

Planning Sub-Committee A

Tuesday 13 October 2020

6.30 pm

Online/Virtual: Members of the public are welcome to attend the meeting.

Please contact Constitutional.Team@southwark.gov.uk for a link or telephone dial-in instructions to join the online meeting

Membership

Councillor Kath Whittam (Chair)
Councillor Adele Morris (Vice-Chair)
Councillor Maggie Browning
Councillor Sunil Chopra
Councillor Martin Seaton
Councillor Richard Leeming
Councillor Jane Salmon

Reserves

Councillor Anood Al-Samerai
Councillor Peter Babudu
Councillor Renata Hamvas
Councillor Victoria Olisa
Councillor Paul Fleming

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

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

Contact:

Gerald Gohler on 020 7525 7240 or email: gerald.gohler@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 29 September 2020



Planning Sub-Committee A

Tuesday 13 October 2020
6.30 pm

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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.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 3
	To approve as a correct record the minutes of the meeting held on 8 July 2020.	
7.	DEVELOPMENT MANAGEMENT ITEMS	4 - 7

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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 (virtual meetings)

Please note:

The council has made the following adaptations to the committee process to accommodate virtual meetings:

- The agenda will be published earlier than the statutory minimum of five working days before the meeting. We will aim to publish the agenda ten clear working days before the meeting.
- This will allow those wishing to present information at the committee to make further written submissions in advance of the meeting in order to:
 - Correct any factual information in the report
 - Confirm whether their views have been accurately reflected in the report
 - Re-emphasise the main points of their comments
 - Suggest conditions to be attached to any planning permission if granted.
- **Those wishing to speak at the meeting should notify the constitutional team at Constitutional.Team@southwark.gov.uk in advance of the meeting by 5pm on the working day preceding the meeting.**

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 in the virtual meeting and wish to speak) for **not more than three minutes each**. **Speakers must notify the constitutional team at Constitutional.Team@southwark.gov.uk in advance of the meeting by 5pm on the working day preceding the meeting.**

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the three-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). If there is more than one supporter (who lives within 100 metres of the development site) wishing to speak, the time is divided within the 3-minute time slot.
- (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 three-minute time allowance must be divided amongst those wishing to speak. Where you are unable to decide who is to speak in advance of the meeting, the chair will ask which objector(s)/supporter(s) would like to speak at the point the actual item is being considered. The clerk will put all objectors who agree to this in touch with each other, so that they can arrange a representative to speak on their behalf at the meeting. The clerk will put all supporters who agree to this in touch with each other, so that they can arrange a representative to speak on their behalf at the meeting.
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, will be speaking in their designated time-slots only, apart from answering brief questions for clarification; this 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 to which is open to the public and there should be no interruptions from members of the public.
10. Members of the public are welcome to record, screenshot, or tweet the public proceedings of the meeting.
11. Please be considerate towards other people and take care not to disturb the proceedings.
12. This meeting will be recorded by the council and uploaded to the Southwark Council YouTube channel the day after the meeting.

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

Contacts: General Enquiries
Planning Section, Chief Executive's Department
Tel: 020 7525 5403

**FOR ACCESS TO THE VIRTUAL MEETING
PLEASE CONTACT:**

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance
Email: Constitutional.Team@southwark.gov.uk

REMOTE MEETING ETIQUETTE FOR PARTICIPANTS

Members of the committee, other councillors who seek to address the committee, officers advising the committee or presenting reports, any external partners / third-parties invited to address or advise the committee, co-optees and any members of the public who have registered to speak at the meeting are asked to adhere to the following guidelines:

Preparing for the meeting

1. If you are planning to attend, please make sure you have informed the constitutional/scrutiny officer named on the agenda front sheet, so that a full list of those expected at the meeting can be prepared and you are sent the joining instructions.
2. Ensure that you are located in an area where you are unlikely to be disturbed.
3. Ensure that your broadband connection is sufficiently stable to join the meeting. If your connection has low bandwidth, you might need to ask others using your broadband connection to disconnect their devices from the broadband for the duration of the meeting. If this does not help, you may wish to try connecting your device to your router using an Ethernet cable.
4. When accessing the meeting using a private laptop or desktop computer, you will need to use the link you have been provided with outside of the Southwark CITRIX environment.
5. Ensure that your background is neutral (a blank wall is best) and that you are dressed as though you attend a meeting that is open to the public in real life.
6. If you decide to switch on your camera, please ensure that the camera on the device that you are using is positioned to provide a clear view of your face. This may involve thinking about the lighting in the room you are in (for example, sitting in front of a window may plunge your face into shadow) or putting your webcam, laptop or tablet on top of a stack of books so that you can look straight into the camera.
7. Ensure that you are familiar with the functions of the software you are using. The constitutional/scrutiny officer will be online 10 minutes before the scheduled start of the meeting to give everyone time to join and deal with any technical challenges. Please try to join the meeting at least 5 minutes before the meeting start time to make sure that everything is working. Ideally, you should use earphones or a headset to participate in meetings as it reduces the risk of feedback from using your device's external speaker and reduces background noise from your surroundings. Please do not access the meeting with two devices simultaneously, or if this is unavoidable, please ensure you mute the microphones when not speaking, and turn down the speakers when you are speaking. This will avoid feedback.
8. Meeting participants that choose to join the meeting using the conference call facility will not be able to use video, view other participant's video, or see any documents that are shared using the screen sharing function. [Planning meeting only: The chair has ruled that the meeting will not accept members of the committee participating using a telephone connection alone.]

At the meeting

9. Join the meeting promptly to avoid unnecessary interruptions.
10. When joining the virtual meeting, please mute your microphone and switch off your camera until the chair opens the meeting formally.

11. Mute your microphone when you are not speaking. You may also want to turn off your video when not speaking in order to reduce the bandwidth needed. Participants joining the meeting from a mobile phone can unmute themselves by pressing *6 on their device.
12. The regulations state that for members to be considered to be in attendance at a virtual meeting, they have to be able to hear the proceedings, and the meeting has to be able to hear them. You can therefore choose to switch off your camera even when speaking, for privacy reasons, if you prefer.
13. Only speak when invited to do so by the Chair.
14. When speaking for the first time, please state your name.
15. Keep comments, questions and other contributions brief and to the point.
16. If referring to a specific page on the agenda, mention the page number or paragraph number.
17. The 'chat' function must only be used by committee members to indicate a wish to speak. It is not to be used for conversations and should be used in an appropriate and professional manner at all times.
18. Once the Chair closes the meeting, all remaining participants should leave the meeting promptly.

Exempt or confidential items / closed session

Occasionally, committees may need to go into closed session to consider information that is confidential or exempt from publication. If this happens, the committee will pass a resolution to that effect, and for those meetings that are being livestreamed, the livestream will be cut.

19. If you are asked to leave the meeting, please end your connection promptly. Any connections that are not ended promptly will be terminated by the constitutional/scrutiny officer.
20. Members of the committee should ensure that, if the meeting goes into closed session, they are on their own and cannot be overheard in the place they are accessing the closed session from.
21. After the motion to go into closed session has been passed, members should exit the main meeting and re-join the "Briefing/Closed session" Teams meeting. Once the closed session has ended, members should re-join the main meeting by clicking on the link to the main meeting they initially used.

LIVESTREAMING / RECORDING NOTICE

This meeting will be livestreamed, and recorded for future viewing, on the council's YouTube channel (except where there are confidential or exempt items being discussed in closed session):

https://www.youtube.com/channel/UCqgAueevJzRUGB_eAZia0xw

The livestream/recording will also be paused when the meeting adjourns.

If you make a representation to the meeting and you do not switch off your camera, you will be deemed by the council to have consented to being filmed and to the possible use of those images and sound recordings for webcasting, recording of the meeting and/or training purposes. (If you switch off your camera while making a representation, you will equally be deemed by the council to have consented to the sound being recorded, webcast and/or used for training purposes.)

Members of the public are welcome to make their own recordings or take screenshots of this remote meeting. The council will only seek to prevent this, should it be undertaken in a disruptive or otherwise inappropriate manner. Please see the council's filming protocol at:

<http://moderngov.southwarksites.com/ecSDDisplay.aspx?NAME=Protocol%20for%20Reporting%20and%20Filming&ID=1036&RPID=0&sch=doc&cat=13184&path=13184>

If you have any queries regarding the livestreaming or the recording of meetings, please contact the constitutional/scrutiny team on 020 7525 7420.



Planning Sub-Committee A

MINUTES of the virtual Planning Sub-Committee A held on Wednesday 8 July 2020 at 6.30 pm.

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

OTHER MEMBERS PRESENT: Councillor Renata Hamvas
Councillor Victoria Mills

OFFICER SUPPORT: Margaret Foley (Senior Planning Lawyer)
Dipesh Patel (Group Manager - Major Applications)
Glenn Ruane (Planning Officer)
Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 7.1 – development management item
- Members' pack.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 27 April 2020 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 agenda 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 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 can be clearly specified.

7.1 DEVELOPMENT LAND BETWEEN 59 AND 61 RYE HILL PARK, LONDON SE15

Planning application number: 19/AP/0480

PROPOSAL

Redevelopment of vacant site to provide enhanced public open space and the construction of a 6 storey building to provide up to 10 affordable dwellings (4 x social rent, 6 x shared ownership).

The chair informed the meeting that an email by the applicant had been received by members of the sub-committee a short time before the meeting, but that this had come in too late to be considered.

The sub-committee heard the officer's introduction to the report and addendum report. Members of the sub-committee asked questions of the officers.

There were no objectors wishing to address the meeting.

The applicant's representative addressed the sub-committee, and answered questions put by the sub-committee.

There were no supporters living within 100 metres of the application site wishing to speak.

Councillors Victoria Mills and Renata Hamvas addressed the meeting in their capacity as ward councillors, and answered questions put by the sub-committee.

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

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

RESOLVED:

1. That planning permission be granted subject to a legal agreement and the conditions set out in the report and addendum report, and the following additional conditions:
 - Hard and soft landscaping details to be submitted which are to include signage indicating that the green space is publicly accessible
 - A woodland management plan to be submitted which is to include a prohibition of felling any trees on the site during nesting periods
 - Bat and bird boxes to be provided on site
 - Details of the surface water drainage strategy to be provided;

as well as an amended condition 3 requiring details of the external facing materials to be used in the carrying out of this permission to be submitted.
2. That if a legal agreement is not completed by 30 September 2020, the director of planning be authorised to refuse planning permission, if appropriate, for the reason detailed in paragraph 73 of the report.

The meeting ended at 8.05 pm.

CHAIR:

DATED:

Agenda Item 7

Item No. 7.	Classification: Open	Date: 13 October 2020	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

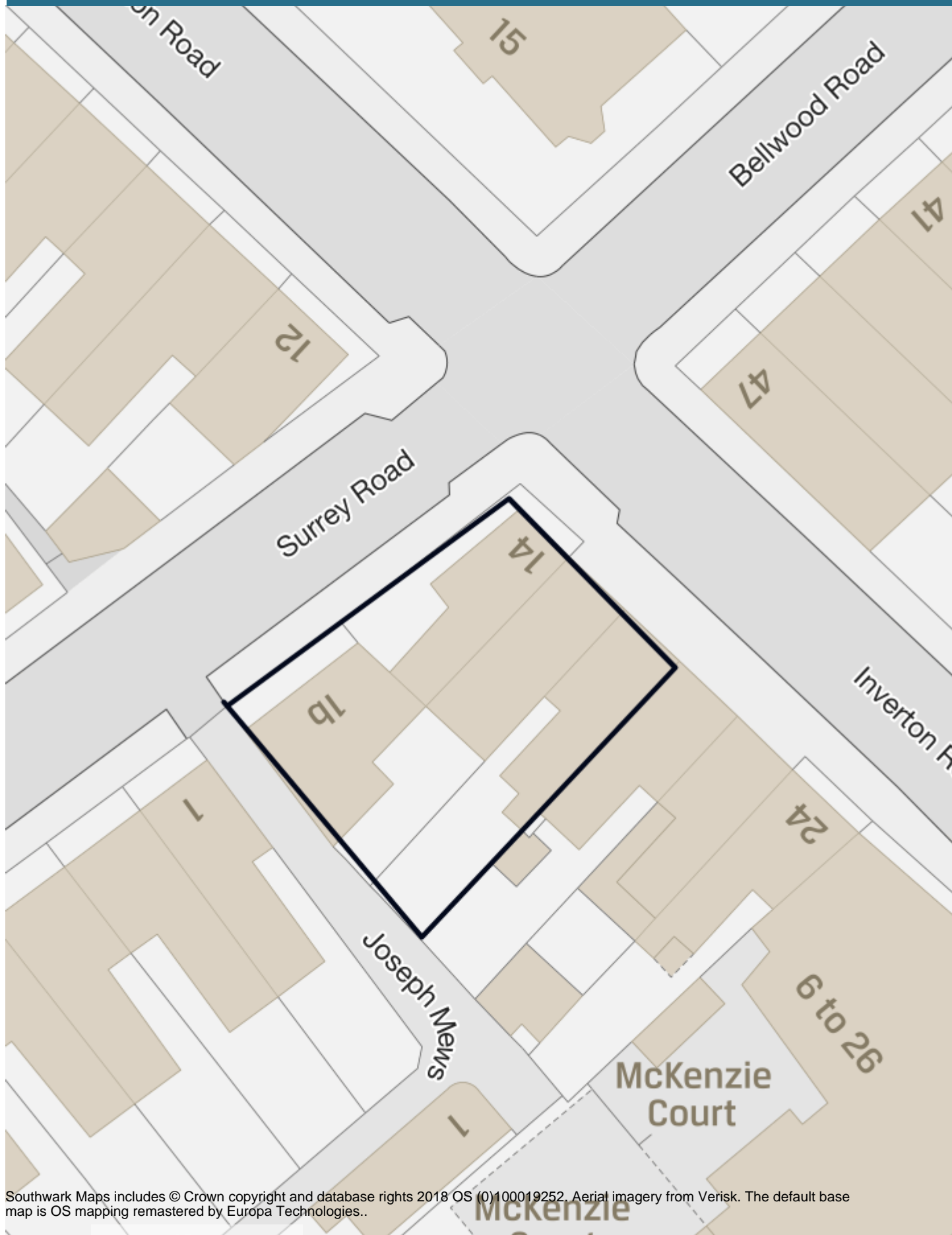
Lead Officer	Chidilim Agada, Head of Constitutional Services		
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development		
Version	Final		
Dated	29 September 2020		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer 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			29 September 2020

Agenda Item 7.1

8



20/AP/1016 - 14-18 INVENTON ROAD, LONDON, SE15 3DD



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Item No. 7.1	Classification: Open	Date: 13 October 2020	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 20/AP/1016 for: Full planning application Address: 14 -18 INVERTON ROAD LONDON SOUTHWARK SE15 3DD Proposal: Demolition of existing buildings (14-18 Inverton Road) and construction of a mixed use building which includes five residential houses (5 x 4-bed), one flat (1 x 2-bed) and 40sqm of A1 commercial use, with associated cycle and refuse stores.		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date 06/04/2020		Application Expiry Date 01/06/2020	
Earliest Decision Date 27/05/2020			

RECOMMENDATION

1.
 - a) That planning permission is granted subject to conditions and the completion of a legal agreement.
 - b) In the event that the legal agreement is not completed by 31 December 2020, that the Director of Planning be authorised to refuse planning permission for the reasons set out in paragraph 91 of this report.

BACKGROUND INFORMATION

2. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (2020 No. 757) came into effect. This changed the previous Use class A1, to Class E (Commercial, business and service). A separate use class F.2 exist for local community; however this application does not fall into this category as there are other facilities within a 1,000 metre radius of the shop's location.
3. The legislation makes reference to a 'material period' which is a transitional period from 1 September 2020 to 31 July 2021. During this period, any references in the General Permitted Development Order (GDPO) to the uses or use classes specified in the Schedule to the Use Classes Order are to be read as if those references were to the uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31 August 2020 i.e. use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights until 31 July 2021.
4. In conclusion, this report will refer to class A1 use class, however with consideration of new legislation to be taken into effect where it is referred to as Class E. The description of development has therefore changed and a condition has been inserted restricting the

flexibility in this use Class E to limited to historic class A1 (retail), which has been a material consideration upon assessing the acceptability of this planning application.

Site location and description

5. The site comprises three 2-storey residential properties at the end of a short terrace onto Inverton Road at its junction with Surrey Road, and a single storey property that has been built within the rear garden of the corner building (1b Surrey Road). The terrace is part of a long, narrow street block within a residential area laid out during 1880 - 1900s, with the majority of properties surviving from the late Victorian period. The urban grid is principally laid out on a northwest/southeast axis and provides a coherent, domestic townscape of modest townhouses typical of the period.
6. The application site is currently used for residential (C3 use), with a newsagent (A1) at ground floor.
7. The site is located in the vicinity of Nunhead Cemetery Conservation Area, North Southwark and Roman Roads Archaeological Priority Area, however does not overlap explicitly with either of these areas. It also crosses a green chain link seated on connecting roads between Nunhead Cemetery and Honour Oak Cemetery.
8. The site is located in an area with the following spatial designations:
 - Peckham and Nunhead Action Area
 - Suburban Density Zone
 - Air Quality Management Area
 - PTAL rating of 2
 - Flood Zone 1
9. The application site is not within a conservation area and is not a heritage asset (designated or undesignated). The late Victorian London Board School in the nearby Bellwood Road (Ivydale Primary School) is grade II listed.

The surrounding area

10. The surrounding area is largely residential with buildings of two to three storeys in height and ranging from terraced houses to blocks of flats. Inverton Road is part of the main thoroughfare through the area and has a more varied form and character, compared to Surrey Road which runs perpendicular to the site. The application buildings were originally constructed as housing with ground floor retail and provided a parade of local shops. However, all but one of the shops have closed and been converted piecemeal to residential, with few choosing to establish formal front gardens that has resulted in an untidy streetscape on Inverton Road. No.26-32 Inverton Road was redeveloped in the 1990s to provide McKenzie Court, a modern L-shaped block of flats that returns onto Ivydale Road, which has further altered the townscape at the eastern end of the street block.
11. Surrey Road exemplifies the coherent, late Victorian townscape that has survived, making for an attractive residential area. There are occasional replacement residential houses, although these are often pastiche in style, adopting the same or similar form and architectural details.

Details of proposal

12. The proposal was originally for the demolition and construction of six 3-storey houses onto Surrey Road (6 x 4-bed).
13. Following amendments to the scheme, the proposal has been altered to provide five 3-

storey houses facing onto Surrey Road with the sixth corner unit providing an A1 shop on ground-floor onto Inverton Road and a residential flat above also accessed from Inverton Road. (5 x 4-bed houses and 1 x 2-bed flat with 40sqm A1 retail).

Planning history

14. See Appendix 1 for any relevant planning history of the application site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

15. The main issues to be considered in respect of this application are:
 - Principle of the proposed development in terms of land use
 - Density
 - Quality of residential accommodation
 - Design, layout, heritage assets and impact on Borough and London views
 - Landscaping and trees
 - Outdoor amenity space, children's playspace and public open space
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - Transport and highways
 - Noise and vibration
 - Air quality
 - Ground conditions and contamination
 - Water resources and flood risk
 - Planning obligations (S.106 undertaking or agreement)
 - Mayoral and borough community infrastructure levy (CIL)
 - Community involvement and engagement
 - Consultation responses, and how the application addresses the concerns raised
 - Community impact and equalities assessment
 - Human rights
 - Positive and proactive statement, and
 - Other matters
16. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

17. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
18. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

National Planning Policy Framework (2019)

19. 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.

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 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 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

The London Plan 2016

20. 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 3.5 - Quality and design of housing developments

Policy 4.3 - Mixed use development and offices

Policy 5.1 - Climate change mitigation

Policy 5.12 - Flood risk management

Policy 5.13 - Sustainable drainage

Policy 5.17 - Waste capacity

Policy 6.9 - Cycling

Policy 7.4 - Local character

Policy 7.5 - Public realm

Policy 7.6 - Architecture

Policy 7.14 - Improving air quality

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

Core Strategy 2011

21. 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 7 – Family homes

Strategic Policy 10 – Jobs and businesses

Strategic Policy 11 – Open spaces and wildlife

Strategic Policy 12 – Design and conservation

Strategic Policy 13 – High environmental standards

Southwark Plan (2007) - saved policies

22. 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 1.1 – Access to employment opportunities

Policy 1.4 – Employment sites outside the preferred office locations and preferred industrial locations

Policy 3.2 – Protection of amenity

Policy 3.3 – Sustainability assessment

Policy 3.6 – Air quality

Policy 3.8 – Waste management

Policy 3.11 – Efficient use of land

Policy 3.12 – Quality in design

Policy 3.12 – Urban design

Policy 3.15 – Conservation of the historic environment

Policy 3.28 – Biodiversity

Policy 4.2 – Quality of residential accommodation

Policy 5.2 – Transport impact

Supplementary planning guidance documents

Area based Area Action Plans (APPs) or Supplementary Planning Documents (SPDs)

23. Residential Design Standards (2015 Technical Update)
S106 Planning obligations and CIL SPD (2015)
Peckham and Nunhead Area Action Plan

Emerging planning policy

Draft New London Plan

24. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Minor suggested changes to the plan were published on 13 August 2018 and an Examination in Public (EIP) began on 15 January 2019 and closed in May 2019.
25. The Inspector's report and Panel Recommendations were issued to the Mayor of London in October 2019. The Mayor then issued his intentions to publish the London Plan along with a statement of reasons for not including all of the Inspector's recommendations to the Secretary of State. The Secretary of State will respond to the Mayor, due before 17 February 2020. Until the London Plan reaches formal adoption it can only be attributed limited weight.

New Southwark Plan

26. 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. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019.
27. The New Southwark Plan Submission Version: Proposed Modifications for Examination was submitted to the Secretary of State in January 2020 for Local Plan Examination. It is anticipated that the plan will be adopted in late 2020 following an Examination in

Public (EIP). 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.

ASSESSMENT

Principle of the proposed development in terms of land use

Principle of A1 use class

28. The initial proposal included a loss of the entirety of the existing shop (45sq.m plus 21sq.m storage space). A large number of objections were received in response to the loss of this unit, and a set of amended drawings were received which provided 33sq.m of the A1 use plus 7sqm in storage. The proposed shop floor area has been reduced from 45sq.m to 33sq.m which is a 26% reduction in the shop floor (loss of 12 sq.m) from the existing condition. The storage space has also been reduced from 21sq.m to 7sq.m, which is a 66% reduction (loss of 14sq.m). A1 floor area includes shop floor and ancillary storage as a combined total. Overall the A1 reduction is 21sqm which is a 31% reduction in A1 floorspace.
29. The reduction in size of the shop in the proposed development has been deemed as capable of offering the same goods and services as provided in the current shop, thereby complying with policy P31 of the emerging New Southwark Plan.
30. Concerns raised during consultation include the reduction in A1 floorspace leading to a potential change in the provision of goods and services provided at this location. Current services provided by the existing shop include:
 - Pay Zone top ups for gas and electricity
 - Oyster card services
 - Cash machine (ATM)
 - Fresh dairy products, newspapers, groceries, cleaning materials, postage stamps over-the-counter medicines, off licence
31. An undertaking in the legal agreement has been confirmed to ensure a cash machine is included in the new shop. The other goods and services are capable of being provided by the facilities and floorspace presented in the proposed shop.
32. P37 of the emerging New Southwark Plan requires a walking distance of 400m to alternative A1 use class, and policy 1.10 of the adopted policy requires walking distance of 600m to an alternative A1 use class. This is deemed as sufficient evidence in planning policy terms to justify the reduction in floorspace. An assessment of the area indicates that two shops with a similar selection of goods and services are located roughly 300m from the development site and two shops are roughly 500m distance from the site.
33. The next nearest provision of goods include:
 - Hardings at 2 Cheltenham Road (roughly 500m distance from site)
 - K&M Supermarket at 116 Cheltenham Road (roughly 300m distance from site)
 - Ivydale Minimarket at 382 Ivydale Road (roughly 300m distance from site)
 - Co-Op Food – Hilton House (roughly 500 m distance from the site)
34. In summary, the proposed development complies with policy P37 [Development outside protected shopping frontages, town and local centres] where evidence provides that

there are alternative A1 Use class shops within a 400m walking distance in regard to the more stringent emerging policy.

35. P31 [Small Shops] has been met, where the feasibility of providing a suitable space for existing occupiers in the completed development has been undertaken. By offering an undertaking for a cashpoint, the proposed floorspace is feasible for the type of goods currently being provided. The policy states that replacement shops should be like for like in terms of floorspace or bespoke to suit the requirements of the business, including provision of storage and servicing spaces. The reduction in floorspace of the proposed shop would not lead to a discernible reduction in the offer of goods provided; therefore the proposed floorspace is feasible for the type of goods currently being provided.

Principle of proposed C3 use class

At present, there is existing residential (C3) presented through five residential units (1x 3-bed) (1x 2-bed) (3x1-bed). The proposed use would include a reduction in A1 use, however not providing a discernible difference of goods on offer and 6x residential units, which include (5x 4-bed) (1-2xbed) which supports our emerging policy P2 [New Family Homes] providing a higher mix of family housing than required by policy.

Conclusion

36. The slight decrease in A1 floorspace is acceptable in light of the additional residential accommodation (C3) provided within the scheme and that the same range of goods and services is able to be provided in this reduced floorspace. Considering the site's location outside of a protected shopping frontage and within a suburban density area, the proposed uses are consistent with the aims of the Southwark Plan and Core Strategy, as well as the London Plan. The redevelopment of the site would provide a more efficient use of the site, giving access to a potential improved quality of the A1 shop, as well as contribute to the Council's aims for housing delivery. For these reasons the principle of development is considered acceptable. The remainder of this report therefore considers planning issues and the proposal's conformity or otherwise with the technical development management policies of the development plan.

Design, layout, heritage assets and impact on Borough and London views

Impact on Townscape

37. The proposed general layout and development form as a short terrace of properties in a townhouse style, is acceptable within the suburban location. The layout responds well to the local urban morphology of blocks that are set perpendicular to the street and with intervening townscape gaps that separate adjacent terraces, particularly around street corners. That the gap onto Inverton Road is partly infilled by the inclusion of the replacement commercial floorspace is accepted, as the infill is partial and at ground floor only, maintaining a good sense of space and is not an untypical arrangement for traditional corner shops.
38. The design approach of providing a fine grained development, with a rhythm of semi-detached pairs and entrances that front onto the street, responds well to the local context. Whilst the development re-orientates the principal elevation away from Inverton Road to address Surrey Road, the latter does offer the more substantial and comfortable domestic setting for the residential development. Importantly, the new build follows the general building line of the neighbouring terraced housing within Surrey Road. This ensures both a coherent, attractive streetscape and the provision of small front gardens, which are characteristic of the street and providing for good residential amenity.

39. Whilst the full use of the site does result in the end property siding onto Inverton Street and sitting at the back edge of the pavement, the inclusion of the corner shop allows the development to successfully address the street, providing animation and oversight of the stretch of pavement. The positioning of the flat entrance at the rear is a reasonable response; albeit the detailed treatment of its street entrance should be confirmed by condition to ensure its detailed design supports the character of a garden entrance and is sufficiently secure. Overall, the layout provides a good quality of urban design and is supported.
40. Looking at the elevational designs, its traditional style is well-chosen and is sufficiently well-handled, supporting the late Victorian local context. The elevations are ordered and feature good visual interest with its gables and paired porchway entrances; and openings that are reasonably well-proportioned openings with a sufficiently sense of secondary scale and depth, albeit the details of the reveals, headers and cills should be confirmed by condition. In general, the facades show a reasonable balance of vertical to horizontal proportioning, although a richer fenestration pattern of 2-over-2 for the main windows on the street façade would relieve the slightly squat appearance of the openings and improve its contextual fit. Similarly, the attic storey level would work better without a lintel detail or at least a more modest, broken lintel that plays down its appearance; though these matters can again be sought by condition. At the rear, the designs have a more contemporary appearance that works well with the more expressive dormers. The brickwork pattern works well to provide visual interest and relieve the expanse of brickwork, which detailing will be sought by condition.

Height, scale and massing

41. Regarding the scale and massing, the proposed development of modest-sized terraced houses of two main storeys and an additional attic storey is welcome, responding well to the built form, modest plot widths and rooflines of its late Victorian context. The massing is well-articulated with the traditional gable and recessive roof forms, which also bring a welcome symmetry to the paired designs. Whilst the rear dormer element is more contemporary in form, its detailed massing projecting upwards through the eaves line, the element appears proportional and not bulky. Importantly, that the proposed rear elevation at 1st and 2nd floor levels is brought onto a common line is particularly welcome, bringing a visual coherency to the rear, which will be glimpsed from Inverton Road and visible from within Joseph Mews. The massing of the rear ground floor works well, expressed as a series of minor extensions. Overall, the development should sit comfortably within its context.

Detailed design

42. In general the proposed choice of red brickwork, contrasting render and slate work well in the context, albeit the final selection of materials will be important, ensuring the use of full brick (not slips) and an appropriate multi-stock. Whether the flank and rear adopt a more typical arrangement of being London stock could be reviewed as part of the material selection, which will be sought by condition.
43. The stucco treatment of the ground floor flank elevation onto Inverton Road with its rustication and rounded corners is supported. The use of darkly painted stucco gives an elegant, robust feel to the design. The final colour and banding detail should be confirmed by condition, as should the final detailing of the shopfront itself; albeit its general design is well-handled. Overall, the elevational architecture is well-mannered, contextual and effective.
44. Lastly, the treatment of the front gardens with its plinth walls, railings and planting is welcome, coordinating with the host architecture and providing a coherent appearance to this part of the street, softened by the occasional greenery. That the boundary

treatment is low-rise and transparent is welcome, allowing good informal surveillance of the street.

Landscaping and trees

45. No trees or landscaping is affected, however a landscape condition has been added to ensure that the proposed gardens offer acceptable green amenity and screening.

Outdoor amenity space, children's play space and public open space

46. Dedicated communal amenity space has not been proposed on the site due to site constraints for the flat. Section 3.2 of the council's 2015 Technical Update to the Residential Design Standards SPD (2011) sets out that new flatted developments must provide communal amenity spaces and where possible, private amenity space. Section 2.6 of the SPD sets out that this onsite requirement may be able to be waived should it not be possible to be delivered when justified and can be offset by proximity to existing nearby open spaces and/or a financial contribution secured by a S106 agreement.
47. In addition to the constrained nature of the site, partial justification for the exclusion of the dedicated on site communal amenity space is that there are a number of open spaces in the vicinity of the site which will meet the needs of the future occupiers in lieu of onsite provision.
48. The site is located approximately 1 km walking distance to Crofton Park and Nunhead and 1.2 km from Honour Oak Park, which provides football ground, outdoor gym, play area and gardens.
49. The quality of accommodation is otherwise good, with all residential units being dual aspect and floor to ceiling heights exceeding the council's minimum of 2.5m for at least 75 per cent of the GIA (proposed at 2.7m at ground floor and 2.5m on above floors).

Density

50. The London Plan provides a density guideline of 200-350 habitable rooms per hectare for a suburban zone such as the site. The development provides a density of roughly 719 habitable rooms per hectare (33 habitable rooms in 0.046 ha + 40sqm of non-residential space).
51. Maximum densities may be exceeded where developments achieve the highest standard of design, exceeding minimum internal space standards, as well as providing an acceptable standard of daylight and sunlight, privacy, good outlook and amenity space. It is considered that the scheme does not exhibit the usual aspects of overdevelopment and so in this respect the standard of design achieved is, on balanced, considered acceptable.

Housing Mix

52. The proposed dwelling mix would include 5 x 4-bed units (83%) and 1 x 2-bed units (17%). As the combined total of the two and three bed units would exceed the minimum requirement of 60% and a minimum of 30% with three or more bedrooms in the suburban zone, as set out under Core Strategy Policy 7 the proposed dwelling mix is considered to be acceptable and P2 New Family Homes within the emerging New Southwark Plan.

Quality of retail unit (A1) use

53. A total of 33sqm GIA with 7sqm storage is provided for the shop in A1 use class,

totalling a proposed 40sqm of A1 commercial unit space. The previous store was 45sqm GIA with 21sqm storage. Objections have addressed the loss in both floorspace and storage space as being reducing the feasibility for the shop owner to provide the existing range of goods and services that is provided.

54. The quality of the flexible retail unit supports the streetscape and successfully positioned entrances faces the higher thoroughfare public highway on Inverton Road. The proposal provides active frontages through large, glazed windows, allowing a flexibility of street-related uses.
55. Any new lease for the shop unit will have an undertaking provide a cashpoint within the shop, therefore reproviding the services existing in the previous shop. While there is a slight reduction in floorspace, the size is still viable to provide the same goods and services, therefore in alignment with planning policy.

Quality of residential accommodation

56. The proposed development provides 600sqm of residential floor space. There are no concerns regarding the proposed layout. All units and individual rooms would meet space requirements as set out in the Residential Design Standards. All units would also be dual aspect, thus having good levels of natural daylight and ventilation.

57.

Flat/ House ID	Type	Total GIA	K/D	Reception	Bedrooms	W/C Storage	Amenity	
1	2-bed 4P	77sqm	23sqm	Combined w/ K/D	12sqm 10sqm	4sqm 2sqm	13sqm	
2	4-bed 5P	104sqm	15sqm	10sqm	13sqm 10sqm 9sqm 12sqm	4sqm 2sqm 3sqm 1sqm	26sqm	
3	4-bed 5P	104sqm	15sqm	10sqm	13sqm 10sqm 9sqm 12sqm	4sqm 2sqm 3sqm 1sqm	27sqm	
4	4-bed 5P	105sqm	15sqm	10sqm	13sqm 10sqm 9sqm 12sqm	4sqm 2sqm 3sqm 1sqm	28sqm	
5	4-bed 5P	105sqm	15sqm	10sqm	13sqm 10sqm 9sqm 12sqm	4sqm 2sqm 3sqm 1sqm	30sqm	
6	4-bed 5P	105sqm	15sqm	10sqm	13sqm 10sqm 9sqm 12sqm	4sqm 2sqm 3sqm 1sqm	31sqm	

58. The quality of accommodation is broadly acceptable and meets the minimum internal space standards prescribed in the residential design standards SPD. There is a lack of private dedicated amenity spaces for the five proposed houses, where private amenity space ranges from 31 to 26sqm in contrast to the minimum of 50sqm outdoor private amenity space as required by the 2015 Technical Update to the Residential Design Standards. There is also a lack of communal amenity space for the flat which requires 50sqm of communal amenity. The total shortfall in private amenity space is 108sqm (houses) + 37 (flat) which will be offset through a financial contribution. (£22,140 + £7,585 = £29,725)

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

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

Daylight, sunlight and overshadowing

Daylight

60. The impact of the proposed development on neighbouring residents has been a concern of local residents. A full daylight and sunlight assessment has been submitted with the application. The report assesses the scheme based on the Building Research Establishments (BRE) guidelines on daylight and sunlight. The conclusions state that the reductions and retained daylight levels are commensurate with this urban locality. Officers have reviewed the daylight and sunlight assessment and note that while there are some impacts on the buildings surrounding the site, they are very minor in scale and considered to be acceptable.
61. The BRE Guidance provides a technical reference for the assessment of amenity relating to daylight, sunlight and overshadowing. The guidance within it is not mandatory and the advice within the guide should not be seen as an instrument of planning policy.
62. The BRE sets out three detailed daylight tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight (VSC) can be reduced by about 20% of the original value before the loss is noticeable.
63. This is supplemented by the No Sky Line (NSL) or Daylight Distribution (DD) method which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.
64. In considering the impact upon sunlight, the test is based upon a calculation of annual probable sunlight hours (APSH) for all window faces within 90 degree of due south. The BRE guidelines require that a window should receive a minimum of 25% of the annual probable sunlight hours, of which, 5% should be received in winter months. Where window sunlight levels fall below this recommendation, the window should not lose more than a 20% loss of its former value.
65. The Mayor of London's 'Housing SPG' (March 2016) advises that the BRE guidelines should be applied with an appropriate degree of flexibility and sensitivity to higher density development, especially in opportunity areas, town centres, large sites and accessible locations. It suggests that account should be taken of local circumstances, the need to optimise development and scope for the character and form of an area to change over time.

66. The Mayor of London's 'Housing SPG' (March 2016) advises that the BRE guidelines should be applied with an appropriate degree of flexibility and sensitivity to higher density development, especially in opportunity areas, town centres, large sites and accessible locations. It suggests that account should be taken of local circumstances, the need to optimise development and scope for the character and form of an area to change over time.
67. The Daylight and Sunlight assessment considers the impact on daylight for the following buildings:
68. Table 1 – Overall summary of daylight and sunlight impact

Residential Buildings Assessed	Windows Tested	Non-BRE Compliant (VSC)	Non-BRE Compliant (NSL)	Non - BRE Compliant (APSH)
20 Inverton Road	17	0	0	0
22 Inverton Road	16	0	N/A	0
1 Surrey Road	20	0	0	0
2 Surrey Road	6	0	N/A	0
10 Inverton Road	10	0	N/A	0
12 Inverton Road	16	0	0	0
47 Bellwood Road	22	0	N/A	0
Total	107	0	0	0

Vertical Sky component

69. All windows are BRE compliant in terms of VSC levels on surrounding properties. Overall the VSC shows that all of the 107 windows tested (100%) would satisfy the BRE guidelines for VSC.

No Sky line

70. As with the VSC, all windows where room layouts are known, have been tested and all habitable rooms are BRE compliant in terms of NSL levels. There is one transgression for Window 38 at 1 Surrey Road, which is indicated as a ground floor bathroom, therefore not considered a habitable room. The properties tested for NSL include 20 Inverton Road, 1 Surrey Road and 12 Surrey Road.

Sunlight – annual probably sunlight hours

71. The APSH results in respect to the proposed development demonstrate that currently all of the rooms assessed comply with the BRE target values.

Conclusion on daylight and sunlight

72. The daylight and sunlight assessment demonstrate that impact of the proposed development on neighbouring amenity is minimal and remains compliant with BRE guidelines in all cases.

Overlooking:

73. The footprint of the terrace will increase as part of the proposed development, where the existing condition included a two-storey terrace of buildings fronting onto Inverton Road, with the frontage on Surrey Road consisting of a single-storey building. Whereas, the proposed development orientates the residential frontages along Surrey Road being three-storey in height, and the Inverton Road frontage being the location of the commercial unit and access to the corner flat above.
74. The risk of overlooking is minor, where the greatest risk would be to 20 Inverton Road directly to the rear of the amenity space attributed to the proposed development. Directly south-west of the proposed development and across Joseph Mews private vehicular access route is 1 Surrey Road, which was also considered for overlooking impacts however no windows were present facing the proposed development. There is also no risk of overlooking for the properties on the opposite side of the intersection of Surrey Road and Inverton Road, labelled 12 Inverton Road due to the distance across the public highway and no noticeable habitable room windows facing the proposal site.
75. The existing development shares a boundary wall with 20 Inverton Road, which is of the same character of terrace as the existing form. As the rear extension shares a wall with the development site, resulting in the proposed demolition of the existing building leaving half of a pitch roof and a blank wall roughly two storeys in height. This would indicate that there are no windows directly facing the development from 20 Inverton Road, therefore a limited risk of overlooking. As the proposed development is three storeys in height and will have rear windows facing 20 Inverton Road, separated by 7 metres length of garden, there may be some risk of overlooking into the garden of No. 20 Inverton Road from the three houses nearest Joseph Mews, however this impact and overlooking into their garden will be limited due to the length of the garden.

Outlook:

76. As mentioned above, there are no windows directly facing the site from neighbouring properties, and the proposal consist of a reorientation of the existing terrace from Inverton Road to Surrey Road, with an increase in one storey to match the character of Surrey Road. In terms of outlook from the surrounding buildings, these buildings would generally not be affected in terms of outlook as the building would not encroach closer to these buildings. Whilst it would be higher, the outlook from these units is still considered acceptable.
77. Whilst objectors raised concerns over loss of privacy and loss of light, this has not been identified as a significant outcome from the daylight/sunlight assessment as described above.

Environmental Implications

Noise and vibration

78. A Noise Impact Assessment was not required as part of the proposed application, however the Council's Environmental Protection Team the Standard condition for Residential Internal Noise levels, Vertical and Horizontal Sound transmission between commercial and residential properties and plant noise should be confirmed by post installation testing and secured through condition. There has also been a condition added restricting external noise levels in private amenity areas and vibration between

the hours of 07:00-23:00hrs.

Air Quality

79. An Air Quality Assessment was not required as part of the proposed application, however the Council's Environmental Protection Team has added the condition that any domestic gas boilers shall met 'ultra-low NO_x' criteria.

Ground conditions and contamination

80. A historical record land use of the site showed that site is covered by an infilled ground and it is not clear what type of materials were used as infill. Therefore, with possible contamination risks brought by different infilled materials, a contamination study is required to identify the likelihood of any contamination on site. A condition is required to advise that if any contamination is found on site during construction that details of contamination and a remediation strategy shall be submitted to the Council.

Water resources and flood risk

81. The proposed development is located within 5m of a strategic water main and Thames Water do not permit the building over or construction within 5m, of strategic water main, therefore an additional condition requiring the detailing has been added to the decision notice. Secondly, the proposed development is located within 15m of a strategic water main therefore a piling condition has been added to the decision notice. In light of this there is no objection from Thames Water.
82. The development site is located in Flood Zone 1. As the site is not over 1 hectare or a major development, a Flood Risk Assessment was not required and the Flood Risk Team was not consulted.

Transport Issues

83. The site is located at the corner between Inverton Road and Surrey Road and at about 1 km for Thameslink stations Crofton Park and Nunhead and 1.2 km from Honour Oak Park overground and southern station. The site is also located at some 100meters of a bus stop with infrequent bus service and on LCN 22 cycle route and future cycleway proposed.

Car parking

84. There are no proposed vehicle entrances and the development is proposed to be car free. The applicant was required to provide parking stress surveys because the area has low public transport accessibility and no control parking zone is in place in the area. The results of the parking stress survey demonstrated there is enough space to cater for the parking demand expected from the development as an average of 75.5% occupancy has been recorded and the current site could already occupy part of the demand.

Cycle storage

85. The number of cycle spaces provided is compliant with minimum policy requirements. Given the location with low public transport accessibility, high car ownership and along a cycle route an increased provision of cycle parking spaces would be encouraged. Two private secure bicycle storage spaces are provided in the frontage of each house and in the garden of the two-bed flat.
86. Concern was raised by the Transport team regarding the location of the bins in

obstructing access to the cycle storage on the Surrey Road frontage. A condition has been recommended in the draft decision notice, which requires the details of cycle storage to be discharged ensuring sufficient space to easily manoeuvre a bike past the bin storage into the cycle storage.

Delivery and Servicing

87. Delivery and servicing will be carried out in line with the existing arrangement for the commercial unit. The existing shop unit is currently serviced entirely from Inverton Road both for deliveries and refuse collection. The proposed shop unit will retain the existing servicing arrangements i.e. refuse will be collected from Inverton Road and deliveries will be through the shop front on Inverton Road

Refuse

88. Commercial bin storage is located on Inverton Road frontage, whereas residential bin storage is located on the frontage of each house, with collection from Surrey Road and within the rear garden with collection from Inverton Road for the flat. The quantum of residential and commercial bin storage is acceptable and locations are within 10 metres from the kerb in compliance with Southwark's Waste Management Guidance. Access to the commercial bin storage was updated during the course of this application, to use a sliding door to not obstruct movement on Inverton Road.

Highways works:

89. The council's highways team have requested that further details are provided to require any re-paving of the foot way fronting the development site on Inverton Road and Surrey Road. These requirements are proposed to be secured via a S278 agreement which would be included within any planning obligations agreement.

Planning obligations (S.106 undertaking or agreement)

Planning obligation	Mitigation	Applicant's position
Local Economy and Workspace		
Local economy: Construction phase jobs/ contributions	N/A	
Local economy: Construction phase employment, skills and business support plan	N/A	
Affordable workspace provision	N/A	
Commercial units management plan	N/A	

Housing, Viability and Amenity Space		
Affordable (social rent and intermediate) housing Provision	<ul style="list-style-type: none"> Should future development on site result in 11 or more dwellings, an affordable housing financial contribution will be required. 	Agreed
Viability review	N/A	
Wheelchair housing provision	N/A	
Playspace	N/A	
Outdoor amenity space	£29,725	Agreed
Other	N/A	
Transport and Highways		
Highway works	<ul style="list-style-type: none"> Repave the entire footway including new kerbing fronting the development on Inverton Road and Surrey Road using materials in accordance to Southwark's Streetscape Design Manual (SSDM) - (precast concrete slabs and 150mm wide granite kerbs). 	Yes
Delivery service plan bond	N/A	
Cycle club scheme	N/A	
Car club scheme	N/A	
Restriction on the release of the wheelchair parking spaces	N/A	
Parking permit restriction	N/A	N/A
Energy, Sustainability and the Environment		
Connection to (or futureproofing for connection to) district	N/A	

CHP		
Carbon offset fund	N/A	
Archaeology monitoring/ supervision fund	N/A	
Administration fee	N/A	

Mayoral and borough community infrastructure levy (CIL)

91. This proposal is liable for Mayoral and Southwark CIL. If planning permission is granted, the party responsible for paying CIL must complete and submit CIL Form 2 (Assumption of Liability). CIL Form 6 (Commencement Notice) must be submitted at least one day prior to material operations starting on site. Forms must be sent to CIL.S106@southwark.gov.uk.

Community involvement and engagement

92. None.

Consultation responses, and how the application addresses the concerns raised

Consultation responses from members of the public

93. 134 responses were received from members of the public, two letters of support and 131 objections. Summarised below are the material planning considerations raised by members of the public.
94. Principle of development and proposed land uses:
- Loss of A1 floorspace unacceptable, existing shop is of high quality and with wide range of goods and services
 - Current strain on community facilities
 - Too many local community shops are being closed
 - Too far away from other A1 uses – ie elderly, immobile and people unable to travel easily depend on this retailer
95. Design quality and site layout:
- Too close to adjoining properties
 - Development too high
 - General dislike of proposal, including design, dislike of material and dark colour (strong dislike)
 - Out of keeping with the character of the area
96. Quality of accommodation and provision of private/communal outdoor space:
- There are no green areas, including communal amenity spaces, which could harm ecological and environmental qualities of the development;
 - Overcrowding
97. Neighbour amenity impacts:

- Loss of light for neighbours
- Loss of privacy for neighbours

98. Transport, parking, highways, deliveries and servicing matters:

- Inadequate parking provision
- Increase in traffic
- Increase in pollution
- Impacts of construction: Construction vehicles, reduced pavement access, visibility for crossing roads, schools in area, dangerous walking past a construction site
- More car journeys as a result of convenience store loss
- Public transport is poor in the area in general and many in the population are elderly or vulnerable
- Submitted parking survey is inaccurate

99. Environment, ecology and biodiversity:

- Effect on local ecology from lacking green space and biodiversity
- More open space needed and environmental concerns of development
- Risk of overheating
- Lack of landscaping

100. Other matters:

- Lack of consultation with shop owners
- Lack of consultation with neighbouring community
- Not enough school places for the proposed family homes

101. These matters are addressed comprehensively in the relevant preceding parts of this report.

Consultation responses from internal and divisional consultees

102. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.

103. Environmental Protection Team:

- Recommended granting permission subject to conditions on noise, contamination and internal ventilation.

Officer response to issue(s) raised: These have been included in the draft recommendation.

104. Design and Conservation Team:

- Recommend permission is granted subject to conditions on materials.

Officer response to issue(s) raised: These have been included in the draft recommendation.

105. Highways Development Management Team

- The footway adjoining the site is substandard and this should be agreed through

a s278 agreement.

Officer response to issue(s) raised: This has been recommended in the report

106. Transport Team:

- Parking stress survey and car free is in compliance with local plan;
- Add condition to ensure access to cycle storage from Surrey Road frontage;
- Cycle storage quantum is acceptable.

Officer response to issue(s) raised: These have been included in the draft recommendation.

107. Urban Forester:

- Recommend permission is granted subject to conditions on landscaping.

Officer response to issue(s) raised: These have been included in the draft recommendation

Consultation responses from external consultees

108. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

109. Environment Agency:

- No comment.

110. Thames Water:

- Recommended granting permission subject to piling conditions

111. These matters are addressed comprehensively in the relevant preceding parts of this report.

Community impact and equalities assessment

112. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

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

114. 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:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
2. 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

3. 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.

115. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human rights implications

116. 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.
117. This application has the legitimate aim of providing grant of planning permission. 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.

Positive and proactive statement

118. 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.
119. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

120. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	YES
If the pre-application service was used for this application, was the advice given followed?	YES
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	YES

Other matters

121. No other matters identified.

Conclusion

122. The proposed development is in conformity with the policies set out in paragraph 17, including acceptable principle of development, high quality accommodation, and appropriate architectural design. The benefit of the proposed scheme providing additional family housing outweighs the slight loss in the retail floor space. It is for these primary reasons the development has been deemed acceptable and a grant of planning permission is recommended.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2530-14 Application file: 20/AP/1016 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 7976 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Vendela Gambill, Planning Officer		
Version	Final		
Dated	24 September 2020		
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			25 September 2020

APPENDIX 1**Consultation undertaken**

Site notice date: n/a.

Press notice date: n/a.

Case officer site visit date: 02.07.2020

Neighbour consultation letters sent: 06/05/2020

Internal services consulted

Flood Risk Management & Urban Drainage
Highways Development and Management

Design and Conservation Team [Formal]
Transport Policy
Urban Forester
Environmental Protection

Statutory and non-statutory organisations

Metropolitan Police Service (Designing O
Thames Water
Environment Agency

Neighbour and local groups consulted:

Flat 7 Mckenzie Court 300 Ivydale Road
47 Bellwood Road London Southwark
Flat 17 Mckenzie Court 300 Ivydale Road
2 Surrey Road London Southwark
24 Inverton Road London Southwark
Flat 19 Mckenzie Court 300 Ivydale Road
21A Inverton Road London Southwark
Flat 20 Mckenzie Court 300 Ivydale Road
16 Inverton Road London Southwark
1A Surrey Road London Southwark
Flat 5 15 Inverton Road London
Flat 8 Mckenzie Court 300 Ivydale Road
First Floor Flat 14 Inverton Road London
18 Inverton Road London Southwark
3 Surrey Road London Southwark
1 Surrey Road London Southwark
24A Inverton Road London Southwark
1B Surrey Road London Southwark
Flat 4 15 Inverton Road London
Flat 1 15 Inverton Road London
10A Inverton Road London Southwark
3A Surrey Road London Southwark
286-288 Ivydale Road London Southwark
Flat 25 Mckenzie Court 300 Ivydale Road

Flat 22 Mckenzie Court 300 Ivydale Road
Flat 15 Mckenzie Court 300 Ivydale Road
Flat 12 Mckenzie Court 300 Ivydale Road
Flat 9 Mckenzie Court 300 Ivydale Road
Flat 4 Mckenzie Court 300 Ivydale Road
Flat 2 Mckenzie Court 300 Ivydale Road
23 Inverton Road London Southwark
22 Inverton Road London Southwark
20 Inverton Road London Southwark
12 Inverton Road London Southwark
6 Surrey Road London Southwark
4 Surrey Road London Southwark
7 Surrey Road London Southwark
5 Surrey Road London Southwark
7A Surrey Road London Southwark
5A Surrey Road London Southwark
Flat 6 15 Inverton Road London
Flat 3 15 Inverton Road London
Flat 2 15 Inverton Road London
10B Inverton Road London Southwark
286 Ivydale Road London Southwark
288 Ivydale Road London Southwark
1 Joseph Mews London Southwark
45 Bellwood Road London Southwark

21 Inverton Road London Southwark
Flat 26 Mckenzie Court 300 Ivydale Road
Flat 24 Mckenzie Court 300 Ivydale Road
Flat 23 Mckenzie Court 300 Ivydale Road
Flat 21 Mckenzie Court 300 Ivydale Road
Flat 18 Mckenzie Court 300 Ivydale Road
Flat 16 Mckenzie Court 300 Ivydale Road
Flat 14 Mckenzie Court 300 Ivydale Road

Flat 13 Mckenzie Court 300 Ivydale Road
Flat 11 Mckenzie Court 300 Ivydale Road
Flat 10 Mckenzie Court 300 Ivydale Road
Flat 6 Mckenzie Court 300 Ivydale Road
Flat 5 Mckenzie Court 300 Ivydale Road
Flat 3 Mckenzie Court 300 Ivydale Road
Flat 1 Mckenzie Court 300 Ivydale Road

Re-consultation:

APPENDIX 2

Consultation responses received

Internal services

Highways Development and Management
Design and Conservation Team [Formal]
Transport Policy
Urban Forester
Environmental Protection

Statutory and non-statutory organisations

Metropolitan Police Service (Designing O
Thames Water

Neighbour and local groups:

11 Bellwood Road London SE15 3DE	15 Harlescott Road London SE15 3DA
249 Ivydale road London SE15 3DY	10 lanbury road London SE15 3DB
47 Bellwood Road London SE15 3DE	78 Harlescott Road London se15 3bz
16 Harlescott Road London	22b Limesford Road Nunhead London
23 Limesford Road London SE15 3BX	4a Inverton Rd London SE153DD
279 Ivydale Road London SE15 3DZ	65 Harlescott Road London Southwark
21 Limesford road Nunhead London	15 surrey road London SE15 3As
21 Limesford Road Nunhead London	25 Bellwood Rd London SE15 3DE
282 Ivydale Road London SE15 3DF	14 Lanbury Road Nunhead London
51 Harlescott Road London LONDON	8 Harlescott Road London SE15 3BZ
24 Bellwood Road London SE153DE	232 Ivydale Rd London SE15 3BU
31 Limesford Road London SE15 3BX	30 Lanbury Road Nunhead London
6 Limesford road London Se15 3bx	Flat 5 12-14 London Se15 2dw
259 Ivydale Road London	7a Bellwood Road London SE15 3DE
284 ivydale road London Se15 3df	3A Surrey Road Nunhead London
Flat 2 15 Inverton Road London	Flat 6, 15 Inverton Road Peckham SE15
13 Fernholme Road London London	3DD
8 Harlescott Road London SE15 3BZ	14 Harlescott Road London SE153BZ
Flat 2 48 East Dulwich Grove London	36 Harlescott Road London SE153BZ
14 Harlescott Road London Se153bz	14 Bellwood Road Nunhead London
21 Harlescott Road London SE15 3DA	7 Harlescott Road London SE15 3DA
23 Harlescott road Nunhead SE15 3DA	79 Harlescott Rd Nunhead Se153da
42 Limesford Road Nunhead London	38 Harlescott Rd Nunhead London
249 Ivydale road London SE15 3DY	47 Bellwood Road London SE15 3de
13 Bellwood Road Nunhead SE15 3DE	45 Harlescott Road London SE15 3DA
18 Surrey Road Peckham SE15 3AU	6a Inverton road London Se153dd
Flat 3, 15 Inverton Road London SE15 3DD	13a Surrey Road SURREY ROAD LONDON
20 Inverton Road Nunhead London	11 Homeleigh Road Peckham
11 Balmoral Close Westleigh Avenue London	244 Ivydale Road Nunhead London
72 Therapia Road London SE22 0SD	15 BELLWOOD ROAD NUNHEAD LONDON
9 Limesford Road Nunhead London	311 Ivydale Road London Se15 3DZ
308 Ivydale Road London SE15 3DG	22 Inverton Road London Southwark

18a Surrey road London Se15 3AU
 3A Surrey Road Nunhead SE15 3AS
 65 Harlescott Road London Southwark
 274 Ivydale Road London SE15 3DF
 26 Bellwood Road Nunhead London
 6 Limesford Road London SE15 3bx
 325 Ivydale road London SE15 3DZ
 42 Rosenthorpe Rd London SE15 3EG
 6 Limesford road Nunhead London
 30 Homeleigh Rd. London SE15 3EE
 Flat 38, 33 Borland Road London SE15 3BL
 35 Athenlay Road London SE15 3EA
 5 harlescott road Nunhead/ london Se153da
 309 Ivydale Road Nunhead London
 25 Harlescott Road London SE153DA
 72 Therapia Road London Se22 0sd
 10 Lanbury Road Peckham SE15 3DB
 7 Homeleigh Road Nunhead SE15 3EE
 259 Ivydale Road Nunhead London
 18 Surrey Road Peckham SE15 3AU
 22A Surrey Road London SE15 3AU
 11 Harlescott Road London SE15 3DA
 2 Surrey Road London SE15 3AU
 Flat 3 15 Inverton Road London
 331 Ivydale Road Ivydale Road London
 31 Bellwood Road London SE15 3DE
 9a Surrey Rd London
 128 Brockill Crescent London SE4 2QD
 21 Inverton Road London se15 3dd
 66 Cheltenham Road London Se15 3af
 58 Harlescott Road Nunhead London
 48b Limesford Road Nunhead Nunhead
 249 Ivydale road London SE15 3DY
 19 Lanbury road Peckham London
 301 Ivydale Rd London SE15 3DZ
 286 Ivydale Road London SE15 3DF
 47 cheltenham Rd London London

8 Bellwood Road Nunhead London
 18 Surrey Road London SE153AU
 8a Inverton Rd Nunhead London
 13 Limesford Road London SE15 3BX
 2 Harlescott rd London Se153bz
 9a Surrey Road London Se15 3AS
 Nunhead 13a Surrey Road London
 7 Harlescott Road Nunhead London
 18 Limesford Road London SE15 3BX
 35 Surrey Road London SE15 3AS
 Flat 3 15 Inverton Road London
 174 ivydale road Nunhead London
 24 Inverton Road London SE15 3DD
 31 Athenlay Road Nunhead SE15 3EA
 17 LANBURY ROAD London SE15 3DB
 9 mackenzie court 300 ivydale road london
 24 Bellwood road London Se15 3de
 26 Limesford Rd London SE153BX
 216a ivydale road London Se153bu
 66b Harlescott Road London SE15 3BZ
 10 Bellwood Road London SE153DE
 331 Ivydale Road London SE15 3ED
 26 Limesford Road London SE15 3BX
 30 Lanbury Road Nunhead London
 14 Lanbury Road Nunhead London
 22 Bellwood Road London SE15 3DE
 31 Harlescott Road Nunhead LONDON
 55 Harlescott Road London SE15 3DA
 Flat 2 48 East Dulwich Grove East Dulwich
 London
 83 Athenlay Road London SE153EN
 15a Surrey Road London Se153as
 301 Ivydale Road London Se15 3dz
 33 Borland road London Se15 3bl
 25 Bellwood Road London SE15 3DE

APPENDIX 3

Relevant planning history

No relevant planning history

APPENDIX 4**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 K. Patel	Reg. Number	20/AP/1016
	RH Properties		
Application Type	Minor application	Case Number	2530-14
Recommendation	GRANT permission		

Draft of Decision Notice**Planning permission is GRANTED for the following development:**

Demolition of existing buildings (14-18 Inverton Road) and construction of a mixed use building which includes five residential houses (5 x 4-bed), one flat (1 x 2-bed) and 40sqm of A1 commercial use, with associated cycle and refuse stores.

14-18 Inverton Road London Southwark SE15 3DD

In accordance with application received on 3 April 2020

and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

PROPOSED ROOF PLAN C320-10 REV D received 01/05/2020
 PROPOSED GROUND FLOOR PLAN C320-12 REV E received 23/06/2020
 PROPOSED FIRST FLOOR PLAN C320-13 REV D received 01/05/2020
 PROPOSED SECOND FLOOR PLAN C320-14 REV D received 01/05/2020
 PROPOSED FRONT AND REAR ELEVATIONS C320-21 REV D received 01/05/2020
 PROPOSED SIDE ELEVATIONS C320-22 REV E received 23/06/2020
 PROPOSED CONTEXTUAL ELEVATION C320-23 REV D received 01/05/2020
 PROPOSED SECTIONS C320-25 REV D received 01/05/2020
 PROPOSED VIEW TOWARDS CORNER DOWN INVERTON ROAD C320-31 REV D received 01/05/2020
 PROPOSED CORNER VIEW C320-32 REV D received 01/05/2020
 PROPOSED VIEW OF SURREY ROAD ELEVATION C320-33 REV D received 01/05/2020
 PROPOSED VIEW TOWARD CORNER FROM SURREY ROAD C320-34 REV D received 01/05/2020
 PROPOSED REAR VIEW FROM JOSEPHS MEWS C320-35 REV D received 01/05/2020
 PROPOSED BRE SUNLIGHT ASSESSMENT C320-40 REV C received 03/04/2020
 PROPOSED BRE SUNLIGHT INDICATOR C320-41 REV C received 03/04/2020
 Plans - Proposed C320-42 REV A received 01/06/2020

Other Documents

SITE LOCATION PLAN C320-01 REV C received 03/04/2020
 JUSTIFICATION FOR LOSS OF COMMERCIAL (A1) received 03/04/2020
 PARKING STRESS SURVEY received 03/04/2020

TRANSPORT ASSESSMENT received 03/06/2020
 DESIGN AND ACCESS STATEMENT REV C received 11/06/2020

Permission is subject to the following Time Limit:

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.

3. SAMPLE MATERIALS/PANELS/BOARDS

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. This includes samples of:

- Details of materials to be submitted and samples made available on site, including the use of full bricks (not brick slips) and stucco; and
- Sample panel(s) of brickwork to be constructed on site, showing the pointing and jointing for the general brickwork and the proposed decorative pattern at the rear.

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.

4. DETAILED DRAWINGS

Detail Drawings at a scale of 1:5 for each typical window opening, showing the reveals, cills, lintels and header details; and confirming the use of 2-over-2 fenestration pattern for the main openings onto the street and the revised treatment of the attic storey cill. (2 copies)

Detailed drawings at a scale of 1:5 showing the following:

- Roof edges;
- Parapet detail above rear dormers;
- Profile and treatment of the stucco ground floor onto Inverton Road;
- the shopfront, including bin-store and blind window onto Surrey Road;
- Treatment of garden entrance to flat.

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

Reason:

In order 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.

5. DETAILS OF THE MEANS OF ENCLOSURE

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

Reason:

In the interests of visual and residential amenity in accordance with: the National Planning Policy Framework 2019; Strategic Policy 12 (Design and Conservation) of the Core Strategy 2011; Saved Policies 3.2 (Protection of Amenity), 3.12 (Quality in Design), and 3.13 (Urban Design) of the Southwark Plan 2007.

6. HARD AND SOFT LANDSCAPING

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: 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.

Permission is subject to the following Compliance Condition(s)

7. INTERNAL NOISE LEVELS RESTRICTION

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. REFUSE STORAGE - RESIDENTIAL - STANDARD

Before the first occupation of the residential unit/s in this development hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced shall be C320-12 REV C provided and made available for use by the occupiers of the residential units and the facilities provided shall thereafter be retained for waste storage and shall not be 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 and 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

9. SITE CONTAMINATION

a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

- i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.
- ii) Any subsequent Phase 2 (site investigation and risk assessment) shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act

1990 in relation to the intended use of the land after remediation.

The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2019.

10. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall take place, including any works of demolition, until a written CEMP for the site has been devised. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to site management and to use all best endeavours to minimise off site impacts. A copy of the CEMP shall be available on site at all times and shall include the following information:

- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. acoustic screening, sound insulation, dust control, emission reduction, location of specific activities on site, etc.;
- Arrangements for direct responsive contact for nearby occupiers with the site management during demolition and/or construction (signage on hoardings, newsletters, resident's liaison meetings);
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
- Site traffic - Routing of in-bound and outbound site traffic, one way site traffic, lay off areas, etc.;
- Waste Management - Accurate waste identification, separation, storage, registered waste carriers for transportation and disposal to appropriate

destinations.

Guidance on preparing CEMPs and best construction practice can be found at <http://www.southwark.gov.uk/construction>

All demolition and construction work shall then be undertaken in strict accordance with the plan and relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of unnecessary pollution or nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and the National Planning Policy Framework 2019.

11. THAMES WATER

No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason:

The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

12. RESTRICTION ON USE WITHIN THE USE CLASS HEREBY PERMITTED

Notwithstanding the provisions of Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order 2015 (including any amendment or enactment of those Orders) the commercial unit shall not be used otherwise than for retail (for the display or retail sale of goods, other than hot foods, principally to visiting members of the public).

Reason:

In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use, 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.

Permission is subject to the following Special Condition(s)

13. THAMES WATER PILING

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

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

Informatives

- 1 Emergency/Unanticipated Out-of-hours Works - informative
Should a site manager require an un-foreseen emergency extension of site hours (for emergency engineering or health & safety reasons) they will require express permission from Southwark's Noise & Nuisance Team who can be contacted 24/7 via a call centre on 0207 525 5777. An officer will call back to address the issue verbally as soon as they are available.
- 2 Out of Hours Site Works S61 CoPA'74 - informative
All developers and contractors working on this development are given notice that standard site hours are:
Monday to Friday - 08.00 - 18.00hrs
Saturday - 09.00 - 14.00hrs
Sundays & Bank Hols - no works
Any programmed/expected work required outside the standard site hours will require permission from Southwark's Environmental Protection Team under S61 of the Control of Pollution Act 1974 (e.g. regular extensions for set-up and clean down periods, extended concrete pours, the delivery and collection of abnormal loads, etc.). An application form can be found on the Southwark website - the link is:- <http://www.southwark.gov.uk/construction>
Follow the instructions on the web page to the form, complete it and submit it on-line. Forms need to be submitted a minimum of 28 working days before permission is needed to be in place for regular extended site hours and 5 working days before permission is needed to be in place for a short, temporary extension to site hours.
- 3 Residential intake location - informative
Any intake for ventilation servicing of the residential units should be situated on the rear façade of the development or the façade furthest from emissions sources such as roads.
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames

Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

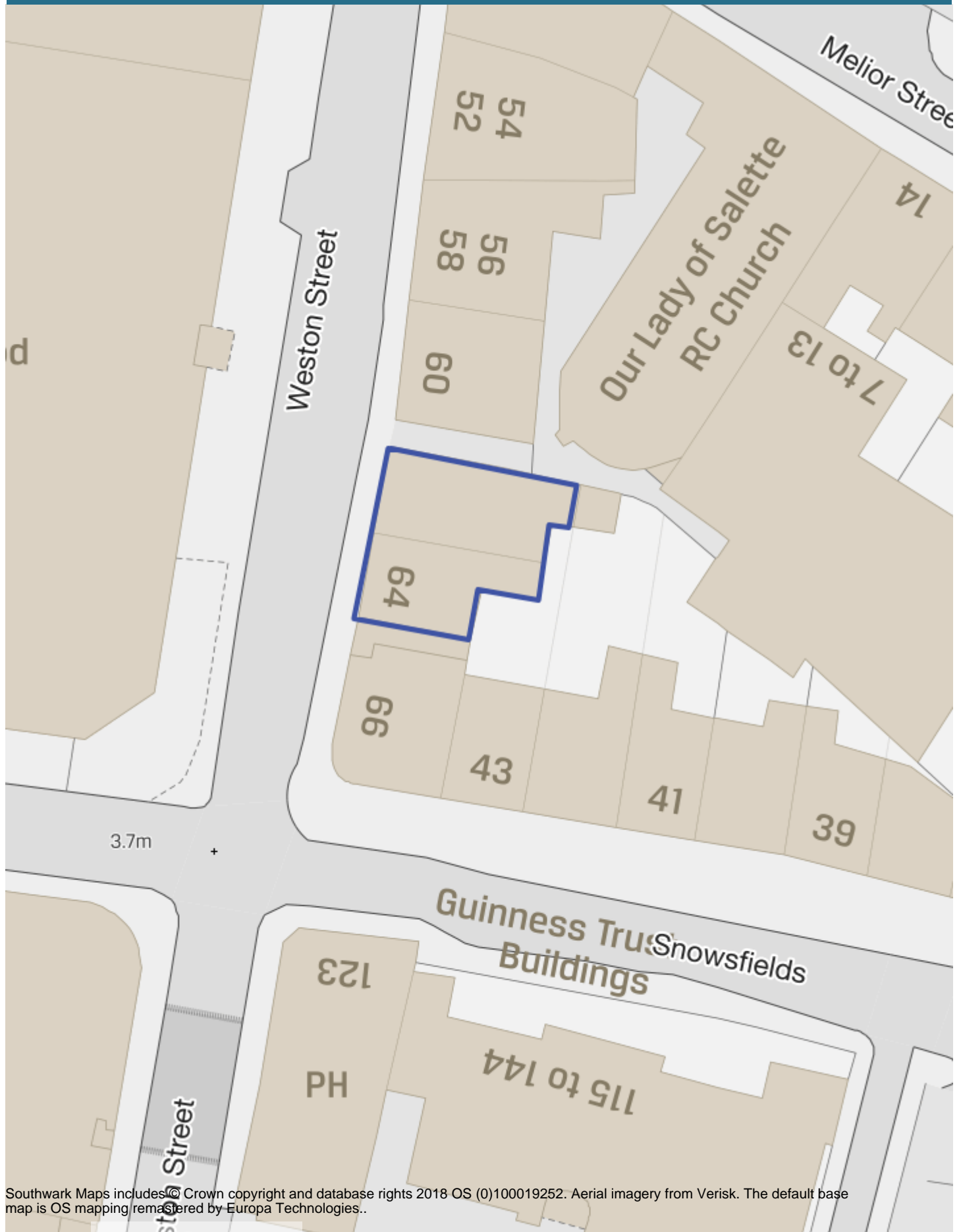
- 5 We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Agenda Item 7.2



17/AP/4330 -62-64 WESTON STREET, SE1 3QJ



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Scale =

9-Sep-2020

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Item No. 7.2	Classification: Open	Date: 13 October 2020	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/4330 for: Full planning application Address: 62 - 64 WESTON STREET, LONDON SE1 3QJ Proposal: Demolition of an existing single storey rear extension and construction of a single storey rear extension with mezzanine to the ground floor of the existing restaurant. Relocation of refuse storage, installation of three air conditioning units and the relocation of one air conditioning unit to the proposed lightwell.		
Ward(s) or groups affected:	London Bridge and West Bermondsey		
From:	Director of Planning		
Application Start Date 09/04/2018		Application Expiry Date 04/06/2018	
Earliest Decision Date 20/05/2018			

RECOMMENDATION

1. That planning permission be granted subject to conditions and a unilateral legal agreement.

EXECUTIVE SUMMARY

2. This application is for decision by the Planning Sub-Committee.
3. The massing and detailed architectural treatment is considered appropriate in the context of the adjacent buildings. Any amenity impacts such as noise and loss of privacy would be controlled by appropriate conditions. A unilateral undertaking would secure the replacement of a tree on the site.

BACKGROUND INFORMATION

Site location and description

4. The site comprises approximately 75m² of the triangular yard to the rear of an existing restaurant with a single storey rear extension. The rear yard has different levels and comprises gravel and concrete slabs.
5. The site is bounded to the west and south by five storey Victorian tenement buildings with commercial units in the ground floor and residential above. The rear of a church and the City Banking College is sited along the northern boundary.
6. The site is within the Bankside, Borough and London Bridge Opportunity Area, London Bridge District Town Centre, Bankside, a Protected Shopping Frontage, Borough and London Bridge

Strategic Cultural Area, Borough, Central Activities Zone, Air Quality Management Area, Bermondsey Street Conservation Area and Borough, Bermondsey and Rivers Archaeological Priority Zone.

The surrounding area

7. The buildings in the immediate vicinity vary in height from three to five storeys with tall buildings to the west comprising Guy's Hospital and The Shard. Given its central London location the character is a mix of commercial and residential uses.

Details of proposal

8. It is proposed to demolish an existing single storey rear extension and to construct a single storey rear extension with a mezzanine. The internal floor area of the restaurant (Use Class A3) would increase with 72m² at ground level and 20m² at the mezzanine level. The ground floor would comprise additional restaurant floor space, three WCs, six windows that would be fixed shut, a fire exit and a new bin store. The existing bike shed would be retained. The mezzanine floor would have high level obscured glazed windows which would be fixed shut. The 7 air conditioning units would be replaced by 4 new air conditioning units which would be located in a new lightwell, between the rear wall of the existing building and the proposed extension. The materials would comprise yellow stock bricks, non opening double glazed windows on the ground floor, dark grey fixed shut aluminium windows on the mezzanine level and a green sedum roof with an area of approximately 70m² is proposed. The eaves height of the proposed extension would match the height of the existing northern boundary wall. It was proposed to remove a 9m tall Tree of Heaven (category C1) located on the rear northern boundary of the site. The tree was felled on 10 August 2019 due to storm damage. The applicant has undertaken a unilateral undertaking for an in-lieu payment to mitigate for the loss of the tree
9. Planning permission was granted on appeal on 3 July 2006 for 'demolition of an existing single storey detached shed and construction of a single storey rear extension to the ground floor of the existing restaurant' (04/AP/1850). This permission was not implemented. The main differences between the above appeal case and the current application is that the extension would be connected to the main building and forms part of the floor space of the existing restaurant whereas the appeal proposal only added ancillary storage space to the restaurant; thereby increasing the seating area of the existing restaurant.

Amendments submitted

10. The following amendments were made:
11. Amended plans showing an enclosed bin store with a green roof and details of the proposed cycle storage in a new location were submitted in November 2018. The plans also show that all windows in the proposed rear extension are to be fixed shut and the high level windows at mezzanine level are obscure glazed. The final proposal proposes to retain the existing cycle store.

Planning history

12. See Appendix 1 for any relevant planning history of the application site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

1. Principle of the proposed development in terms of land use
2. Design, layout and impact on, heritage assets
3. Landscaping and trees
4. Impact of proposed development on amenity of adjoining occupiers and surrounding area
5. Energy and sustainability
6. Ecology and biodiversity
7. Archaeology

13. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
15. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Adopted planning policy and material considerations

The National Planning Policy Framework (NPPF) February 2019

16. The National Planning Policy Framework (NPPF) is a material consideration. The revised 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. Paragraph 212 states that the policies in the framework are material considerations which should be taken into account in dealing with applications.

The following sections are relevant:

- 1 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 11 Making effective use of land
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment.

The London Plan (2016)

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

- Policy 2.15 Town Centres
- Policy 4.12 Improving opportunities for all
- Policy 5.12 Flood risk management
- Policy 6.9 Cycling
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.14 Improving air quality

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

Policy 8.2 Planning obligations

Core Strategy (2011)

18. 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 2 Sustainable Transport

Strategic Policy 10 Jobs and businesses

Strategic Policy 12 Design and Conservation

Strategic Policy 13 High Environmental Standards

Southwark Plan (2007)

19. 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 1.7 Development within Town and Local Centres

Policy 2.5 Planning Obligations

Policy 3.1 Environmental Effects

Policy 3.2 Protection of Amenity

Policy 3.6 Air Quality

Policy 3.7 Waste Reduction

Policy 3.11 Efficient Use of Land

Policy 3.12 Quality in Design

Policy 3.13 Urban Design

Policy 3.14 Designing Out Crime

Policy 3.15 Conservation of the historic environment

Policy 3.16 Conservation Areas

Policy 3.19 Archaeology

Policy 5.2 Transport Impacts

Policy 5.3 Walking and Cycling

Southwark Supplementary Planning Documents (SPD)

20. The following Supplementary Planning Documents issued by the council are material considerations:

Design and Access Statements SPD (2007)

Section 106 Planning Obligations and CIL SPD (2015)

Emerging planning policy

21. The draft development plan documents of the draft New London Plan and draft New Southwark Plan are material considerations that can be given weight.

Draft New London Plan

22. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2nd March 2018. Following an Examination in Public, the Mayor

then issued the Intend to Publish London Plan.

23. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The London Plan cannot be adopted until these changes have been made.
24. The draft New London Plan is at an advanced stage. Policies contained in the London Plan is intend to be published in December 2019 any policies that are not subject to a direction by the Secretary of State carry significant weight. 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.

SD6: Town centres and high streets

D4: Delivering good design

HC1: Heritage conservation and growth

G7: Trees and woodlands

SI1: Improving air quality

SI12: Flood risk management

SI13: Sustainable drainage

T4: Assessing and mitigating transport impacts

T5: Cycling

New Southwark Plan

25. 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 Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.
26. These documents and the New Southwark Plan Submission Version (Proposed Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The New Southwark Plan Submission Version (Proposed Modifications for Examination) is the Council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version. This version will be considered at the Examination in Public (EiP).
27. It is anticipated that the plan will be adopted in late 2020 following an EiP. 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. Draft policies most relevant to this application are:

Policy P13 Design quality

Policy P15 Designing out crime

Policy P17 Efficient use of land

Policy P20 Conservation of the historic environment and natural heritage

Policy P34 Towns and local centres

Policy P49 Highways impacts

Policy P50 Walking

Policy P52 Cycling

Policy P55 Protection of amenity

Policy P60 Trees

Policy P67 Reducing flood risk

Consultation

28. Details of consultation undertaken in respect of this application are set out in and Appendices 2 and 3.
29. Statutory consultation was undertaken on the proposed development including neighbouring letters, site notices and a press notice in Southwark News. The applicant undertook community engagement consulting on the proposals prior to the submission of the planning application. Negotiations with planning officers resulted in amendments to the scheme.

Summary of consultation responses

30. Consultation was undertaken by the council and 8 representations, of which all 8 objected, were received from members of the public. Some objectors
31. The issues raised by the submitted objections are summarised as:

- Consultation
The extent of the consultation is unclear;
- Amenity
Noise would increase, due to more customers and alterations to access to the bin store. It is proposed to access it from within the courtyard whereas currently access is from inside the restaurant.

Noise from plant

Noise from patrons

Impact on views from dwellings and sense of enclosure.

The use of CCTV would lead to a loss of privacy to neighbouring properties.

Access to the roof of the proposed building would lead to a loss of privacy to neighbouring properties.
- Design
The proposed development employs incongruous materials such as aluminium and PVC;
- Trees
Loss of a tree in a conservation area
- Transport
The loss of the bike shed is contrary to condition 4 of application 03/AP/0946 (it is now proposed that the bike shed be retained)
- Environment
Air quality would decrease due to increased commercial food processing and associated odours;

Potential smoking areas would give rise to further adverse impacts on health and quality of life;
- Highways

Refuse collection would be disrupted and the proposal would increase existing issues of bins obstructing the public highway and public footpath;

The proposal would limit the space available for bins and deliveries and would hinder the collection of bins.

- Impact on local businesses
The construction would have a negative impact on a business in close proximity of the site.
- Other matters:
The properties surrounding the courtyard would lose access to areas of the courtyard to be developed.

ASSESSMENT

Principle of the proposed development in terms of land use

32. The proposal would increase the floor area of an existing restaurant and would be acceptable in land use terms.

Environmental impact assessment

33. The scale of development proposed by this application does not reach the minimum thresholds established in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that would otherwise trigger the need for an environmental impact assessment. The proposal's location and nature do not give rise to significant environmental impacts in this urban setting. An EIA for this proposed development is not required.

Design, layout and heritage assets

34. Objectors raised concerns that the proposed materials such as grey aluminium windows and doors and PVC would be incongruous.
35. It is not proposed to introduce PVC in the material palette. The proposed materials such as yellow stock bricks would match the existing and would be in keeping with the local character. The use of contemporary grey aluminium windows and doors with double glazed sound proofing and a green sedum roof is considered to be acceptable design details and it is not envisaged that any harm to the character and appearance of Bermondsey Street Conservation Area would arise given that the extension would be essentially hidden from public view at the rear of the five-storey terrace as well as being screened by buildings of a similar height immediately south.
36. The proposed extension would have a roof with a shallow roof pitch, the mezzanine level would set back from the edge and the modest eaves height of the ground floor would reduce the bulk of the proposed extension. It would be a subservient addition to the rear of the five storey terrace and of an appropriate scale in its courtyard setting.

Landscaping and trees

37. The applicant has offered a Unilateral Undertaking for an in-lieu payment of £1,600 to mitigate for the loss of the Tree of Heaven. The tree was felled due to storm damage, but as the tree is in a conservation area it needed prior consent.
38. It is recommended that details of the biodiversity (green) roof(s) be submitted before any above grade work hereby authorised begins. This condition would ensure that the

development would provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

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

39. Saved Southwark Plan policy 3.2 states that planning permission will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.
40. The Planning Inspector of the application that was dismissed on appeal determined that the main issue of the appeal was 'the effect of the proposed development on the living conditions of the occupiers of adjoining residential properties with particular noise nuisance'. The Inspector determined that the proposed development would be likely to reduce rather than increase noise levels and would improve the amenity of the residents through the construction of the extension as it would reduce the level of sound emanating from the building.
41. Objectors raised concerns with regards to noise, loss of outlook and privacy through overlooking.
42. Policy D13 of the Draft New London Plan outlines the 'Agent of Change' principle which places the responsibility for mitigating impacts from existing noise generating activities or uses on proposed new noise-sensitive development. Development should be designed to ensure that established noise generating uses remain viable and can continue to grow without unreasonable restrictions being placed on them.
43. The restaurant is an established use and officers consider that the replacement of the seven existing air conditioning units with four new air conditioning units, to be located in the new lightwell, would reduce noise levels and would improve the amenity of neighbouring properties. It is recommended that permission be subject to a condition in relation to noise from air conditioning units to ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.
44. All the windows of the proposed rear extension would be fixed shut and the high level windows at mezzanine level would be obscure glazed. This would protect the amenity of neighbours as it would reduce the noise from within the proposed extension and would prevent any overlooking and loss of privacy. This would be controlled by a compliance condition. As such there is no need to recommend that permission be subject to a soundproofing scheme condition.
45. Staff would access the proposed bin store from within the restaurant and would only use the external door to move bins on collection days. The proposed bin store would ensure that waste would 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.
46. Historically the restaurant has no restrictions on opening hours and the application does not propose to alter the opening hours.
47. The highest point of the proposed extension would not obstruct or hinder the view from any residential windows facing the courtyard and the application does not propose the installation of CCTV equipment.
48. It is also recommended that permission be subject to a condition that the roof of the proposed extension not be used other than as a means of escape and that it would not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out. This would ensure that the privacy of neighbouring properties would be protected from overlooking from use of the roof area.

49. Objectors raised concerns that the fire escape door to the rear of the proposed extension would be used by customers and staff to exit the building to use the rear yard as a smoking area. It is recommended that permission be subject to a compliance condition that the fire exit to the rear of the ground floor extension be fixed shut and that it would only be used in case of emergency. This would ensure that staff and customers do not enter the area to the rear of the proposed extension and that occupiers of neighbouring premises would not suffer a loss of amenity by reason of noise nuisance.
50. Objectors also raised concerns that air quality would decrease due to increased commercial food processing and associated odours. The existing ventilation ducting to the rear elevation of the restaurant would be retained and officers are satisfied that the proposed development would not have a detrimental impact on the amenity of neighbouring properties or air quality.

Archaeology

51. No issues raised and it is considered that a pre-commencement condition to secure the implementation of a programme of archaeological watching brief works would be sufficient. This would ensure that the details of the programme of works for the archaeological mitigation works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains

Transport, highways, deliveries and servicing

52. The site has a Public Transport Accessibility Level of 6b, demonstrating an excellent level of accessibility, being in close proximity to London Bridge Station and a number of local bus routes.
53. The existing bike store would be retained. There are three Sheffield style on street cycle parking for six cycles along Snowfields which can be used by the public and customers. It is considered that the proposed development would not require additional staff cycle storage space and that customers could continue to travel to the site and making use of the excellent level of public transport accessibility of the site.
54. The new bin store would be located to the side elevation of the existing building and would be accessible directly from the existing restaurant. It would be enclosed and would have sufficient storage capacity with space for 2 x 330L and 3x 660L bins. Two additional 660L bins would be located in the communal courtyard. The applicant will continue to make use of a private refuse collection service.
55. Officers recommend a condition to control servicing hours in order to ensure that the highway and pavement is not obstructed and deliveries take place at an appropriate time. Any deliveries, unloading and loading to the site shall only be between 14:00 -18:00 on Tuesdays and Fridays; and 07:00 - 12:00 on Tuesdays to Saturdays.

Planning obligations (S.106 undertaking or agreement)

56. The applicant is willing to enter into a legal agreement with the council to cover any relevant planning obligations. If a legal agreement is not provided it is recommended that planning permission be refused by reason of failure to mitigate the impact of the proposed development contrary to saved Policy 2.5 Planning Obligations of the Southwark Plan 2007.
The contributions and obligations are:

57.	Planning obligation	Mitigation	Applicant's position
	Tree replacement	Payment of £1,600	Submitted a unilateral

		undertaking
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Mayoral and borough community infrastructure levy (CIL)

58. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material “local financial consideration” in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration, however the weight attached is determined by the decision maker.
59. None required in this case.

Other matters

60. Objectors raised concerns that the proposed extension into the courtyard would be on land that is not part of the lease of the restaurant and used as outdoor amenity area by residents of the flats surrounding the courtyard. There is no planning history to confirm his alleged historic use. The applicant advised that their lease was extended in 2017 and includes the part of the courtyard within the red line site plan of the planning application.
61. Objectors also raised concerns that the construction of the proposed extension would have a negative impact on a business in close proximity of the site. It is considered that it is not appropriate to control or monitor the potential impact on local businesses due to construction disruption as the development is of a small scale.

Community involvement and engagement

62. The applicant conducted a public consultation exercise in 2017 with local residents from 38 addresses and occupants from 12 local businesses. A total of 12 people attended an open forum, two from the same residential address and two from local businesses.

Consultation responses from internal and divisional consultees

63. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer’s response.
64. Environmental protection team:
Had no objections when re-consulted on the amended scheme in December 2019, but previously recommended permission be subject to a plant noise condition.
65. Waste Management team:
No objection as the only impact on waste collection would be a change in the frequency. Servicing times is a commercial matter for the restaurant and their private waste contractor.
66. Archaeology:
No objection, but recommend permission subject to a condition for an archaeological watching brief during construction groundworks.
67. Urban Forester:
The proposed development results in the loss of a tree to the rear. No arboricultural report has been provided, and there is insufficient space to mitigate its loss on site. However, a legal agreement could be entered into to provide suitable planting off site so that there is no net loss of canopy cover as required by London Plan policy.

Consultation responses from external consultees

68. None consulted.

Community impact and equalities assessment

69. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
70. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
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:
 1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 2. 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
 3. 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.

Human rights implications

73. 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.
74. This application has the legitimate aim of providing student housing and a digital hub space through the proposed redevelopment. 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.

Positive and proactive statement

75. 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.
76. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	NA
Was the application validated promptly?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES

Conclusion

77. It is recommended that planning permission be granted. The proposed rear extension would be of an appropriate height, scale, high quality design and would be a subservient addition in this courtyard setting. As such it would not impact on the character of the conservation area. Any noise from the proposed extension would be kept to a minimum due to measures to keep windows and doors shut and where appropriate windows would be obscured glazing to prevent any overlooking of neighbouring properties. The proposed green roof would have ecological benefits and the loss of the tree would be mitigated by an in-lieu payment of £1,600 for a replacement tree.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 214-66 Application file:17/AP/4330 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 5457 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Andre Verster, Team Leader		
Version	Final		
Dated	21 September 2020		
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		25 September 2020	

APPENDIX 1

Consultation undertaken

Site notice date: 10.11.2017

Expiry date of notice: 01.12.2017

Press notice date: a press notice was not published.

Case officer site visit date: 19.12.2017

Internal services consulted

Environmental Protection Team

Archaeologist

Urban Forester

Waste Management Team

Statutory and non-statutory organisations

None.

Neighbour and local groups consulted:

Recipient Address:

Date Letter Sent:

• Flat 4, 38 Snowsfields, London	
• Flat 5, 38 Snowsfields, London	
• Flat 2, 38 Snowsfields, London	
• Flat 3, 38 Snowsfields, London	
• Flat 6, 38 Snowsfields, London	
• 42-42A Snowsfields, London, SE1 3SU	11.01.2018
• Flat 7, 38 Snowsfields, London	
• Flat 8, 38 Snowsfields, London	
• 41 Snowsfields, London, SE1 3SU	
• Flat 1, 42 Snowsfields, London	
• 38 Snowsfields, London, SE1 3SU	
• 39 Snowsfields, London, SE1 3SU	
• Flat 2, 42 Snowsfields, London	10.01.2018
• Flat 5, 42 Snowsfields, London	
• Flat 1, 38 Snowsfields, London	
• Flat 3, 42 Snowsfields, London	
• Flat 4, 42 Snowsfields, London	
• Flat 6, 64 Weston Street, London	
• Flat 7, 64 Weston Street, London	
• Flat 4, 64 Weston Street, London	
• Flat 5, 64 Weston Street, London	
• Flat 8, 64 Weston Street, London	
• Flat 12, 64 Weston Street, London	
• Flat 9, 64 Weston Street, London	
• 43 Snowsfields, London, SE1 3SU	
• Flat 4, 62 Weston Street, London	
• Flat 11, 64 Weston Street, London	20.12.2017
• Flat 1, 62 Weston Street, London	
• 66 Weston Street, London, SE1 3QJ	
• Flat 10, 64 Weston Street, London	
• Flat 1, 64 Weston Street, London	18.12.2017
• Flat 3, 62 Weston Street, London	

• Flat 3, 64 Weston Street, London	
• Flat 2, 62 Weston Street, London	
• Flat 2, 64 Weston Street, London	
• Flat 5, 40 Snowsfields, London	05.04.2019
• 40 Snowsfields, London, SE1 3SU	12.01.2018
• Flat 5, No.42 Snowsfields, London	18.01.2018
• Meads Place, Gaudick Road, Eastbourne	01.05.2018

Re-consultation: Neighbours and Local Groups

Recipient Address:

Date Letter Sent:

• Flat 4, 38 Snowsfields, London	
• Flat 5, 38 Snowsfields, London	
• Flat 2, 38 Snowsfields, London	
• Flat 3, 38 Snowsfields, London	
• Flat 6, 38 Snowsfields, London	
• 42-42A Snowsfields, London, SE1 3SU	11.01.2018
• Flat 7, 38 Snowsfields, London	
• Flat 8, 38 Snowsfields, London	
• 41 Snowsfields, London, SE1 3SU	
• Flat 1, 42 Snowsfields, London	
• 38 Snowsfields, London, SE1 3SU	
• 39 Snowsfields, London, SE1 3SU	
• Flat 2, 42 Snowsfields, London	10.01.2018
• Flat 5, 42 Snowsfields, London	
• Flat 1, 38 Snowsfields, London	
• Flat 3, 42 Snowsfields, London	
• Flat 4, 42 Snowsfields, London	
• Flat 6, 64 Weston Street, London	
• Flat 7, 64 Weston Street, London	
• Flat 4, 64 Weston Street, London	
• Flat 5, 64 Weston Street, London	
• Flat 8, 64 Weston Street, London	
• Flat 12, 64 Weston Street, London	
• Flat 9, 64 Weston Street, London	
• 43 Snowsfields, London, SE1 3SU	
• Flat 4, 62 Weston Street, London	
• Flat 11, 64 Weston Street, London	20.12.2017
• Flat 1, 62 Weston Street, London	
• 66 Weston Street, London, SE1 3QJ	
• Flat 10, 64 Weston Street, London	
• Flat 1, 64 Weston Street, London	18.12.2017
• Flat 3, 62 Weston Street, London	
• Flat 3, 64 Weston Street, London	
• Flat 2, 62 Weston Street, London	
• Flat 2, 64 Weston Street, London	
• Flat 5, 40 Snowsfields, London	05.04.2019
• 40 Snowsfields, London, SE1 3SU	12.01.2018
• Flat 5, No.42 Snowsfields, London	18.01.2018
• Meads Place, Gaudick Road, Eastbourne	01.05.2018

Consultation Letters to Internal Consultees: 30.11.2017

Re-consultation Letters to Internal Consultees: 27.06.2018

01.12.2019 (EPT)

Consultation Letters to External Consultees: None

Re-consultation Letters to External Consultees: None

APPENDIX 2

Consultation responses received

Internal services

Urban Forester
The Arboricultural Impact Assessment submitted by the applicant has been assessed and the loss of the tree was considered acceptable. To mitigate this loss a financial contribution is sought to which is secured by a Unilateral undertaking.
Archaeology
No objection but recommend permission subject to a condition for an archaeological watching brief during construction groundworks.
Environmental Protection Team
No objection and recommend permission subject to conditions relating to internal noise levels Vertical sound transmission between commercial and residential properties and plant noise.
Waste Management
No objection as the only impact on waste collection would be a change in the frequency. Servicing times is a commercial matter for the restaurant and their private waste contractor.

Statutory and non-statutory organisations

None.

Neighbour and local groups consulted:

Consultation:

The extent of the consultation is unclear;

Amenity:

Noise would increase, due to more customers and alterations to access to the bin store. It is proposed to access it from within the courtyard whereas currently access is from inside the restaurant. Bins are constantly being refilled and emptied throughout the night. Staff on smoking breaks talk loudly long after the restaurant has closed. Noise would be amplified by the courtyard and would result in an adverse effect on the residential amenity of neighbours;

More air conditioning units would cause more noise;

The previous application reference number 04/AP/1850 was conditional on the provision of soundproofing scheme which is now absent.

Noise pollution would funnel up to bedrooms situated around the courtyard;

Unsociable restaurant hours would be incompatible due to close proximity to flats facing the courtyard. If the opening hours extend beyond 11pm it would impact on the amenity of neighbouring properties.

The highest point of the new building should not obstruct or hinder the view from any residential windows facing the courtyard.

The use of CCTV would lead to a loss of privacy to neighbouring properties.

Access to the roof of the proposed building would lead to a loss of privacy to neighbouring properties.

Design:

The proposed development employs incongruous materials such as aluminium and PVC;

Trees:

Loss of a conservation tree;

Transport:

The loss of the bike shed is contrary to condition 4 of application 03/AP/0946.

Environment:

Air quality would decrease due to increased commercial food processing and associated odours;

Potential smoking areas would give rise to further adverse impacts on health and quality of life;

Highways:

Refuse collection would be disrupted and the proposal would increase existing issues of bins obstructing the public highway and public footpath;

The proposal would limit the space available for bins and deliveries and would hinder the collection of bins.

Impact on local businesses:

The construction would have a negative impact on a business in close proximity of the site.

Other matters:

The properties surrounding the courtyard would lose access to areas of the courtyard to be developed.

APPENDIX 3**Relevant planning history**

Reference	Status	Date	Proposal
99/AP/0260	Granted	28/04/1999	Change of use of ground floor and basement from Retail (A1) to professional & financial services (A2) or offices (B1)
02/AP/2206	Refused	11/02/2003	Construction of single storey ground floor rear extension to existing restaurant
03/AP/0946	Granted	19/09/2003	Change of use of ground floor at 64 Weston Street from retail (Use Class A1) to part retail and part restaurant (Use Class A1 & A3) in connection with existing restaurant at 62 Weston Street, creation of covered storage area at rear of building, single storey extension to provide additional toilet and installation of door at rear of premises.
03/AP/2017	Granted	09/06/2004	Details of facing materials and cycle storage as required by condition 2 & 4 LBS Reg.03/AP/0946
04/AP/1635	Refused	07/12/2004	Retention of 3 existing air-conditioning units and installation of a new fourth air-conditioning unit to side of 62 and rear of 64 Weston Street, and construction of a wall to rear of 64 Weston Street.
04/AP/1850	Refused	11/04/2005	Demolition of existing single storey detached shed and erection of a single storey rear extension to the ground floor of the existing restaurant.

APPENDIX 4

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	Champor Champor Ltd	Reg. Number	17/AP/4330
Application Type	Major application		
Recommendation	GRANT permission	Case Number	214-66

Draft of Decision Notice

Planning permission is GRANTED for the following development:

Demolition of an existing single storey rear extension and construction of a single storey rear extension with mezzanine to the ground floor of the existing restaurant. Relocation of refuse storage, installation of 3 air conditioning units and the relocation of 1 air conditioning unit to the proposed lightwell.

62-64 WESTON STREET, LONDON SE1 3QJ

In accordance with application received on 16 November 2017

and Applicant's Drawing Nos.:

Reference no.:	Plan/document name:	Rev.:	Received on:
202A-223 FINAL 2020 PROPOSED SOUTH ELEVATION	Plans – Proposed		09.03.2020
202A-221 FINAL 2020 PROPOSED NORTH ELEVATION	Plans – Proposed		09.03.2020
202A-232 PROPOSED SECTION BB	Plans – Proposed	D	24.10.2019
202A-213 FINAL 2020 PROPOSED ROOF PLAN	Plans – Proposed		09.03.2020
LP1R	Site location plan		24.10.2019
202A-211	Plans – Proposed	F	24.10.2019

PROPOSED
GROUND
FLOOR PLAN

202A-212 FINAL 2020 PROPOSED MEZZANINE FLOOR PLAN	Plans – Proposed	25.10.2019
Proposes and removed air Conditioning units	Document	24.10.2019

Permission is subject to the following Time Limit:

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.

Permission is subject to the following Pre-Commencements Condition(s)

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

Reason:

In order that the details of the programme of works for the archaeological mitigation works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

4. Above grade condition

GREEN ROOFS FOR BIODIVERSITY

Before any above grade work hereby authorised begins, details of the biodiversity (green) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green) roof(s) shall be:

- * biodiversity based with extensive substrate base (depth 80-150mm);
- * laid out in accordance with agreed plans; and
- * planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green) roof shall not be used as an amenity or sitting out space of

any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the green/brown roof(s) and Southwark Council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with: Policies 2.18 (Green Infrastructure: the Multifunctional Network of Green and Open Spaces), 5.3 (Sustainable Design and Construction), 5.10 (Urban Greening) and 5.11 (Green Roofs and Development Site Environs) of the London Plan 2016; Strategic Policy 11 (Design and Conservation) of the Core Strategy 2011, and; Saved Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

5. Prior to occupation condition

PROVISION OF REFUSE STORAGE

Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings/premises. 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 2011, and; Saved Policies 3.2 (Protection of Amenity) and 3.7 (Waste Reduction) of The Southwark Plan 2007.

6. Compliance Condition

MATERIALS TO BE AS SPECIFIED

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 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

7. OBSCURE GLAZING TO BE PROVIDED

The windows on the ground floor shall be fixed shut and the windows at mezzanine level shall be obscured glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing / fixed shut windows or fixed shut windows.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at from undue overlooking 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.

8. EMERGENCY EXIT

The fire exit to the rear of the ground floor extension shall be fixed shut and shall only be used in case of emergency

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance 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.

9. ROOF TO BE USED ONLY IN EMERGENCY

The roof of the extension(s) hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out

Reason:

In order that the privacy of neighbouring properties may be protected from overlooking from use of the roof area 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.

10. SERVICING HOURS

Any deliveries, unloading and loading to the commercial units shall only be between the following hours: between 14:00 -18:00 on Tuesdays and Fridays; and 07:00 - 12:00 on Tuesdays to Saturdays.

Reason:

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007.

11. PLANT NOISE

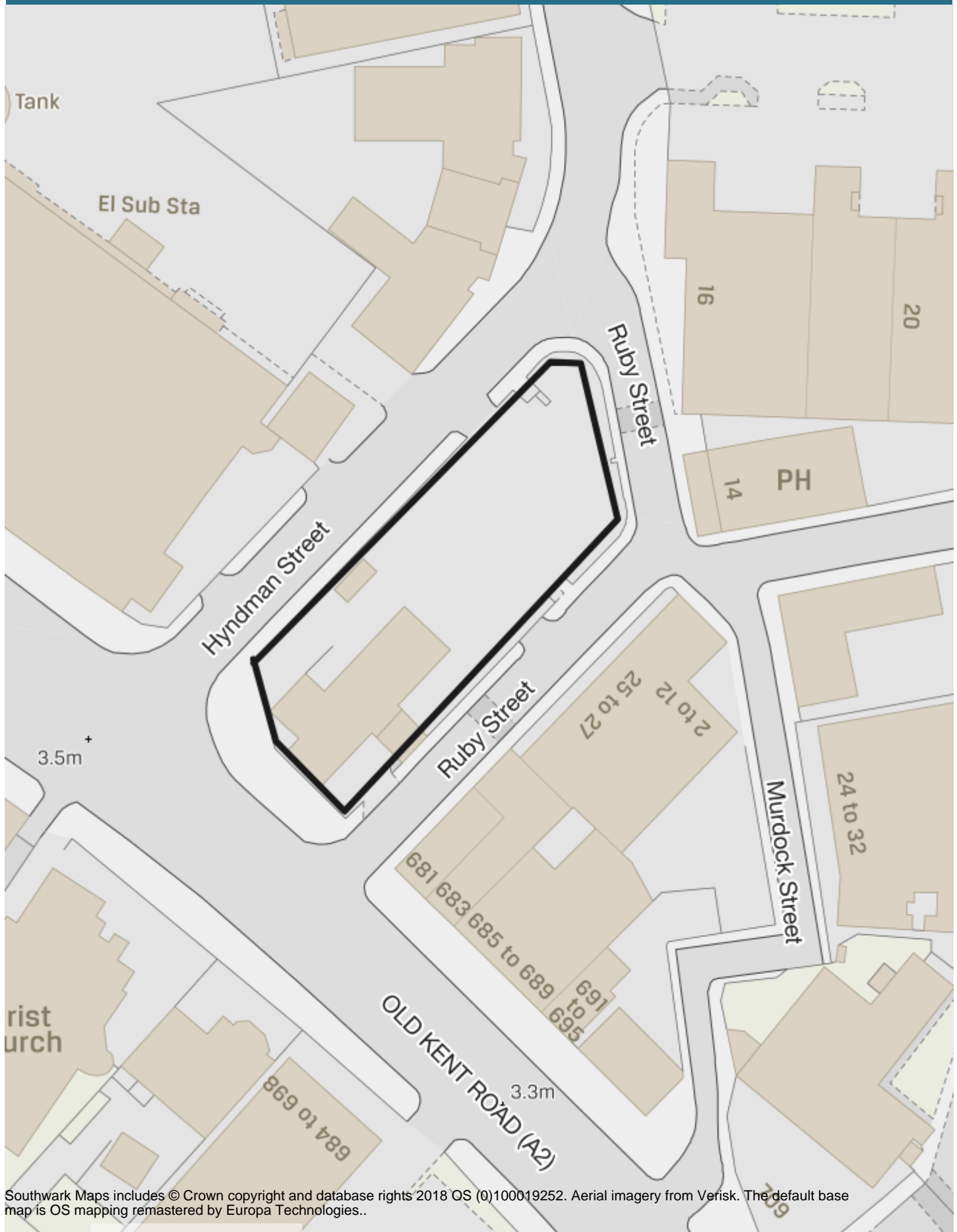
The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The plant and equipment shall be installed and constructed in accordance with the Noise Impact Assessment and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery, in accordance with: the National Planning Policy Framework 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.

Informatives



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Item No. 8	Classification: Open	Date: 13 October 2020	Meeting Name: Planning Sub-Committee A
Report title:		TPO 597 Confirmation: 671-679 Old Kent Road, SE15 1JS	
Ward(s) or groups affected:		Old Kent Road	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional TPO reference 597 be confirmed unamended.

BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on 29 June 2020 to the holder off the title absolute, Kentucky Fried Chicken (Great Britain) Ltd of Hawley Lane, Farnborough, Hants., GU14 8EG as registered with HM Land Registry.
3. The TPO protects two mature London Plane and one mature Norway Maple along with two early mature London Plane trees.
4. One objection has 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. 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 have no other statutory protection.
6. The TPO includes prominent trees clearly visible from public realm and sited within the Old Kent Road Area Action Plan. The site is sandwiched between two major planned developments.
7. These trees have been assessed as contributing to amenity and because of their value to combatting pollutants, which are particularly high in the area given the proximity to Old Kent Road and the Industrial units of Ruby Street.
8. The trees were assessed as attaining a score of 16 (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 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. One objection has been received from Old Kent Road (671-679) Ltd, subsequent owner to the site.
18. The objection relates to the proposal that the serving of a TPO will directly and adversely affect redevelopment of the site. The new owners also state that despite being engaged in formal pre-application discussions with LBS planning officers since May 2020 regarding their redevelopment proposals for the site and a virtual pre-application meeting that was held on 29 May, the provisional TPO has not been mentioned at any point. It was only after discussions with officers on the redevelopment of the site that the provisional TPO was placed on the subject trees with no consultation whatsoever, with the new owner.

19. The council has a statutory duty to protect high value amenity trees. It also has a statutory duty under the Natural Environment and Rural Communities Act to preserve biodiversity. The serving of a TPO can be made at any time. The provisions of a Tree Preservation Order allow for submissions to be made to the Council within 28 days of serving.
20. At the time of serving the order, this was to the then owner of the title deed, in accordance with the TPO regulations. The level of threat at time of serving was as perceived, a re-evaluation on the basis of the objection, this would place these trees more at foreseeable to immediate levels and so increase both the expediency and merit of a TPO.
21. With regards the proposed redevelopment of the site, the Urban Forestry Team were consulted by officers of the Old Kent Road Team and provided the following advice.
22. "The proposed retention of mature trees is welcome and should be secured throughout the design process as these provide the only significant canopy cover within the vicinity. I would recommend a TPO is served in order to give greater weight to their consideration and ongoing protection."
23. Trees situated on the periphery of the site boundary would still be affected by planned development as a proportion of the root protection area for these trees would be within the site. Direct and indirect pressures of development from tree removal, pruning, compaction or disruption of the rooting zone are all pertinent considerations and exist for both trees within the site or adjacent to it.
24. Both tree protection measures as submitted in a Tree Protection Plan and an assessment of the impact of development on trees (an Arboricultural Impact Assessment) are required as part of the planning process.
25. Guidance under 5.19 of Tree Preservation Orders: A Guide to the Law and Good Practice (MHCLG) states: "The LPA should decide in each case whether trees should be safeguarded by using a planning condition or TPO or both. In the Secretary of State's view, however, it is not reasonable to use conditions as a means of securing the long-term protection of trees when TPOs are available for this purpose."
26. The trees are not located within a conservation area, and so are not afforded even temporary protection by virtue of S.211 of the Town and Country Planning Act.
27. There is no reason why the trees could not continue to be maintained on a regular basis under the protection of a TPO. The council would not unreasonably withhold permissions for any works in line with good arboricultural practice.
28. The serving of a TPO affords these trees the highest level of protection available and places a greater duty on the tree owner to provide overwhelming evidence in support of any removal. Where removals are conducted unlawfully, the provisions of S.210 of the Town and Country Planning Act allow for the council to enforce, and where appropriate, prosecute suspected breaches, seeking suitable compensation for the loss in amenity afforded by the unlawful removal of any tree.

29. 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.
30. Photos of the trees are included within the TPO at Appendix 1.
31. 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.

Consultation

32. The TPO was lawfully served to the owners of the trees as of 29.06.2020 (Title number SGL388296: Title absolute (21.09.1983) Proprietor: Kentucky Fried Chicken (Great Britain) Ltd of Hawley Lane, Farnborough, Hants GU14 8EG and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

33. It is recommended for the reasons set out above that the trees are of sufficient quality to justify TPO status.
34. In this instance it is claimed within one objection that the TPO will adversely affect the redevelopment of the site.
35. These trees are highly visible from the public realm, they contribute not only to the nature of their setting but also confer benefit to the wider community both in the uptake of pollutants and the reduction in direct precipitation and counter the urban 'heat island' effect through shade cast.
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, there would be no statutory protection conferred on these trees.
38. It is therefore recommended that in order to afford greater legislative protection to these prominent trees, the Provisional Tree Preservation Order be confirmed, unamended.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

39. The original tree preservation order was made on 29 June 2020 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, one objection to the Order has been received.

Legislative requirement

42. The TPO lapses on 29 December 2020 if not confirmed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance Link: Please copy and paste to browser https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Chief Executive Dept 160 Tooley Street London SE1 2QH	Planning enquiries 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Council website www.southwark.gov.uk
TEMPO guidance Link: http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf		
Southwark Council TPO information Link: http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas		As above
Southwark TPO register Link: https://geo.southwark.gov.uk/connect/analyst/mobile/#!/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones		As above

APPENDICES

No.	Title
Appendix 1	Photos
Appendix 2	Provisional TPO (to follow)

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Liam Bullen, TPO Surveyor		
Version	Final		
Dated	25 September 2020		
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			25 September 2020

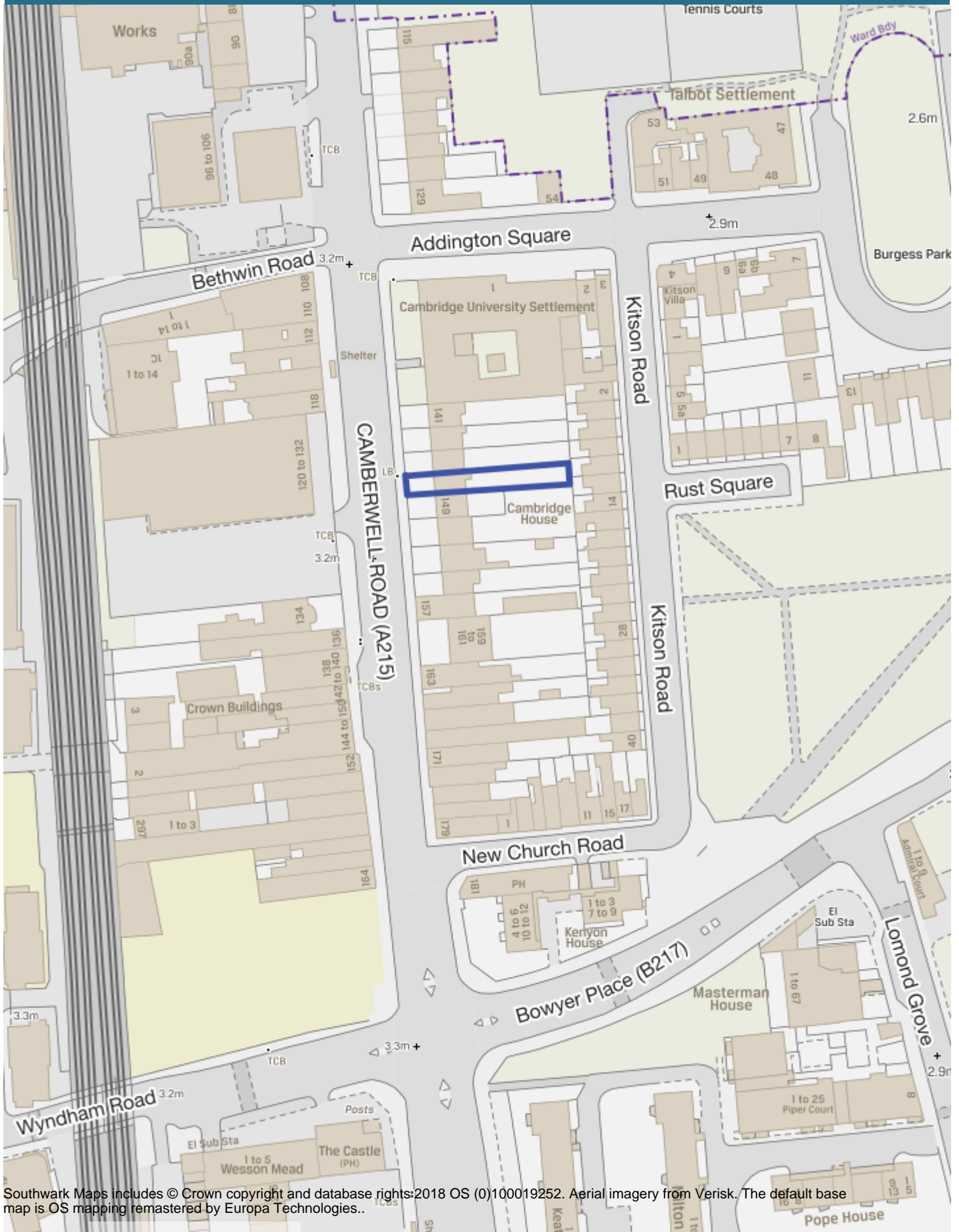
APPENDIX 1**Photos****T1 and T2****T3**



T4



T5



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Scale =

9-Sep-2020

Item No. 9	Classification: Open	Date: 13 October 2020	Meeting Name: Planning Sub-Committee A
Report title:		TPO 596 confirmation: 147 Camberwell Road, SE5 0HB	
Ward(s) or groups affected:		Camberwell Green	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional TPO reference 596 be confirmed unamended.

BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on 22 June 2020 following a request to remove the tree under a S.211 (Trees in Conservation Areas) application.
3. The TPO protects a mature Ailanthus Altissimi, whose common name is the Tree of Heaven and situated within the front garden space to 147 Camberwell Road.
4. The tree is highly prominent as viewed from public realm and confers added benefit from the uptake of pollutants to providing shade cast and limiting precipitation. The species is highly suited to its proximity to the road given its tolerance of pollutants and to drought.
5. One objection has 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

6. 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 would continue to be afforded the temporary statutory protection of the conservation area designation.
7. The TPO includes a prominent tree many of which would date back to the development of the large Victorian villas and later early Edwardian properties which are a feature of these roads, built upon previous woodland pasture.
8. This tree has been assessed as contributing to amenity and because of its value to screening and combatting pollutants, which are particularly high in the area given the proximity to Camberwell Road.
9. The tree was assessed as attaining a score of 17 (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 merited.

10. 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.
11. 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.
12. 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

13. 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.
14. Section 197 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
15. 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.
16. 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.
17. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with proven amenity value.

Objection to the order

18. One objection has been received from a local resident.
19. The objection proposes that the tree is unsafe due its location above a coal hole and in close proximity to a major road and that the tree is suppressing a young London Plane street tree.
20. The Ailanthus tree is a mature specimen which despite previous pruning, contributes to the wider area. Photographs supplied by the objector show the

tree to have good vitality and there are no outward concerns to show root plate displacement or other structural weaknesses. Leaf distribution within the overall canopy is widespread and healthy.

21. Trees are self-optimising structures which put down roots in response to their external environment. Indeed many of London's most prominent trees were planted above underground services, or, within nature; are sited over foxholes, on the sides of embankments or on top of setts.
22. The internal structure of the coal hole shows no signs of damage save for the incursion of one small exploratory root which could be severed. The relatively small yet wide trunk along with a low crown break add to the biomechanical stability of the tree.
23. Given that the tree has previously been reduced, there is no reason why the trees could not continue to be maintained on a regular basis under the protection of a TPO. The reduction of the Ailanthus would provide for the continued growth of the London Plane street tree.
24. The serving of a TPO affords this tree the highest level of protection available and places a greater duty on the tree owner to provide overwhelming evidence in support of any removal. To date, the objector has yet to provide overwhelming supportive professional evidence to the claim that the tree is causing damage or is unstable.
25. Where removals are conducted unlawfully, the provisions of S.210 of the Town and Country Planning Act allow for the council to enforce, and where appropriate, prosecute suspected breaches, seeking suitable compensation for the loss in amenity afforded by the unlawful removal of any tree.
26. To date, officers have received two applications to reduce the tree 2011 and 2017, with a further request for removal which resulted in the serving of a Tree Preservation Order.
27. 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.
28. Photos of the tree are included within the TPO at Appendix 1.
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.

Consultation

30. The TPO was lawfully served to the owners of the trees and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

31. It is recommended for the reasons set out above that the trees are of sufficient quality to justify TPO status.
32. The tree is highly visible from the public realm, it contributes not only to the verdant nature of their setting of the Conservation Area but also confers benefit to the wider community both in the uptake of pollutants and the reduction in direct precipitation and counter the urban 'heat island' effect through shade cast
33. 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.
34. Should the provisional TPO not be confirmed, it is likely the council would receive a subsequent S.211 application to remove the tree resulting in the serving of a further TPO.
35. It is therefore recommended that in order to afford greater legislative protection to these prominent trees, the Provisional Tree Preservation Order be confirmed, unamended.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

36. The original tree preservation order was made on 22 June 2020 and this protects the trees for up to six months unless confirmed and made permanent.
37. 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.
38. In this instance, one objection to the Order has been received.

Legislative requirement

39. The TPO lapses on 22 December 2020 if not confirmed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance Link: Please copy and paste to your browser https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Chief Executive Dept 160 Tooley Street London SE1 2QH	Planning enquiries 020 7525 5403 Planning enquiries email: planning.enquiries @southwark.gov.uk Council website www.southwark.gov.uk
TEMPO guidance Link: http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf		
Southwark Council TPO information Link: http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas		As above
Southwark TPO register Link: https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones		As above

APPENDICES

No.	Title
Appendix 1	Photos
Appendix 2	Provisional TPO (to follow)

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Liam Bullen, TPO Surveyor		
Version	Final		
Dated	25 September 2020		
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			25 September 2020

APPENDIX 1**Photos**

PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2020-21

NOTE: Original held by Constitutional Team all amendments/queries to Gerald Gohler/Beverley Olamijulo Tel: 020 7525 7420/7234

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Councillor Maggie Browning	1		
Councillor Sunil Chopra	1		
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Planning Team - Philippa Brown / Affie Demetriou - Hub 2 Level 5, Tooley St.	2		
Margaret Foley, Legal Services (label provided)	1		