.
34. It is noted that there would be oblique views into a room on the first floor of the outrigger of 76 Henslowe Road. A condition is recommended requiring the proposed first floor bathroom to be opaque glazed to mitigate privacy to risks to occupiers of both 76 Henslowe Road and the proposed development.
35. Views from the second floor towards 76 Henslowe Road would be oblique and downward facing and as such there would be a negligible impact on privacy.
36. In summary, there would be a negligible impact on privacy to surrounding occupiers subject to appropriate conditions.

Noise

37. The residential nature of the development would be expected to generate a similar amount of noise to surrounding dwellings, and any further impact on neighbouring amenity in terms of noise would be negligible.

Loss of outlook/Sense of enclosure

38. The bulk and scale of the proposal is generally similar to that of surrounding properties, thus any additional sense of enclosure generated would be marginal and is acceptable.
39. The proposal would be set a sufficient distance from surrounding windows that there would not be any significant impact on outlook for surrounding occupiers.

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

40. As noted above, there are some concerns around the privacy of occupiers at first floor level from side facing views from nearby units. Though this would be addressed by an appropriate condition.

Transport issues

Car parking

41. No car parking has been proposed as part of this application, and it would see the loss of 16 existing car parking garages.
42. A parking survey undertaken by the applicant has indicated the parking capacity of the surrounding road network (including Henslowe Road, Barry Road, Friern Road, and Underhill Road) is 367 spaces, with 43 (12%) of these typically being available.
43. Thus, the increased demand generated by the proposal would be met by the existing parking network of the area, and as such the proposal is acceptable in these terms.

Cycle parking

44. The applicant has indicated space for 6 cycle storage spaces would be provided on site. The proposed units would also benefit from rear garden space which may also be used for bike or other storage, for example in the form of a shed. The proposed cycle provision is acceptable.

Refuse storage

45. The proposed refuse arrangements indicate 3 bins of 240L capacity per unit, for a total of 720L capacity per unit. This is an acceptable level of provision.

Design issues

46. The proposed design is in-keeping with the surrounding area in terms of overall character and materiality. The brickwork facades and tiled roofing would be generally similar to those along Henslowe Road, though it is noted that in terms of overall character there is little architectural consistency in the area.
47. The bulk and scale of the proposal is suitable, with many of the existing dwellings on the road being similarly comprised of two-storey blocks of 2 to 4 terraced units. The proposal would maintain the existing building line, and maintain the relatively consistent height profile of the area.
48. In summary, the proposal offers a high quality design which would be in-keeping with, and respectful of the built form of the surrounding area, and is therefore acceptable in design terms.

Quality of accommodation

49. Each unit would achieve good access to daylight/sunlight, dual aspects, and gross internal areas in excess of those required by the residential design standards SPD. The room sizes proposed are generous, and the proposal would achieve separate kitchens from their respective living/dining areas as required by the residential design SPD.
50. It is noted that the gardens would fall short of the 50sqm of outdoor amenity space required per house. However, given the constrained nature of the site, and otherwise generous room sizes, this is acceptable on balance.
51. Overall, the proposed quality of accommodation would be high.

Environmental effectsAir quality

52. The air quality assessment supplied by the applicant has indicated that the site would be suitable for residential accommodation without air quality mitigation measures.
53. Regarding the impact of construction related dust, the report concludes that subject to appropriate dust management measures; the dust generated by the construction of the proposal could be maintained at a level which would safeguard surrounding local amenity. The report goes on to outline these mitigation measures, including a dust management plan and subsequent monitoring. This report has been reviewed by the council's environmental protection team that have deemed the assessment, and its methodology and findings acceptable. Given the small scale of the proposal, a construction management plan is not deemed necessary in this instance, and

construction would be appropriately managed by the council's housing team.

Land contamination

54. A phase 1 land contamination study has been included as part of this application. This study has identified minor/moderate risks of potential contamination based on the historic use of the site as a car garage and storage space. A condition requiring a phase 2 assessment (including any suggested mitigation measures) is recommended.

Community Infrastructure Levy (CIL)

55. The proposal is liable for Mayoral and Southwark CIL. The party responsible to pay CIL must submit CIL Form1 (Assumption of Liability) and CIL Form6 (Commencement Notice) at least a day prior to material operations start on site.

Other matters

56. No trees would be directly impacted by the proposed development, though a condition requiring detailing of the landscaping arrangement is recommended.

Conclusion on planning issues

57. The proposal would provide new socially rented accommodation of a high standard of design with minimal impacts on surrounding amenity, or the local transport network. The proposed socially rented units would make a positive contribution to the needs of local residents, with 50% of the units to be allocated to local people according to their housing need. The proposal would also contribute towards the council's affordable housing delivery. It is therefore recommended that planning permission is granted.

Community impact statement / Equalities assessment

58. The public sector equality duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
59. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

60. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
61. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
62. Via the consultation process it emerged that a number of occupiers of the garages and nearby residents are young adults with learning disabilities, as well as elderly residents. Further consultation was conducted by representatives from the council's housing team to meet with these affected residents.
63. These garage occupiers with protected characteristics were met by an officer from the council's new homes delivery team and they were offered a possible alternative garage but in both circumstances the offer was declined because a garage further away would not suit the needs of the residents which is mainly for storage. There would therefore be an adverse impact on people with protected characteristics that cannot be mitigated, for which members should have regard.
64. Weighed against this adverse impact is the fact that this development, if granted planning permission, would provide much needed council homes for families, including 10,000 families that are on the waiting list for a new council home.

Human rights implications

65. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
66. This application has the legitimate aim of providing new affordable housing. 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/2619-78 Application file: 19/AP/1862 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: 0207 525 5840 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Human Rights Considerations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Glenn Ruane, Planning Officer	
Version	Final	
Dated	18 September 2019	
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	19 September 2019	

APPENDIX 1**Consultation undertaken****Site notice date:** 11/07/2019**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 15/07/2019**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

91 Barry Road London SE22 0HR	4 Picketts Terrace Underhill Road SE22 9DX
Southfield House 99 Barry Road SE22 0HR	5 Picketts Terrace Underhill Road SE22 9DX
93 Henslowe Road London SE22 0AS	72 Henslowe Road London SE22 0AS
87 Barry Road London SE22 0HR	74 Henslowe Road London SE22 0AS
Flat 1 89 Barry Road SE22 0HR	66 Henslowe Road London SE22 0AS
Flat 2 89 Barry Road SE22 0HR	70 Henslowe Road London SE22 0AS
Flat A 77 Henslowe Road SE22 0AS	79 Henslowe Road London SE22 0AS
Flat B 77 Henslowe Road SE22 0AS	81 Henslowe Road London SE22 0AS
84 Henslowe Road London SE22 0AS	75 Henslowe Road London SE22 0AS
85 Henslowe Road London SE22 0AS	76 Henslowe Road London SE22 0AS
82 Henslowe Road London SE22 0AS	97 Henslowe Road London SE22 0AS
83 Henslowe Road London SE22 0AS	95 Henslowe Road London SE22 0AS
89 Henslowe Road London SE22 0AS	101 Henslowe Road London SE22 0AS
86 Henslowe Road London SE22 0AS	99 Henslowe Road London SE22 0AS
87 Henslowe Road London SE22 0AS	3 Poppy Mews London SE22 0EE
First Floor Flat 91 Henslowe Road SE22 0AS	4 Poppy Mews London SE22 0EE
First Floor Flat 74 Henslowe Road SE22 0AS	1 Poppy Mews London SE22 0EE
68a Henslowe Road London SE22 0AS	2 Poppy Mews London SE22 0EE
68b Henslowe Road London SE22 0AS	58 Henslowe Road East Dulwich SE22 0AR
Ground Floor Flat 91 Henslowe Road SE22 0AS	68 Landcroft Road East Dulwich SE22 9LD
Flat 5 89 Barry Road SE22 0HR	19 Crawthorpe Grove East Dulwich SE22 9AA
95a Barry Road London SE22 0HR	76 Barry Road East Dulwich SE22 0HP
Flat 3 89 Barry Road SE22 0HR	85 Bexhill Road Crofton Park SE4 1ST
Flat 4 89 Barry Road SE22 0HR	4 Pickett'S Terrace East Dulwich SE22 9DX
97 Barry Road London SE22 0HR	99 Henslowe Road East Dulwich SE22 0AS
93 Barry Road London SE22 0HR	19 Henslowe Road East Dulwich SE22 0AP
95c Barry Road London SE22 0HR	67 Henslowe Road East Dulwich SE22 0AS
95b Barry Road London SE22 0HR	29 Henslowe Road East Dulwich SE22 0AP
297 Underhill Road London SE22 0AN	62 Henslowe Road East Dulwich SE22 0AR
299 Underhill Road London SE22 0AN	49 Henslowe Road East Dulwich SE22 0AR
8 Picketts Terrace Underhill Road SE22 9DX	45 Henslowe Road East Dulwich SE22 0AR
295 Underhill Road London SE22 0AN	27 Pellat Road East Dulwich SE22 9JA
103 Henslowe Road London SE22 0AS	159 Barry Road East Dulwich SE22 0AN
80 Henslowe Road London SE22 0AS	274 Barry Road East Dulwich SE22 0JT
2 Picketts Terrace Underhill Road SE22 9DX	291 Underhill Road East Dulwich SE22 0JP
3 Picketts Terrace Underhill Road SE22 9DX	91 Henslowe Road London SE22 0AS

1 Picketts Terrace Underhill Road SE22 9DX
6 Picketts Terrace Underhill Road SE22 9DX
7 Picketts Terrace Underhill Road SE22 9DX

82 Henslowe Road East Dulwich SE22 0AS
82 Henslowe Road East Dulwich SE22 0AS
74 Henslowe Road London SE22 0AS

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

72 Henslowe Road London SE22 0AS
74 Henslowe Road London SE22 0AS
76 Henslowe Road London SE22 0AS
82 Henslowe Road East Dulwich SE22 0AS
82 Henslowe Road East Dulwich SE22 0AS
82 Henslowe Road London SE22 0AS
91 Henslowe Road London SE22 0AS

RECOMMENDATION LDD MONITORING FORM REQUIRED

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

Applicant	Ms Phyllis Mensah-Twumasi London Borough of Southwark	Reg. Number	19/AP/1862
Application Type	Full Planning Application	Case Number	TP/2619-78
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing garage site and construction of 3 new houses for social rent within a short terrace of 2/3 storeys.

At: GARAGES, HENSLOWE ROAD, LONDON, SE22 0AS

In accordance with application received on 24/06/2019 16:31:24

and Applicant's Drawing Nos. 775-0001 - SITE LOCATION PLAN AS EXISTING

775-0040 - SITE PLAN AS EXISTING
 775-0050 - HENSLOWE ROAD ELEVATION AS EXISTING
 775-0060 - SECTION A-A AS EXISTING
 775-0061 - SECTION B-B AS EXISTING
 775-0062 - SECTION C-C AS EXISTING
 775-1000 - SITE BLOCK PLAN AS PROPOSED
 775-2000 - GROUND FLOOR PLAN AS PROPOSED
 775-2001 - FIRST FLOOR PLAN AS PROPOSED
 775-2002 - SECOND FLOOR PLAN AS PROPOSED
 775-2003 - ROOF PLAN AS PROPOSED
 775-3000 - STREET ELEVATION AS PROPOSED
 775-3001 - REAR ELEVATION AS PROPOSED
 775-3002 - SIDE ELEVATION 01 AS PROPOSED
 775-3003 - SIDE ELEVATION 02 AS PROPOSED
 775-4000 - SECTION A-A AS PROPOSED
 775-4001 - SECTION B-B AS PROPOSED
 775-2050 - SCHEDULE OF ACCOMMODATION AS PROPOSED
 775-6000 - STREET ELEVATION VISUALISATION AS PROPOSED
 DRAWINGS AND DOCUMENTS REGISTER
 PLANNING STATEMENT
 DESIGN AND ACCESS STATEMENT
 DAYLIGHT/SUNLIGHT REPORT
 TRANSPORT TECHNICAL NOTE
 AIR QUALITY ASSESSMENT REVISION 2
 PHASE 1 DESK STUDY
 ARBORICULTURAL SURVEY

Subject to the following six 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:

775-1000 - SITE BLOCK PLAN AS PROPOSED
 775-2000 - GROUND FLOOR PLAN AS PROPOSED
 775-2001 - FIRST FLOOR PLAN AS PROPOSED
 775-2002 - SECOND FLOOR PLAN AS PROPOSED
 775-2003 - ROOF PLAN AS PROPOSED
 775-3000 - STREET ELEVATION AS PROPOSED

775-3001 - REAR ELEVATION AS PROPOSED
 775-3002 - SIDE ELEVATION 01 AS PROPOSED
 775-3003 - SIDE ELEVATION 02 AS PROPOSED
 775-4000 - SECTION A-A AS PROPOSED
 775-4001 - SECTION B-B AS PROPOSED
 775-2050 - SCHEDULE OF ACCOMMODATION AS PROPOSED
 775-6000 - STREET ELEVATION VISUALISATION AS PROPOSED

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.

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.

- 3 Prior to the commencement of any development above grade (excluding demolition), the developer shall enter into an agreement, under section 278 of the Highways Act, with the Highways Authority to carry out the highways works surrounding the site, on Henslowe Road. The development shall not be carried out otherwise than in accordance with this S278 agreement, and such works shall be completed within 3 months of first occupation of any part of the development.

Reason

To ensure that the proposal will not comprise any highway safety in accordance with policy 5.2 transport Impacts of the Southwark Plan 2007 and to ensure that the works are carried out with the agreement of and to the relevant standards of the Highway Authority.

- 4 Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details), 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 2018 Chapters 8, 12, 15 & 16 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

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

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

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

Living rooms - 30dB LAeq, T **

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

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

Reason

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

- 6 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

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 2018, 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

Prior to works commencing on site (including any demolition) a joint condition survey should be arranged with Southwark Highway Development Team to catalogue condition of streets and drainage gullies. Please contact Hernan Castano, Highway Development Manager on 020 7525 4706 to arrange.

—

Item No. 8.	Classification: Open	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:		TPO confirmation 156 Peckham Rye, London, SE22 9QH	
Ward(s) or groups affected:		Goose Green	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional tree preservation order reference 533 be confirmed unamended.

BACKGROUND INFORMATION

2. A tree preservation order (TPO) was served on 14 May 2019 following an application reference 19/AP/1084 to fell a rear garden Field Maple tree within The Gardens Conservation Area.
3. Prior to the site being sold, a request to assess both the Maple and another Ginkgo tree at 156 Peckham Rye for protection with a TPO was made by the former owners in September 2018. However, given the trees' protected status within a conservation area it was not considered expedient to complete this assessment pending completion of the ongoing TPO survey review.
4. The TPO protects an individual tree. Two objections have subsequently been received, which according to the council's standing orders must be considered at planning committee before the order can be confirmed.

KEY ISSUES FOR CONSIDERATION

5. The presumption exists that trees within conservation areas greater than 7.5cm stem diameter should be retained where they are assessed to contribute positively to the character and appeal of the area, unless substantiating evidence is provided as to why they must be removed.
6. To continue to have effect the TPO attached in Appendix 1 must be confirmed within 6 months from the date of being served. Should it not be confirmed the tree described in the schedule and shown in the plan revert to the lesser protection afforded by its status within the conservation area.
7. The TPO includes an individual tree which has been assessed as contributing to amenity and because of its value to screening and biodiversity.
8. The tree was assessed as attaining a score of 15 (out of a potential total 25) under the tree evaluation method for tree preservation orders (TEMPO), resulting in a decision guide indicating that making a TPO is definitely merited.
9. The confirmation of a TPO cannot be appealed. However, any subsequent

refusal of an application for works to a TPO or imposition of conditions upon consent can be appealed to the Secretary of State via the Planning Inspectorate.

10. Anyone proposing to carry out works to a tree or trees subject to a TPO must seek permission from the local planning authority. This involves completing an application form identifying the trees, detailing the works proposed and explaining the reasons for the works. The council's planning officer will usually inspect the trees prior to making a decision and may recommend alternative works or refuse consent. If authorisation is given to fell a protected tree, a new tree will usually be required to be planted as a replacement. However, this will in turn require a new TPO to be served.
11. If a tree protected by a TPO is felled, pruned or willfully damaged without consent, both the person who carried out the works and the tree owner are liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, an unlimited fine. There are exceptional circumstances, such as when a tree is dead, dying or dangerous, when permission is not required. However, in order to avoid the risk of prosecution advice must be sought from the council and five days notice given before carrying out any works (except in an emergency).

Policy implications

12. The law on tree preservation orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
13. Section 197 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
14. London Plan Policy 7.21 Trees and woodlands states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework.
15. The draft New Southwark Plan P60 states that in exceptional circumstances removal of trees protected by TPO or conservation area status will be permitted where sufficient evidence has been provided to justify their loss. Replacement planting will be expected where removal is agreed. The replacement of TPO trees must take into account the loss of canopy cover as measured by stem girth and biodiversity value.
16. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with proven amenity value.

Objection to the Order

17. Objections have been received from the owner at 156 Peckham Rye and a neighbour at 158 Peckham Rye.
18. The objections relate to alleged damage to garden paving, a rear garden brick outbuilding adjoining 154 Peckham Rye and a garden wall adjoining 158 Peckham Rye.
19. The basis of the objections are that the tree is causing damage to the property whilst also causing a nuisance due to obstruction of views. The tree is

furthermore alleged to be in an unsafe condition and of minor significance to amenity, with a limited life expectancy and poor public visibility.

20. Although the property is grade II listed the detached single storey outbuilding, rear extension and garden walls are not included within the listing description and therefore have lesser weight. There is no evidence of damage to these features associated with the presence of trees.
21. Following a request to provide an arboricultural and/or engineering report insufficient evidence has been provided to substantiate the need for removal. No replacement planting is proposed to mitigate its loss or harm to amenity.
22. The law requires that in order for a TPO to be served the amenity must be assessed. The TEMPO methodology has in this instance been applied correctly taking into account any evidence of trees being a nuisance based on the available evidence.
23. The Field Maple is in a reasonable condition without structural defects or signs of decay, with a safe useful life expectancy of at least 40 years. The specimen is a large size for its species, forming part of a group of mature rear garden trees which can be seen from Wellington Mews, a publically accessible space adjacent to 150 Peckham Rye.
24. Consent has previously been given to crown reduce the tree by up to 2m in January 2011 and November 2016 so that it continues to provide valuable amenity whilst abating nuisance or contact with adjacent property. Due to its multi stemmed form it appears the tree was managed as a high pollard at an early stage of its life, which is assessed at 60cm diameter to be at least 100 years old.
25. Due to the stem size of the crown, management as a pollarded tree is not now considered acceptable. This is due to large diameter wounds and risk of premature decline and death resulting in disease and decay which would result from this type of management, together with significant loss of amenity. A photo of the tree is included within the TPO at Appendix 1.
26. A further objection has been raised that the application to fell the tree was not authorised by the tree owner. However, according to the relevant legislation and guidance anyone with an interest can apply for works to protect trees, with or without the permission or knowledge of the tree owner. Any works which are subsequently consented by the local planning authority must then have the permission of the tree owner.
27. At this stage it is considered that there is insufficient evidence to establish that the tree has caused any damage; no crack monitoring has been undertaken, nor root identification provided. An assessment on site indicates that damage to paving may be readily repaired without the need for tree removal, which is considered disproportionate and unnecessary. There is no reason why the tree could not continue to be maintained on a regular basis under the protection of a TPO.
28. No consideration has been given to alternative solutions such as why pruning may not be appropriate in order to avoid the need for felling.

29. Should the recommendation be accepted and the order confirmed then an application to carry out works can be submitted in the usual way with consent or refusal considered on the basis of any further evidence provided.
30. Any proposed works to protected trees are consulted upon and responses are taken into account when determining the application.

Consultation

31. The TPO was lawfully served to the property and affected parties and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

32. Making a TPO affects the ability of a tree owner to manage and deal with the tree as they see fit. The trees in question must be of sufficient quality to be considered worthy of protection to justify the imposition on the owner that a TPO constitutes. It is noted that the tree has been previously reduced and maintained in the past without seeking prior approval from the council in contravention of Sec.211 of the Town and Country planning Act 1990. A TPO is warranted to ensure ongoing compliance by current and future owners.
33. It is recommended for the reasons set out above that the tree is of sufficient quality to justify TPO status.
34. In this instance it is claimed within two objections that damage has occurred to one property and that the subject tree is the cause of that damage. It is claimed that it cannot logically be in the public interest to preserve a tree that causes damage to property.
35. In an urban or suburban setting most trees will have the ability at some stage in their lifespan to potentially affect the built environment around them. A degree of proportionality has to be exercised as to the extent of that impact and what might constitute mitigation of any proven damage or nuisance.
36. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the tree should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.
37. Should the provisional TPO not be confirmed, any subsequent conservation area application to remove or pollard the tree unnecessarily and without substantiating evidence will result in the re-serving of a TPO.
38. It is therefore recommended that in order to avoid repeated recourse to a TPO that the provisional order is confirmed unamended. Any refusal of consent for works to the tree in future may then be appealed to the Planning Inspectorate for an independent assessment and decision to be made by that body in the usual way.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

39. The original tree preservation order was made on 14 April 2019 and this protects the trees for up to six months unless confirmed and made permanent.
40. The report refers to the duty imposed upon Councils by virtue of section 197 of the Town and Country Planning Act which requires the authority to ensure the preservation and protection of trees where appropriate.
41. In this instance, two objections to the Order have been received.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Online	NA
TEMPO guidance http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf	Online	NA
Southwark Council TPO information http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas	Online	NA
Southwark TPO register https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones	Online	NA

APPENDICES

No.	Title
Appendix 1	Provisional TPO

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Oliver Stutter, Planning Officer	
Version	Final	
Dated	16 September 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	18 September 2019	

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012****London Borough of Southwark
Tree Preservation Order (No. 533) 2019**

156 Peckham Rye, London SE22 9QH

THIS IS A FORMAL NOTICE to let you know that on the 14th May 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map, without the local planning authority's consent.

Some explanatory guidance on tree preservation orders is available via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders--general>.

The Council has made the order because the tree makes a positive contribution to the local environment as assessed by a TEMPO evaluation.

The order took effect on a provisional basis on the 14th May 2019. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any representations, please make sure we receive them in writing within 28 days of this date of this notice (17:00 11/06/2019). Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided. Send your comments to London Borough of Southwark, (Ref TPO/533), 160 Tooley Street, PO Box 64529, London SE1P 5LX. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made. Additional information regarding tree preservation orders can be found at <http://www.southwark.gov.uk/info/505/trees>.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this notification, please contact Oliver Stutter Urban Forester on 0207 525 5599.

Dated 14th May 2019



Director of Planning
Authorised by the Council to sign in that behalf

London Borough of Southwark
160 Tooley Street
PO Box 64529
London SE1P 5LX

Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Objections and representations

6(1) *Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order (TPO Number 533) 2019

The London Borough of Southwark in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order (TPO Number 533) 2019

Interpretation

- 2.— (1) In this Order “the authority” means the London Borough of Southwark
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
 any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 14th day May 2019

Signed on behalf of the London Borough of Southwark


 Simon Bevan
 Director of Planning
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by London Borough of Southwark without modification on the day of

OR

This Order was confirmed by the London Borough of Southwark, subject to the modifications indicated by , on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the London Borough of Southwark on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

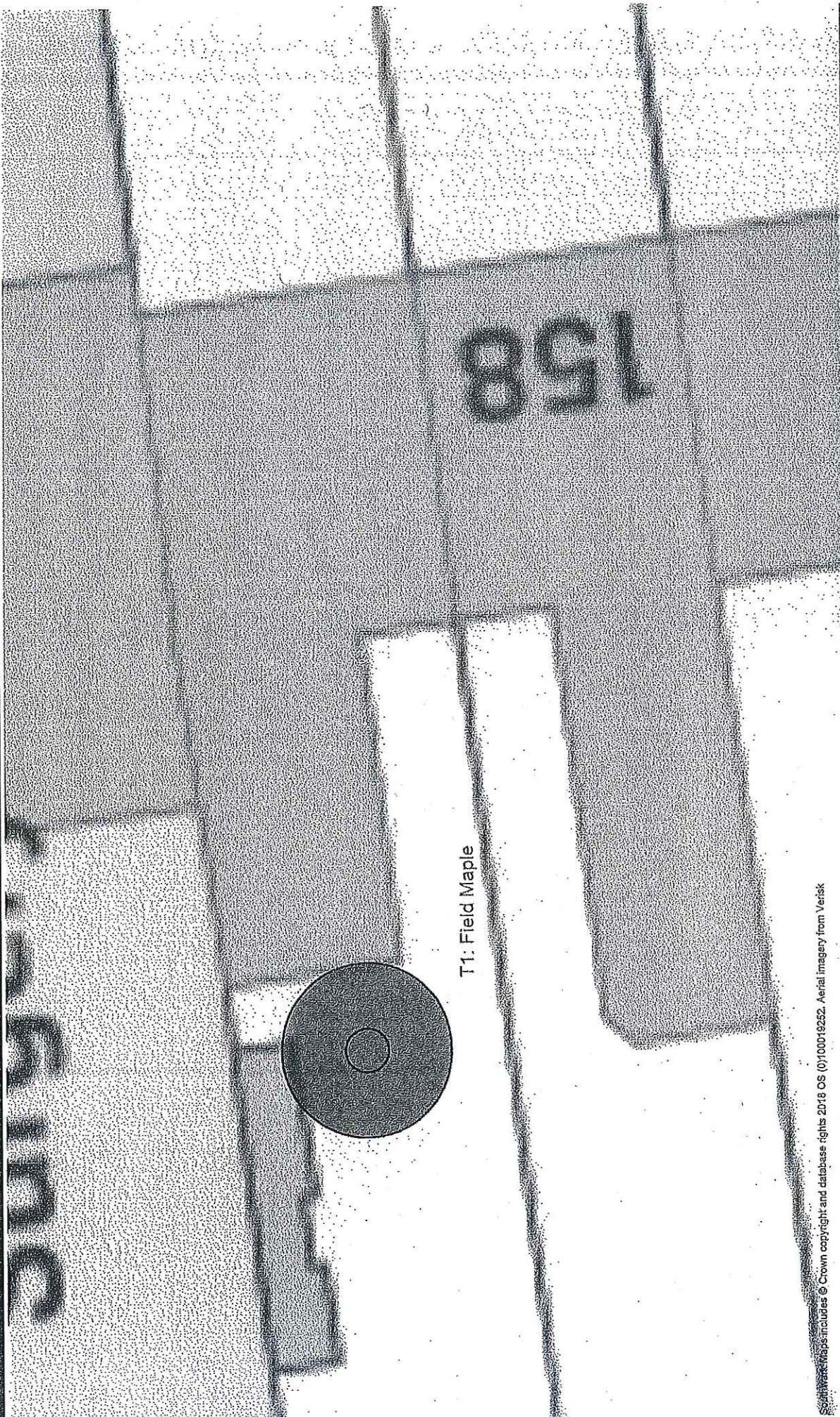
Authorised by the Council to sign in that behalf

SCHEDULE**Specification of trees****Trees specified as individuals**

(shown circled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Field Maple	Rear of 156 Peckham Rye, London SE22 9QH

TPO 533: 156 PECKHAM RYE, SE22 9QH



T1: Field Maple

Southwest Maps includes © Crown copyright and database rights 2018 OS (0100019252). Aerial imagery from Veisak

2m

14-May-2019

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:	
Tree details TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes <div style="text-align: center; font-size: 2em; margin-top: 10px;">3</div>

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable.
- 0) <10* Unsuitable

Score & Notes <div style="text-align: center; font-size: 2em; margin-top: 10px;">4</div>

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes <div style="text-align: center; font-size: 2em; margin-top: 10px;">3</div>

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes <div style="text-align: center; font-size: 2em; margin-top: 10px;">2</div>

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

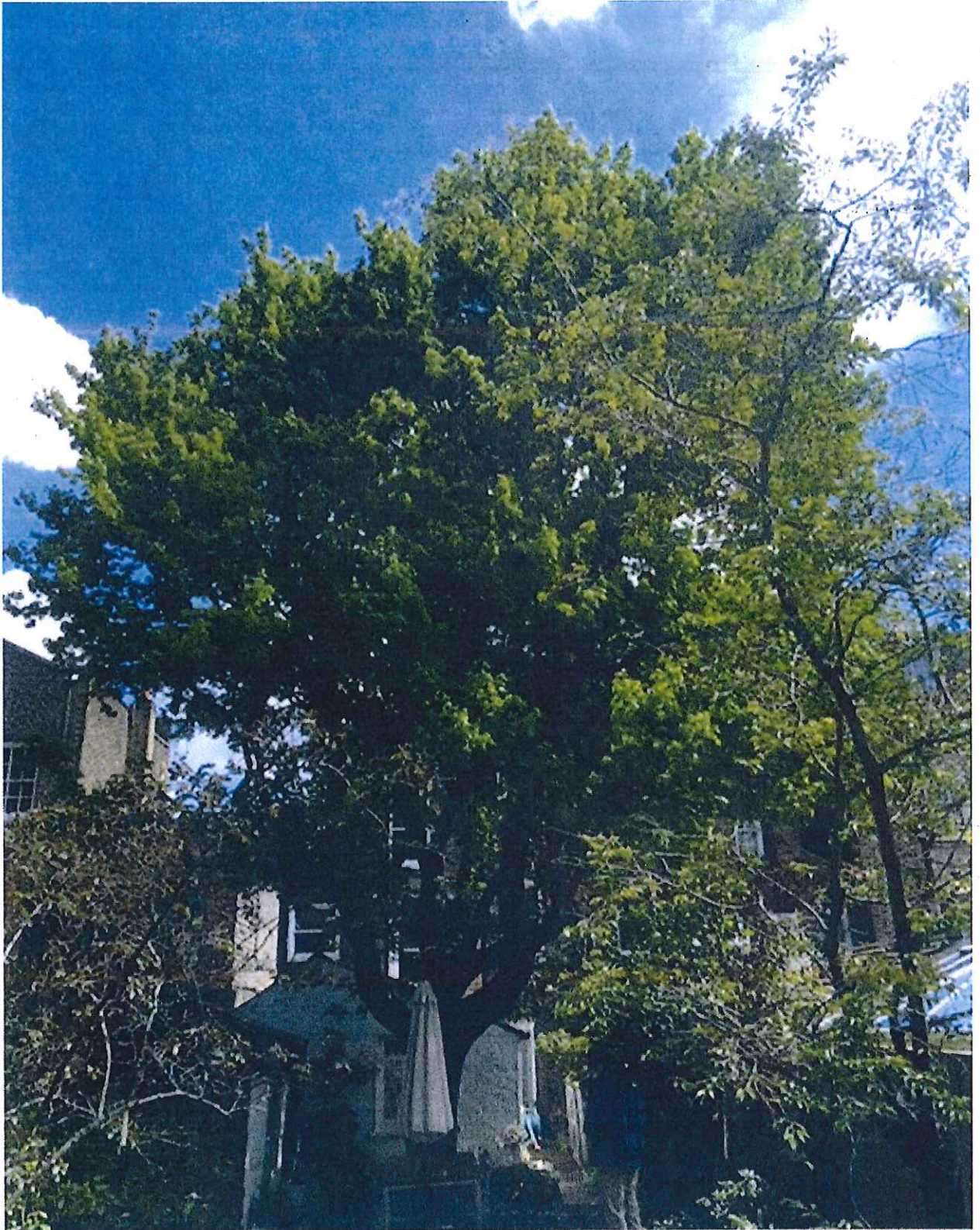
Score & Notes <div style="text-align: center; font-size: 2em; margin-top: 10px;">5</div>

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: <div style="text-align: center; font-size: 2em; margin-top: 10px;">17</div>
--

Decision: <div style="text-align: center; font-size: 1.5em; margin-top: 10px;">TPO</div>



Item No. 9.	Classification: Open	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:		TPO confirmation 113a Bushey Hill Road, London, SE5 8QQ	
Ward(s) or groups affected:		St Giles	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional tree preservation order reference 528 be confirmed unamended.

BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on 8 April 2019 following a request to fell a Lime tree within the Holly Grove Conservation Area.
3. The TPO protects two individual trees. Two objections have been received in respect of including Lime tree T1 in the Order.

KEY ISSUES FOR CONSIDERATION

4. To continue to have effect the TPO attached in Appendix 1 must be confirmed within six months from the date of being served. Should it not be confirmed the trees described in the schedule and shown in the plan can be removed without the need for the council's consent.
5. The TPO includes two individual trees which have been assessed as contributing to amenity and because of their value to screening or biodiversity.
6. The trees were assessed as attaining a score of 18 (out of a potential total 25) under the Tree Evaluation Method for Tree Preservation Orders (TEMPO), resulting in a decision guide indicating that making a TPO is definitely merited.
7. The tree locations are within a conservation area which affords protection from unauthorised works.
8. The confirmation of a TPO cannot be appealed. However, any subsequent refusal of an application for works to a TPO or imposition of conditions upon consent can be appealed to the Secretary of State via the Planning Inspectorate.
9. Anyone proposing to carry out works to a tree or trees subject to a TPO must seek permission from the local planning authority. This involves completing an application form identifying the trees, detailing the works proposed and explaining the reasons for the works. The council's planning officer will usually inspect the trees prior to making a decision and may recommend alternative works or refuse consent. If authorisation is given to fell a protected tree, a new

tree will usually be required to be planted as a replacement. However, this will in turn require a new TPO to be served.

10. If a tree protected by a TPO is felled, pruned or willfully damaged without consent, both the person who carried out the works and the tree owner are liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, an unlimited fine. There are exceptional circumstances, such as when a tree is dead, dying or dangerous, when permission is not required. However, in order to avoid the risk of prosecution advice must be sought from the council and five days notice given before carrying out any works (except in an emergency).

Policy implications

11. The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
12. Section 197 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
13. London Plan Policy 7.21 Trees and woodlands states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework.
14. The draft New Southwark Plan P60 states that in exceptional circumstances removal of trees protected by TPO or conservation area status will be permitted where sufficient evidence has been provided to justify their loss. Replacement planting will be expected where removal is agreed. The replacement of TPO trees must take into account the loss of canopy cover as measured by stem girth and biodiversity value.
15. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with amenity value

Objection to the order

16. Objections have been received from the ground and first floor residents of a property adjacent to where a pollarded mature Lime tree T1 is located, to the front of 113a Bushey Hill Road.
17. The objection relates to damage to a property at 113 Bushey Hill Road, where no TPO trees are located.
18. The basis of the objection is that the tree is causing damage to the property.
19. However, the evidence provided to substantiate the objection states that “the damage observed is minor and of no detriment to the structural integrity of the property.” No replacement planting is proposed to mitigate its loss or harm to amenity.
20. The law requires that in order for a TPO to be served the amenity must be assessed. The TEMPO methodology has in this instance been applied correctly taking into account any evidence of trees being a nuisance based on the available evidence.

21. The Lime trees are two of the few remaining street front trees remaining on Bushey Hill Road. The trees have been regularly pollarded, but despite being within the Holly Grove Conservation Area, there is no record of any application being made to or approved by the council; in contravention of Sec.211 of the Town and Country Planning Act 1990 (as amended). The trees are highly visible from the public realm and add to the overall character of the dwelling by framing the property. The trees are a remnant of the former historic streetscene as surveyed on the 1879 map and therefore have significant heritage value. A photograph of the trees is attached at Appendix 4.
22. At this stage it is considered that there is insufficient evidence firstly to establish that the tree has caused any damage, no crack monitoring has been undertaken, nor root identification proffered. Furthermore, the submitted report states categorically that the damage is both minor and to no structural detriment. Secondly that removal of the tree rather than some lesser step is required or reasonable. Indeed, there is no reason that the tree could not be continued to be pollarded on a cyclical basis under the protection of a TPO.
23. No consideration has been given to alternative solutions such as why pruning may not be appropriate in order to avoid the need for felling, or the opportunity to install a root barrier.
24. Should the recommendation be accepted and the order confirmed then an application to carry out works can be submitted in the usual way with consent or refusal considered on the basis of any further evidence provided.
25. Any proposed works to protected trees are consulted upon and responses are taken into account when determining the application.

Consultation

26. The TPO was served by hand to all affected properties and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

27. Making a TPO affects the ability of a tree owner to manage and deal with the tree as they see fit without recourse to the Council. The trees in question must be of sufficient quality to be considered worthy of protection to justify the imposition on the owner that a TPO constitutes. Let it be noted that the tree has been previously reduced and maintained in the past without seeking prior approval from the Council in contravention of Sec.211 of the Town and Country planning Act 1990 (as amended), a TPO is warranted to ensure compliance by the trees owners.
28. It is recommended for the reasons set out above that all trees within the TPO are of sufficient quality to justify TPO status.
29. In this instance it is claimed within two objections that damage has occurred to one property and that the subject tree is the cause of that damage. It is claimed that it cannot logically be in the public interest to preserve a tree that causes damage to property.

30. In an urban or suburban setting most trees will have the ability at some stage in their lifespan to potentially affect the built environment around them. A degree of proportionality has to be exercised as to quite what the nature of that impact is and what might constitute mitigation of any proven impacts.
31. The objected to tree is claimed to impact an adjoining property, but that has not been proved, nor has it been proved that actions short of removal of the tree would not resolve the matter. On the basis of the information available it is recommended to confirm the TPO.
32. Whilst there would be no right of appeal against confirmation, the effected parties can apply subsequently with further evidence to carry out works to the objected to tree should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.
33. A further TPO application to reduce the two trees was submitted on 19 June 2019 and on 25 July 2019 consent was GIVEN to carry out the following works:
T1 and T2 Limes - reduction every 1 to 2 years to remove epicormic growth back to previous pollard points; for a period not exceeding 6 years.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

34. The original Tree Preservation Order was made on 8 April 2019 and this protects the trees for up to six months unless confirmed and made permanent.
35. The report refers to the duty imposed upon councils by virtue of section 197 of the Town and Country Planning Act which requires the authority to ensure the preservation and protection of trees where appropriate.
36. In this instance, two objections to the Order have been received.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Online	NA
TEMPO guidance http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf	Online	NA
Southwark Council TPO information http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas	Online	NA
Southwark TPO register https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones	Online	NA

APPENDICES

No.	Title
Appendix 1	Provisional TPO

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Liam Bullen, TPO Surveyor	
Version	Final	
Dated	11 September 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	18 September 2019	

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012****London Borough of Southwark
Tree Preservation Order (No. 528) 2019**

113a BUSHEY HILL ROAD, SE5 8QQ

THIS IS A FORMAL NOTICE to let you know that on the 8th April 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map, without the local planning authority's consent.

Some explanatory guidance on tree preservation orders is available via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders--general>.

The Council has made the order because the trees makes a positive contribution to the local environment as assessed by a TEMPO evaluation.

The order took effect on a provisional basis on the 8th April 2019. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any representations, please make sure we receive them in writing within 28 days of this date of this notice (17:00 06/05/2019). Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided. Send your comments to London Borough of Southwark, (Ref TPO/528), 160 Tooley Street, PO Box 64529, London SE1P 5LX. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made. Additional information regarding tree preservation orders can be found at <http://www.southwark.gov.uk/info/505/trees>.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this notification, please contact Oliver Stutter Urban Forester on 0207 525 5599.

Dated 8th April 2019



Simon Bevan
Director of Planning
Authorised by the Council to sign in that behalf

London Borough of Southwark
160 Tooley Street
PO Box 64529
London SE1P 5LX

Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Objections and representations

6(1) *Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order (TPO Number 528) 2019

The London Borough of Southwark in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order (TPO Number 528) 2019

Interpretation

- 2.— (1) In this Order "the authority" means the London Borough of Southwark
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

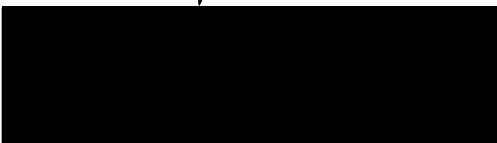
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 8th day April 2019

Signed on behalf of the London Borough of Southwark



Simon Bevan
 Director of Planning
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by London Borough of Southwark without modification on the day of

OR

This Order was confirmed by the London Borough of Southwark, subject to the modifications indicated by , on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the London Borough of Southwark on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

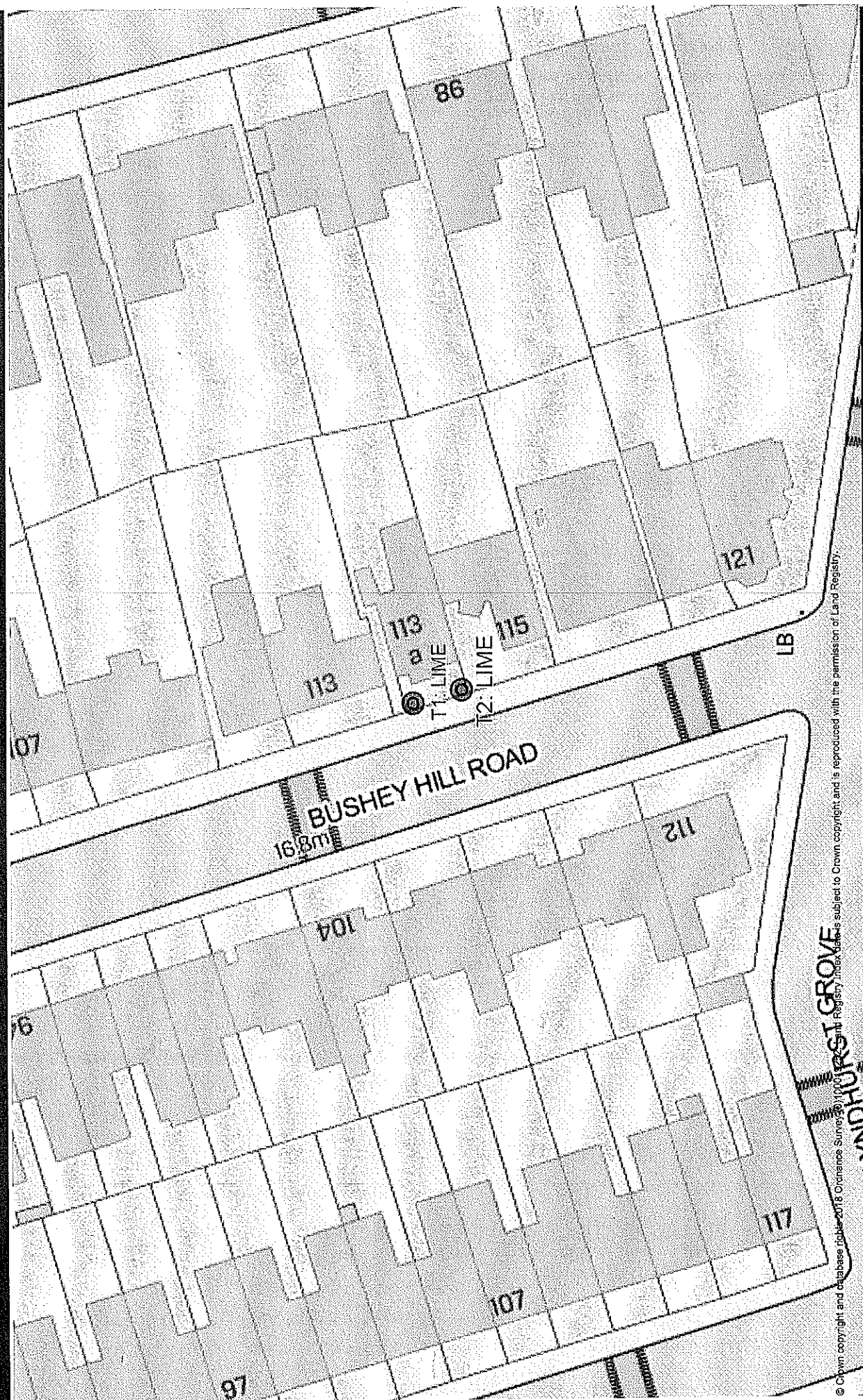
SCHEDULE
Specification of trees

Trees specified as individuals

(shown circled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lime	Front of 113A Bushey Hill Road, SE5 8QQ
T2	Lime	Front of 113A Bushey Hill Road, SE5 8QQ

tpo 528: 113A BUSHEY HILL ROAD, SE5 8QQ



© Crown copyright and database right 2018 Ordnance Survey 100019161. This map is reproduced with the permission of Land Registry.

WINDHURST GROVE

8-Apr-2019

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 8/4/2019 Surveyor: LIAM BOWEN

Tree details
 TPO Ref (if applicable): 528 Tree/Group No: T1+T2 Species: LIME
 Owner (if known): USA BUSHY HILL RD Location: 118A BUSHY HILL RD, SES 8000

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes
3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
4

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes
3

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
5

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
18

Decision:
TPO

Google Maps Bushey Hill Rd

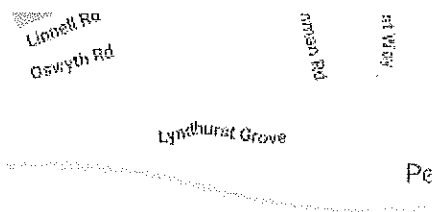


Image capture: Sep 2018 © 2019 Google

London, England

Google

Street View - Sep 2018



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		Dated: 20 September 2019	