
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 Shamash Covent Garden Limited	Reg. Number	11/AP/1923
Application Type	Full Planning Permission	Case Number	TP/4030-A
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was **GRANTED** for the following development:

The construction of 4 low energy maisonettes with associated services and landscaping.

At: LAND ADJACENT TO 7-14 SPINNEY GARDENS, LONDON, SE19 1LL

In accordance with application received on 14/06/2011 08:04:47

and Applicant's Drawing Nos. 1001/TP/01 REV B, 1001/TP/02, 1001/TP/03, 1001/TP/04, 1001/TP/05, 1001/TP/06, 1001/TP/07, Ecological Assessment Report, Arboricultural Report, Design and Access Statement.

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

Strategic policies of the Core Strategy 2011

- Strategic Policy 1 - Sustainable development states that development will improve the places we live and work and enable a better quality of life for Southwark's diverse population.
- Strategic Policy 2 - Strategic transport encourages walking, cycling and the use of public transport rather than travel by car.
- Strategic Policy 5 - Providing new homes encourages new, quality housing provision within the borough.
- Strategic Policy 11 - Open spaces and wildlife seeks to enhance and protect the natural environment.
- Strategic Policy 12 - Design and conservation states that development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.
- Strategic Policy 13 - High environmental standards states that development will help us live and work in a way that respects the limits of the planet's natural resources, reduces pollution and damage to the environment and helps us adapt to climate change.
- Strategic Policy 14 - Implementation and delivery seeks to ensure that our strategic vision and objectives for further protecting, enhancing and regenerating Southwark are implemented.

Saved policies of the Southwark Plan 2007

- Policy 3.2 - Protection of amenity - seeks to protect and enhance amenity standards throughout the borough.
- Policy 3.4 - Energy efficiency - seeks to ensure that all developments are energy efficient.
- Policy 3.12 - Quality in Design - promoted good design for all developments.
- Policy 3.13 - Urban design - seeks to secure a high standard of urban design from all developments.
- Policy 3.14 - Designing out crime - aims to reduce crime and the potential for crime through design.
- Policy 3.28 - Biodiversity - seeks to enhance and protect biodiversity in all developments
- Policy 4.2 - Quality of residential accommodation - promotes a high standard of living accommodation from all developments.
- Policy 5.2 - Transport impacts - aims to assess the likely impact of the development on the surrounding transport infrastructure.
- Policy 5.3 - Walking and cycling - seeks to promote walking and cycling in all developments.
- Policy 5.6 - Car parking - provides the maximum and minimum levels of parking for all developments.

National Planning Policy Framework 2012

- 4). Promoting sustainable transport
- 6). Delivering a wide choice of high quality homes
- 7). Requiring good design.
- 11). Conserving and enhancing the natural environment.

Particular regard was had to the loss of trees on the application site and the potential adverse impacts on the adjacent Local Nature Reserve at Dulwich Upper Wood and associated impacts for flora and fauna however it was considered that all adverse impacts can be mitigated by the imposition of relevant planning conditions and as such it was considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

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

Reason

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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:1001/TP/01 REV B, 1001/TP/02, 1001/TP/03, 1001/TP/04, 1001/TP/05, 1001/TP/06, 1001/TP/07.

Reason:

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

- 3 Samples of the tiles, glazing, fascia and copper roofing 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 that the Local Planning Authority may be satisfied as to the details of materials in the interest of the appearance of the building in accordance with saved policy 3.2 - Protection of Amenity of The Southwark Plan 2007, SP13 - High Environmental Standards of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012.

- 4 The dwellings hereby permitted shall not be occupied before details of the arrangements for the storing of domestic refuse have been submitted to (2 copies) and approved in writing by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved policy 3.2 - Protection of Amenity of The Southwark Plan 2007, SP13 - High Environmental Standards of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012

- 5 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved in writing by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with saved policy 5.3 - Walking and Cycling of The Southwark Plan 2007, SP2 - Sustainable Transport of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012

- 6 Details of any external lighting [including design, power and position of luminaires] and security surveillance equipment of external areas surrounding the building shall be submitted to (2 copies) and approved in writing by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of

adjoining occupiers in accordance with saved policy 3.2 - Protection of Amenity of The Southwark Plan 2007, SP13 - High Environmental Standards of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012

- 7 A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site. All tree protection measures and subsequent works required pursuant to that pre-commencement meeting and the Arboricultural Report shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. The applicant shall at their own expense instruct an arboricultural consultant, approved by the Council in writing, to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed and a monitoring programme approved in writing by the Local Planning Authority. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.

Reason

In the interests of preserving the health of the trees and to maintain the visual amenity of the site, in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 8 Prior to works commencing, including any demolition, details of the means by which any existing trees on or directly adjacent to the site are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment, shall be submitted to and approved in writing by the Local Planning Authority. The protective measures shall be installed and retained throughout the period of the works in accordance with any such approval given and protective fencing must not be moved or removed without the explicit written permission of the Local Authority Arboriculturalist. Within the protected area, no fires may be lit, no materials may be stacked or stored, no cement mixers or generators may be used, and no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist under the supervision of the developer's appointed Arboriculturalist. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around. Excavation must adhere to the guidelines set out in the National Joint Utilities Group (NJUG) publication Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written permission of the Local Authority Arboriculturalist.

Reason

To ensure the protection of the existing trees in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2012.

- 9 Before any above grade work hereby authorised begins, detailed drawings scale 1:50 of a hard and soft

landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. 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 two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 3996 Nursery stock specification, BS: 5837 Trees in relation to construction and BS: 7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

Reason

In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 10 Prior to occupation hereby authorised begins, a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:
- A statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
 - Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement where tree loss or vandalism occurs.
 - Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
 - Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998.
 - Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
 - Inspection for pests, vermin and diseases and proposed remedial measures.
 - Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
 - Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason

In order that the Local Planning Authority may ensure that trees and woodland are cared for in the long term in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 11 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified Ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason

In order that the Local Planning Authority may ensure that wildlife is cared for in the long term in accordance with the Wildlife and Countryside Act 1981 (as amended), saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 12 The following measures for the mitigation of impact and enhancement of biodiversity set out in Chapter 8 of the Ecological Report recommendations, shall be implemented in full prior to the development being brought into use/occupied or in accordance with the timetable detailed in the approved scheme. This shall include;

- At least 2 bat boxes;
- Stag beetle loggery consistent with LWT standard loggery design;
- A minimum of four bird boxes on buildings or trees;
- A minimum of 50% new planting to be native species and known to attract wildlife.

Reason

To increase the biodiversity of the site and to mitigate any impacts from the development hereby approved in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 13 Prior to the new development being first brought into use/occupied, a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. This shall include the monitoring of bird and bat boxes which shall be carried out and reported to the Local Planning Authority in accordance with the agreed scheme for a period of five years.

Reason

To increase the biodiversity of the site and to mitigate any impacts from the development hereby approved in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 14 a) Before any above grade work hereby authorised begins, an independently verified Code for Sustainable Homes interim certification that seeks to achieve a minimum Level 4 or equivalent Code Level rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- b) Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with Strategic Policy 13 – High environmental standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 15 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - 1 • human health,
 - 2 • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - 3 • adjoining land,
 - 4 • groundwaters and surface waters,
 - 5 • ecological systems,
 - 6 • archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007