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## RECOMMENDATION

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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.

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<b>Applicant</b>	Mrs M. Lavell Martin Lavell Ltd	<b>Reg. Number</b>	12/AP/0542
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/1231-65
<b>Recommendation</b>	Grant subject to Legal Agreement		

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### Draft of Decision Notice

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

Addition of a new condition listing revised drawing numbers and variation of Condition 5 of planning permission 08-AP-0351 [dated 03/10/2008][Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment]. The revisions proposed include amendments to balconies on the King's Bench elevation, amendments to layout of B1 floorspace at ground and first floor level, revised access and cycle parking arrangements at ground floor level, revised layouts of the residential units at second, third and fourth floor levels, including provision of a bridge link at 2nd floor level, addition of Solar PV panels at roof level, removal of the lowered courtyard in the office space, revised screening of the access decks and removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space. Also proposed are changes to all elevations.

**At:** NEWSPAPER HOUSE, 40 RUSHWORTH STREET LONDON, SE1 0RB

**In accordance with application received on 22/02/2012**

**and Applicant's Drawing Nos.** Site Location Plan, 0630 SK 01, 0630 SK 02, 0630 SK 101 R, 0630 AP 101R, 0630 AP 102R, 0630 AP 103R, 0630 AP 104R, 0630 AP 105R, 0630 AP 106R, 111R REV A, 112R REV A, 0630 AP 300, 0630 AP 301, 0630 AP 302, 0630 AP 303, 0630 AP 304;

Consented Ground Floor & Site Plan, Proposed Ground Floor & Site Plan, Consented First Floor Plan, Proposed First Floor Plan, Consented Second Floor Plan, Proposed Second Floor Plan, Consented Third Floor Plan, Proposed Third Floor Plan, Consented Fourth Floor Plan, Proposed Fourth Floor Plan, Consented Roof Plan, Proposed Roof Plan, Consented Elevations, Proposed Section & Elevations, Consented Elevations - Sections C & D, Proposed Section & Elevations - Courtyard & Section E, Consented Elevations - Taxi Yard & Section C, Proposed section & Elevations - Taxi Yard & Section C, Consented Section B, Proposed Section B

Foul and Surface Water Drainage Statement; Planning, Design and Access Statement; Significance Assessment

Cover Letter (dated 28th June 2012); 40 Rushworth Street - Stage D Report; BREEAM Design Note

## Reasons for granting permission.

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

### a] Core Strategy 2011

Strategic Policy 2 - Sustainable transport: We will encourage walking, cycling and the use of public transport rather than travel by car. This will help create safe, attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 5 - Providing New Homes: Development will meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive environments, particularly in our growth areas.

Strategic Policy 6 - Homes for people on different incomes: Development will provide homes including social rented, intermediate and private for people on a wide range of incomes.

Strategic Policy 7 - Family Homes: Development will provide more family housing with 3 or more bedrooms for people of all incomes to help make Southwark a borough which is affordable for families.

Strategic Policy 10 - Jobs and businesses: We will increase the number of jobs in Southwark and create an environment in which businesses can thrive. We will also try to ensure that local people and businesses benefit from opportunities which are generated from development.

Strategic Policy 12 - Design and conservation: 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: Development will help us live and work in a way that respects the limit's of the planet's natural resources, reduces pollution and damage to the environment and helps us to 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.

### b] Saved Policies of the Southwark Plan 2007

Policy 2.5 (Planning obligations): seeks to ensure that any adverse effects arising from a development is taken into account and mitigated and contributions towards infrastructure and the environment to support the development are secured, where relevant in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.1 (Environmental effects): seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

Policy 3.2 (Protection of amenity): advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.6 (Air quality): advises that permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.9 (Water) advises that all developments should incorporate measures to reduce demand and for rain water recycling.

Policy 3.12 (Quality in design): requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 (Urban design) seeks to ensure that principles of good urban design are taken into account in all developments.

Policy 3.14 (Designing Out Crime) seeks to ensure that development is designed to improve community safety and crime prevention.

Policy 3.16 (Conservation areas) states that within conservation areas, development should preserve or enhance the character or appearance of the area.

Policy 3.18 (Setting of listed buildings, conservation areas and world heritage sites) states that

Permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building

Policy 3.19 ("Archaeology") seeks to ensure that the impact of development on any archaeological remains is assessed and preserved, protected and safeguarded.

Policy 4.2 ("Quality of residential accommodation") ensures that good quality housing is provided for the accommodation needs of the borough.

Policy 4.3 ("Mix of Dwellings") requires all major residential new development to provide a mix of dwelling sizes and types to cater for the range of housing needs of the area.

Policy 4.4 ("Affordable Housing") seeks to secure affordable housing as part of private development

Policy 5.1 ("Locating developments") states that major developments generating a significant number of trips should be located near transport nodes.

Policy 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 ("Walking and cycling") requires development to provide adequate facilities for pedestrians and cyclists.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided

Policy 5.7 ("Parking Standards for Disabled People") seeks adequate parking provision for disabled people and the mobility impaired.

c] London Plan 2011

Policy 2.12 Central Activities Zone - Predominantly Local Activities, Policy 3.3 Increasing Housing Supply, Policy 3.8 Housing Choice, Policy 3.9 Mixed and Balanced Communities, Policy 5.1 Climate Change Mitigation, Policy 5.2 Minimising Carbon Dioxide Emissions, Policy 5.3 Sustainable Design and Construction, Policy 5.7 Renewable Energy, Policy 6.9 Cycling, Policy 6.13 Parking, Policy 7.2 An Inclusive Environment, Policy 7.3 Designing Out Crime, Policy 7.4 Local Character, Policy 7.5 Public Realm, Policy 7.6 Architecture, Policy 8.2 Planning Obligations

d] National Planning Policy Framework

- Particular regard was had to the impact of the proposal on neighbour amenity, which was considered to be acceptable subject to conditions.
- Regard was had to the principle of the proposed use which is considered to be acceptable
- It is considered that the new buildings have been designed in a sensitive and sympathetic manner that integrates with the surrounding area and will enhance the King's Bench Conservation Area, subject to conditions of consent in particular in relation to materials and detailing. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of outlook and privacy, and noise and disturbance, subject to the imposition of relevant conditions.
- Transport and highways impacts of the scheme are considered to be acceptable. Effects of the scheme on the surroundings of the site and public realm have been addressed satisfactorily, subject to the imposition of relevant conditions.

Other policies have been considered, but in this instance were not considered to have such weight as to justify a refusal of permission. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**Subject to the following condition:**

- 1 The amendments hereby permitted under this Section 73 application shall be begun before the end of three years from the date of this permission.

Reason

In the interests of proper planning.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following

approved plans:

Dwg. No's 0630 SK 101 R, 0630 AP 101R, 0630 AP 102R, 0630 AP 103R, 0630 AP 104R, 0630 AP 105R, 0630 AP 106R, 111R REV A, 112R REV A, 0630 AP 300, 0630 AP 301, 0630 AP 302, 0630 AP 303, 0630 AP 304;

Reason:

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

- 3 Details and samples of all facing materials 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; the development shall not be carried out otherwise than in accordance with any such approval given. These details and samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the design and details of the buildings are satisfactory, having regard to the appearance of the surrounding in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Area' of The Southwark Plan 2007.

- 4 1:5/10 section detail-drawings through: the projecting balconies and upper duplex to Kings Bench Street; the lower-level Rushworth Street block facade; and the access decks/balconies facing the courtyard to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any further work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the design and details are acceptable, in the interest of the appearance of the development hereby approved in accordance with in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Areas' of The Southwark Plan 2007.

- 5 1:10 elevational detail-drawings of the windows, doors and gates to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any further work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the design and details are acceptable, in the interest of the special architectural or historic qualities of the proposed development in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Areas' of The Southwark Plan 2007.

- 6 Before any further works being carried out in relation to this permission, a detailed drawing to a scale of 1:50 of the proposed sitting and design of a screen between the application property and 63 Webber Street shall be submitted to and approved by the Local Planning Authority and the approved screen shall be constructed on site prior to first occupation and shall be retained as such thereafter. Alternatively, should the balcony and screening at No. 63 Webber Street, as consented under application 11/AP/1362, be constructed, plans should be submitted indicating how the privacy of No. 63 has been maintained for approval in writing by the Local Planning Authority prior to any further works being carried out in relation to this permission.

Further to this a 1:50 elevation-drawing of the north-east elevation, indicating a green wall, relief modelling and detailing shall be submitted for approval in writing by the Local Planning Authority prior to any further works being carried out in relation to this permission and the development shall be carried out in strict accordance with the approved details and retained as such thereafter.

Reason

In the interests of the protection of the amenities of the occupiers in 63 Webber Street and to ensure that the design and details in the interest of the appearance of the development and in accordance in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.2 'Protection of Amenity', 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Area' of The Southwark Plan 2007.

- 7 Details of the proposed screening proposed to the roof gardens, the access walkways, and the south-facing

balconies shall be submitted to and approved in writing by the local planning authority before any further works in connection with this permission are carried out. Details shall include the materials, sectional details, planting, and any artworks or installations which are proposed to be incorporated within the scheme.

**Reason**

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 63 Webber St from undue overlooking, and in the interests of visual amenity, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved Policies 3.2 'Protection of amenity' and 3.12 Quality in design of the Southwark Plan 2007.

- 8 Detailed drawings of a landscaping scheme (2 copies), including provision for proposed screen planting shall be submitted to and approved by the Council before any further works in connection with this permission are carried out and the landscaping scheme approved shall thereafter be implemented in the first appropriate planting season following completion of the building works and maintained thereafter. This landscaping scheme should include planters outside bedroom 1 of the residential units at second and third floor levels.

**Reason**

To ensure an appropriate standard of landscaping is provided on site and that biodiversity on the site is enhanced, in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved Policy 3.2 'Protection of Amenity', 3.13 'Urban Design', and 3.28 'Biodiversity' of the Southwark Plan (UDP) July 2007.

- 9 Prior to occupation of the development, a revised energy strategy shall be submitted indicating that a 20% carbon dioxide reduction below assessed baseline levels has been achieved by way of on-site renewable energy. Before the development is occupied the proposed measures outlined above shall have been installed, and the local planning authority shall have been provided with evidence that the equipment as installed satisfies the agreed standard. The approved scheme shall be implemented and maintained thereafter.

**Reason**

To comply with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and the Council's Supplementary Planning Document 'Sustainable Design and Construction' 2008.

- 10 The proposed development shall be implemented to deliver a Code for Sustainable Homes rating of at least level 4 (or to any updated equivalent standard). Prior to occupation of the development, a Code for Sustainable Homes post construction review, carried out by a licensed assessor, shall be submitted in writing to the Local Planning Authority to verify delivery of this specification.

**Reason**

To ensure that the scheme is of a suitable standard of sustainable construction in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and Saved Policies 3.1 (Environmental Effects), 3.3 Sustainability assessments and 3.9 (Water) of the Southwark Plan 2007.

- 11 Unless previously discharged, prior to any further works in connection with this permission being carried out, details of a Construction Management Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site and shall include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy

(2011) and saved Policy 3.2 'Protection of Amenity' of The Southwark Plan 2007.

- 12 Prior to any further works being carried out, details of any proposed ground sourced heat pumps shall be submitted in writing to the Local Authority for approval. These shall be designed and installed to be of a vertical configuration rather than horizontal installation.

Reason

To ensure that the archaeological interests of the site are appropriately managed, in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved policies 3.15 Conservation of the historic environment and 3.19 Archaeology of the Southwark Plan 2007.

- 13 Unless previously discharged, no further works shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason

To ensure that the programme of archaeological observation and recording is undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved policies 3.15 Conservation of the historic environment and 3.19 Archaeology of the Southwark Plan 2007.

- 14 Unless previously discharged, no further works in connection with this permission shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason

To ensure that the archaeological building recording is undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated and that the information is archived, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved policies 3.15 Conservation of the historic environment and 3.19 Archaeology of the Southwark Plan 2007.

- 15 Details of the proposed air/ground source heat pumps, including details of noise levels, shall be submitted to and approved in writing by the local planning authority before any further works in connection with this permission are carried out.

Reason

In the interests of visual and residential amenity, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved Policies 3.2 'Protection of amenity' and 3.12 Quality in design' of the Southwark Plan 2007.

- 16 The rated noise level from any plant, including air and ground source heat pumps, together with any associated ducting, shall be 10 dB(A) or more below the measured  $L_{A90}$  level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with the above limits and shall be permanently maintained thereafter.

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 Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 17 After completion but prior to occupation of the development hereby permitted, a test shall be carried out and the results submitted to and approved by the Local Planning Authority to demonstrate that the standards below will be met:

Residential developments must be designed to ensure the following Vibration Dose Values ( $m/s^{1.75}$ ) exceeded due to road, rail or industry, BS6472:1992 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz):

Residential Buildings 16hr day- 0.0 to 0.4 and 8hr night- 0.13.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources in accordance with Strategic Policy 13 'High Environmental Standards' and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan.

- 18 Prior to any further building works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason

To ensure that end users of the premises do not suffer a loss of amenity by reason of pollution in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 19 Prior to any further building works on site a scheme of sound insulation to protect residential premises from airborne and structure borne noise emanating from commercial premises shall be submitted to and approved by the Local Planning Authority.

A test shall subsequently be carried out after completion but prior to occupation to show that the approved scheme has been appropriately implemented and the results of this test shall be submitted to the local planning authority for approval.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policy 3.2 'Protection of amenity of the Southwark Plan 2007.

- 20 All residential premises shall be designed to attain the following internal noise levels:

Bedrooms- 30dB LAeq, 8hr and 45dB LAF max  
Living rooms- 35dB LAeq, 16hr

A test shall be carried out after completion but prior to occupation to show that the criteria above have been met and the results submitted to the Local Planning Authority for approval.

Reason

To ensure that the occupiers and users of the proposed 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 and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 21 Plans indicating the provision of a total of 14 cycle spaces (10 residential and 4 commercial) and details of the type of cycle stands to be provided for the secure storage of cycles shall be submitted to and approved by the Local Planning Authority before any further works related to this permission are carried out 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.

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 Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011) and saved policy 5.3 'Walking and cycling' of the Southwark Plan 2007.

- 22 The vehicle crossover to be formed on Rushworth St shall not be used for the purposes of vehicular access or for the purposes of enabling car parking within the curtilage of the site, without the prior written approval of the local planning authority which shall be sought by way of an application for planning permission.

Reason

In the interests of ensuring that the scheme remains a 'car free' development and in encouraging more sustainable travel choices in accordance with Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011) and saved policies 5.3 Walking and cycling and 5.6 Car parking of the Southwark Plan 2007.

- 23 Details of all external lighting in connection with the construction of the proposal and the occupation of the property shall be submitted and approved in writing by the Local Planning Authority before any further works related to this permission are carried out. Lights within the property, once completed, will be turned off when the building is not occupied. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

Reason

To protect adjoining occupiers from light pollution and impact on their amenity and to reduce the need for energy in compliance with Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and saved policies 3.2 Protection of Amenity of the Southwark Plan 2007.

- 24 Prior to any further works related to this permission are carried out, and unless previously discharged, an evacuation plan covering flood evacuation and escape routes, in-house warning system, signage within and outside the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The approved works and the evacuation plan shall then be implemented in full from the date the building is occupied.

Reason

To minimise the risk to users of the development from flooding in accordance with saved Policies 3.2 Protection of amenity and 3.9 Water of the Southwark Plan 2007.

- 25 Unless previously discharged, no further work related to this permission shall be carried out until surface water drainage details, incorporating sustainable urban drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that the Local Planning Authority may be satisfied that the scheme is of a suitable standard to secure sustainability objectives in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Polices 3.3 Sustainability assessments and 3.9 Water of the Southwark Plan 2007.

- 26 Residential finished floor levels should be set above 5.4m AOD.

Reason

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

**Informative**

The applicant is reminded to implement flood resilient and resistant measures into the scheme using the guidance contained within [Approved Document C of the Building Regulations](#) and the '[Improving the flood performance of new buildings: flood resilient construction](#)' publication issued by the Department for Communities and Local Government (DCLG) in 2007.