

# APPENDIX 5

## 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.

<b>Applicant</b>	Lend Lease (Elephant And Castle Ltd)	<b>Reg. Number</b>	12/AP/3203
<b>Application Type</b>	Full Planning Permission		
<b>Recommendation</b>	Grant subject to Legal Agreement and GLA	<b>Case Number</b>	TP/H1064A

### Draft of Decision Notice

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

Demolition of all existing structures and bridges and associated works.

The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

**At:** THE HEYGATE ESTATE AND SURROUNDING LAND BOUND BY NEW KENT (A201) TO THE NORTH, RODNEY PLACE AND RODNEY ROAD TO THE EAST, WANSEY STREET TO THE SOUTH AND WALWORTH ROAD (A215) AND ELEPHANT ROAD TO THE WEST

In accordance with application received on 28/09/2012

#### and Applicant's Drawing Nos. Plans

P01 Rev P-0; P02 Rev P-0

Environmental Statement & Appendices (March 2012) and Addendum (September 2012)

Tree Strategy (March 2012) and Addendum (September 2012)

#### Reasons for granting permission.

The planning application accords with the provisions of the development plan, and in particular with the relevant policies of the Core Strategy (2011), Southwark Plan (2007) and the London Plan (2011) as listed below. The planning application is also considered acceptable in the light of the provisions of the National Planning Policy Framework. 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 requires development to improve the places we live and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 – Sustainable transport states that we will encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 10 – Jobs and businesses encourages the increase in the number of jobs in Southwark and create an environment in which businesses can thrive.

Strategic Policy 11 - Open spaces and wildlife states a commitment to improve, protect and maintain a network of open spaces and green corridors that will make places attractive and provide sport, leisure, and food growing opportunities for a growing population. We will protect and improve habitats for a variety of wildlife.

Strategic Policy 12 – Design and conservation requires development to 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 requires development to respect the limit's of the planet's natural resources, reduce pollution and damage to the environment, and help us adapt to climate change.

#### Saved policies of the Southwark Plan 2007

Policy 1.1 "Access to employment opportunities" seeks to ensure that for all developments over 1,000 sqm of new or improved floorspace that provide or generate employment, the LPA will enter into planning obligations to improve employment participation within Southwark.

Policy 2.5 "Planning obligations" seeks to ensure that any adverse effect 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.

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" protects against the loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.

Policy 3.3 "Sustainability assessment" requires major applications to be supported by a sustainability assessment.

Policy 3.6 "Air quality" states that permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.7 "Waste reduction" states that all developments are required to ensure adequate provision of recycling, composting, and residual waste disposal, collection and storage facilities as well as demonstrate how the waste management hierarchy will be applied during demolition and construction and after the development is completed.

Policy 3.14 "Designing out crime" states that developments, in both the private and public realm, should be designed to improve community safety and crime prevention.

Policy 3.15 "Conservation of the historic environment" states that developments should preserve or enhance the special or historic character or appearance of buildings or areas of historic or architectural significance. Planning proposals that have an adverse effect on the historic environment will not be permitted.

Policy 3.17 "Listed buildings" states that development proposals involving a listed building should preserve the building and its features or special architectural or historic interest.

Policy 3.18 "Setting of listed buildings, conservation areas, and world heritage sites" requires developments to preserve or enhance the setting or important views of a listed building, the setting or views into and out of a conservation area, and the setting or important views of or from a world heritage site.

Policy 3.19 "Archaeology" advises there is a presumption in favour preservation in situ, to protect and safeguard archaeological remains of national and local importance.

Policy 3.21 "Strategic views" states that the LPA will seek to protect and enhance the strategic views of St. Paul's Cathedral.

Policy 3.22 "Important local views" advises that the LPA will seek to protect and enhance identified views, panoramas, prospects and their settings that contribute to the image and built environment of the borough and wider London.

Policy 3.28 "Biodiversity" states that the LPA will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity.

Policy 4.6 "Loss of residential accommodation" advises that development will not be permitted where it results in the net loss of residential floorspace except in certain circumstances.

Policy 5.2 "Transport impacts" states that planning permission will be granted for development unless there is an adverse impact on transport networks, and/or adequate provision has not been made for servicing, circulation and access to and from the site, and/or consideration has not been given to impacts on the Transport for London road network.

#### Policies of the London Plan 2011

Policy 2.13 "Opportunity Areas and Intensification Areas" seeks to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses.

Policy 3.1 "Ensuring Equal Life Chances For All" states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.

Policy 3.3 "Increasing Housing Supply sets out the housing targets for London and individual boroughs.

Policy 3.8 "Housing Choice" states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.

Policy 3.9 "Mixed And Balanced Communities" requires a more balanced mix of tenures in London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.

Policy 3.11 "Affordable Housing Targets" seeks to maximise affordable housing provision.

Policy 3.14 "Existing Housing" advises that loss of housing, including affordable housing, should be resisted unless the

housing is replaced at existing or higher densities with at least equivalent floorspace.

Policy 4.1 "Developing London's Economy" seeks to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across London, ensuring the availability of sufficient and suitable workspaces in terms of type, size, and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises.

Policy 5.1 "Climate Change Mitigation" sets out the Mayor's requirements for an overall reduction in London's carbon dioxide emissions of 60% by 2025.

Policy 5.2 "Minimising Carbon Emissions" requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy.

Policy 5.3 "Sustainable Design And Construction" states that development should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.

Policy 5.6 "Decentralised Energy In Development Proposals" states that development proposals should evaluate the feasibility of combined heat and power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.

Policy 5.7 "Renewable Energy" sets out that major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation.

Policy 5.12 "Flood Risk Management" states that major development proposals must comply with flood risk assessment and management requirements.

Policy 5.13 "Sustainable Drainage" states that development should utilise sustainable urban drainage systems (SUDS) and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy 6.3 "Assessing Effects Of Development On Transport Capacity" states that development proposals should ensure that impacts on transport capacity and the transport network are fully assessed.

Policy 6.9 "Cycling" supports the increase in cycling in London.

Policy 6.10 "Walking" supports the increase in walking in London.

Policy 6.13 "Parking" states that maximum standards to parking levels should be applied to planning applications.

Policy 7.2 "An Inclusive Environment" requires all new development to achieve the highest standards of accessible and inclusive design.

Policy 7.3 "Designing Out Crime" seeks to create safe, secure and appropriately accessible environments.

Policy 7.6 "Architecture" that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

Policy 7.8 "Heritage Assets And Archaeology" states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

Policy 7.10 "World Heritage Sites" states that development should not cause adverse impacts on World Heritage Sites or their settings. In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity, or significance.

Policy 7.12 "Implementing The London View Management Framework" advises that new development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements. It should also preserve or enhance the viewer's ability to recognise and appreciate strategically important landmarks in these views.

Policy 7.14 "Improving Air Quality" advises that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.

Policy 7.15 "Reducing Noise And Enhancing Soundscapes" advises that development proposals should seek to reduce noise.

Policy 7.18 "Protecting Local Open Space And Addressing Local Deficiency" states that the Mayor supports the creation

of new open space to ensure satisfactory levels of local provision and address areas of deficiency.

Policy 7.19 "Biodiversity And Access To Nature" states that development proposals should make a positive contribution to the protection, enhancement, creation, and management of biodiversity.

Policy 7.21 "Trees And Woodlands" states that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied trees.

Policy 8.2 "Planning Obligations" states that development proposals should address strategic as well as local priorities in planning obligations.

#### National Planning Policy Framework

Section 1: Building a strong competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable development

Section 6: Delivering a wide choice of good quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Particular regard was had to the principle of demolition and removal of buildings and structures associated with Heygate Estate that are located within application site boundary. The demolition works are necessary as the Heygate Estate has long been identified by the Council for comprehensive redevelopment as refurbishment would not address the problems identified with the estate (such as poor, un-inviting physical environment and deteriorating 1970s buildings with poor environmental performance) or deliver the council's wider vision for the Elephant and Castle as an attractive central London destination. The Heygate Estate therefore forms a key component of the regeneration of the Elephant and Castle Opportunity Area

This demolition application is linked to the outline application (reference 12-AP-1092) which proposes a replacement high density, mixed use development on the application site. While the demolition will result in the physical removal of 1,107 residential units, these will be replaced with between 2,300 and 2,469 new homes across the site, including affordable housing. This represents a net increase in residential units and therefore fully accords with saved policy 4.6 of the Southwark Plan and Policy 3.14 of the London Plan which resists the loss of housing unless the housing is replaced at existing or higher densities with at least equivalent floorspace. Notably, the Heygate Estate is already now largely vacant with the relocation of tenants having occurred over a considerable period of time. The redevelopment would also provide for new business, retail and community uses on the site as well as a new public Park.

Regard was also had to the impacts of the demolition works on heritage assets, including strategic and local views and World Heritage Sites. It has been adequately demonstrated that the proposal would not have a significantly harmful affect on the setting of local and strategic heritage assets, including the Protected Vista of the Palace of Westminster in designated Townscape View 23A.1 from the Serpentine Bridge. The Grade II listed K2 Telephone Kiosk that is located on New Kent Road, and within the application site boundary, can be adequately protected during demolition works and a condition is attached to ensure this.

It is recognised that the application has the potential for significant environmental effects and these potential impacts have been identified in the Environmental Statement that was submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In coming to a decision on the application, the council had full regard to the Environmental Statement and all submissions relating to considerations in the Environmental Statement. It is acknowledged that following mitigation measures, there are likely to be adverse impacts affecting the amenity for local residents and surrounding occupiers, particularly in relation to increased noise, dust, vibration, construction traffic as well as visual impacts on townscape character. However, these impacts will be of short to medium term duration and are not amount to such significant harm that would justify the refusal of planning permission. Moreover they would not outweigh the wider regenerative benefits of the scheme.

Other policies have been considered but no impacts and/or conflicts with planning policy have been identified that couldn't be adequately dealt with by planning obligation or condition. It was therefore considered appropriate to grant planning permission having regard to all the policies considered and any 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:

P01 Rev P-0

P02 Rev P-0

Reason:

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

3 **Detailed Demolition Phasing Plan**

Prior to demolition works commencing on site, a detailed Demolition Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Demolition Phasing Plan shall identify the individual 'Demolition Areas' and shall be accompanied by supportive reasoning. The phasing shall be in accordance with the Indicative Demolition Phasing and Programme 'Time Slices' contained within the Environmental Statement Addendum (September 2012) or any Demolition Phasing Plan that supersedes it which has been approved by the Local Planning Authority pursuant to this condition. The demolition shall be carried out in accordance with the approved Phasing Plan.

Reason

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised 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.

4 **Demolition Phasing Plan - Environmental Statement**

In the event that the Local Planning Authority considers that any proposed revisions to the Demolition Phasing Plan submitted pursuant to Condition 3 and/or Condition 5 may cause significant unassessed environmental effects compared to the Demolition Phasing Plan and the Indicative Construction Programme (March 2012), then the Demolition Phasing Plan shall be submitted to the Local Planning Authority together with an appropriate Environmental Statement and the application for such proposed revisions to the Demolition Phasing Plan shall be considered and determined in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Reason

To ensure that any proposed new and/or different environmental effects relating to any proposed changes to the phasing of the Development have been properly assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5 **Detailed Phasing Plan Amendments**

The Demolition Phasing Plan approved pursuant to Condition 3 may be amended on occasions to reflect changes to the phasing of the development that were not foreseen at the time when the Demolition Phasing Plan was approved, subject to obtaining the prior written approval of the Local Planning Authority, and providing that the submission of any updated Demolition Phasing Plan shall comply with the requirements of Condition 4 in respect of the Environmental Statement.

Reason

To allow for revisions to the approved Detailed Phasing Plan to enable development to be delivered in the interests of proper planning.

6 **Demolition Environmental Management Plan**

No demolition shall take place within any Demolition Area identified in the approved Demolition Phasing Plan required by Condition 3 until a Demolition Environmental Management Plan for that area of demolition (or a combination of areas) has been submitted to and approved in writing by the Local Planning Authority. The following target levels for noise, dust and vibration during demolition shall be included within the DEMP(s), unless otherwise agreed in writing by the Local Planning Authority:

Noise - 70dB(A) Leq (10hour) 10hr = 0800-1800 and 75dB(A) Leq(15 min)

Dust - Institute of Air Quality Monitoring Guidance levels

Vibration - targets contained within BS 6472-1:2008 and BS 5228-2:2009

The works shall be undertaken in accordance with the approved Demolition Environmental Management Plan(s) for the duration of the demolition period.

Reason

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised 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.

**7 Site Perimeter Hoarding - details to be submitted**

Prior to the commencement of demolition works, details of the perimeter site hoarding shall be submitted to and approved in writing by the Local Planning Authority. The site hoarding shall be constructed in accordance with any such approval and shall remain in place for the duration of the demolition works and subsequently until replaced by permanent or other temporary boundary treatment as approved by the Local Planning Authority (in consultation with Transport for London).

Reason

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised and to safeguard infrastructure on or in the vicinity of the site 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.

**8 Dust Monitoring - details to be submitted**

Before any demolition commences a particulate monitoring survey shall be undertaken by the developer and shall be submitted to and approved in writing by the Local Planning Authority. The particulate monitoring survey shall include a background particulate survey covering a minimum of three months data for the perimeter of the development site and shall be in accordance with the Institute of Air Quality Monitoring Guidance on Air Quality Monitoring in the vicinity of Demolition and Construction Sites.

The particulate monitoring survey details (i.e. monitoring locations, methodologies, frequency and method of results reporting) shall be submitted to and approved in writing prior to the submission of the particulate monitoring survey.

Reason

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised 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.

**9 Noise Survey - details to be submitted**

Before any demolition commences a noise monitoring survey shall be undertaken by the developer and shall be submitted to and approved by the Local Planning Authority. The noise monitoring survey shall include a background noise survey covering a minimum of one month's data and include measurements undertaken at all times of the day for the perimeter of the development site. The noise trigger levels shall accord with those set out for the DEMP pursuant to Condition 6.

The noise monitoring survey details (i.e. monitoring locations, methodologies, frequency and method of results reporting) shall be submitted to the Local Planning Authority for approval in writing prior to the submission of the noise monitoring survey. The noise survey shall be carried out in accordance with any such approval given.

Reason

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised 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.

**10 Vibration Survey - details to be submitted**

Before any demolition commences a vibration monitoring survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The vibration monitoring survey shall include a building condition survey for the premises adjacent to the site boundary and a background vibration survey covering a minimum of one weeks data including measurements undertaken at all times of the day for the perimeter of the development site. The vibration standards to be used shall accord with those set for the DEMP pursuant to Condition 6.

The vibration monitoring survey details (i.e. monitoring locations, methodologies, frequency and method of results reporting) shall be submitted to and approved by the Local Planning Authority in writing prior to the submission of the vibration monitoring survey. The vibration survey shall be carried out in accordance with any such approval given.

Reason

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised 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.

**11 Open Site Consolidation / Sealing**

In the event that construction works have not commenced within three months of the completion of demolition works in any Demolition Area, its surface shall be covered, sealed, or seeded to ensure that it is effectively consolidated. This treatment shall be maintained or repeated to ensure it remains effective until construction works commence and applies particularly to aggregate and soil storage bunds.

**Reason**

To ensure that the impacts of demolition on occupiers of neighbouring premises and the wider environment by reason of pollution and nuisance are minimised 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 Site Lighting**

The design of any site lighting relating to the demolition works hereby permitted shall meet the standards set out in the ILE Guidance notes for the reduction of obtrusive light. Details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London) prior to the commencement of demolition works to demonstrate compliance with these standards. The site lighting shall not be installed or used otherwise than in accordance with the approved details.

**Reason**

To ensure that the impacts of demolition on occupiers of neighbouring premises and on the safety and efficiency of highway and public transport operations and the wider environment by reason of pollution and nuisance are minimised 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.

**13 Archaeological Building Recording**

Prior to any demolition works hereby permitted commencing on site, the developer shall submit a written scheme of investigation for a programme of archaeological building recording which shall be approved in writing by the Local Planning Authority. The works shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

In order that the archaeological operations are undertaken to a suitable standard as to the details of the programme of works for the archaeological building recording in accordance with Paragraph 141 of the National Planning Policy Framework, Strategic Policy 12 - Design and conservation of the Core Strategy 2011 and Saved Policy 3.19 Archaeology of the Southwark Plan 2007.

**14 Archaeological Reporting**

Within six months of the completion of the archaeological building recording, an assessment report detailing the proposals for publication of a report for the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the assessment report shall be undertaken in accordance with any such approval given.

**Reason**

In order that the archaeological operations are undertaken to a suitable standard as to the details of the programme of works for the archaeological building recording in accordance with Paragraph 141 of the National Planning Policy Framework, Strategic Policy 12 - Design and conservation of the Core Strategy 2011 and Saved Policy 3.19 Archaeology of the Southwark Plan 2007.

**15 K2 Telephone Cubicle**

Details of the measures to secure the protection of the Grade II listed K2 telephone cubicle located on New Kent Road shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works in that Demolition Area. The protection works shall be implemented in accordance with the approved details and shall be maintained for the duration of the demolition works or such different period as may be approved in writing by the Local Planning Authority.

**Reason**

In order that the Local Planning Authority may be satisfied as to the details in the interests of the special architectural and/or historic qualities of the listed building in accordance with Strategic Policy 12 - Design and conservation of the Core Strategy 2011 and saved Policy 3.17 Listed buildings of the Southwark Plan 2007.

**16 Precautionary Bat survey**

If more than one year passes between the most recent bat survey undertaken as part of the Environmental Statement and the commencement of the demolition and/or tree works, an updated confirmatory bat survey shall be undertaken immediately prior to the demolition or tree works by a licensed bat worker. The survey shall be submitted to and approved in writing by the Local Planning Authority before any demolition or tree

works begin. These works shall be carried out in accordance with the recommendations contained in the approved survey.

**Reason**

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with Strategic Policy 11 - Open spaces and wildlife of the Core Strategy 2011 and saved Policy 3.28 Biodiversity of the Southwark Plan 2007.

**17 Tree Protection**

Prior to the demolition works hereby permitted commencing on site, an Arboricultural Report shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Report shall accord with the principles of the Tree Strategy (March 2012) and the Tree Strategy Addendum (September 2012) and will include details of the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, vehicles, stored or stacked building supplies, waste or other materials and building plant equipment.

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)'. Cross sections shall be provided to show surface or other changes to levels and any proposed activity within root protection areas required in order to facilitate demolition.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Report. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case all works must adhere to BS 5837 Trees in relation to demolition, design and construction (2012) and BS 3998 (2010) Tree work.

**Reason**

To ensure the proposed development will preserve and enhance the visual amenities of the locality and will be designed for maximum benefit of screening, local biodiversity and adaptation to climate change in accordance with Policy 2.18 Green Infrastructure, Policy 5.1 Climate Change Mitigation, Policy 5.10 Urban Greening, Policy 7.4 Local Character, and Policy 7.21 Trees and Woodlands of the London Plan 2011; Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and conservation, and Strategic Policy 13 High environmental standards; and Saved Policy 3.28 Biodiversity and Policy 3.2 Protection of amenity of the Southwark Plan 2007.

**18 Tree planting**

If within the expiration of five years from the date of the completion of the demolition works any retained tree as identified within the Tree Strategy (March 2012) and its Addendum (September 2012) is removed, uprooted or is destroyed or dies, another tree of the same species and size shall be planted in accordance with the principles of the Tree Strategy (March 2012) and Tree Strategy Addendum (September 2012).

**Reason**

To ensure the proposed development will preserve and enhance the visual amenities of the locality and will be designed for maximum benefit of screening, local biodiversity and adaptation to climate change in accordance with Policy 2.18 Green Infrastructure, Policy 5.1 Climate Change Mitigation, Policy 5.10 Urban Greening, Policy 7.4 Local Character, and Policy 7.21 Trees and Woodlands of the London Plan 2011; Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and conservation, and Strategic Policy 13 High environmental standards; and Saved Policy 3.28 Biodiversity and Policy 3.2 Protection of amenity of the Southwark Plan 2007.

**19 Site contamination**

Prior to the commencement of demolition works hereby approved (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), a scheme to deal with the risks associated with contamination shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency):

a) A site investigation and risk assessment (in addition to any assessment provided with the planning application) to provide information for a detailed assessment of the risk to all receptors which may be affected, including those off-site.

b) The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy providing full details of the remediation measures required and how they are to be undertaken. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms and the Local Planning Authority shall be given two weeks written notification of commencement of the remediation works.



c) A verification plan providing details of the data which will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Reason**

The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination and therefore to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and Strategic Policy 13' High environmental standards' of the Core Strategy 2011.

**20 Contamination - Remediation Strategy**

In the event that contamination not previously identified is found to be present, then no further groundworks on that relevant part of the site shall be carried out until the developer has submitted to and obtained approval from the Local Planning Authority (in consultation with the Environment Agency) for a Remediation Strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved strategy.

**Reason**

There is always the potential for unexpected contamination to be identified during groundworks and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy 3.2 'Protection of amenity' of the Southwark Plan 2007, and Strategic Policy 13' High environmental standards' of the Core Strategy 2011.

**21 Verification Report**

Prior to the completion of the demolition works, a Verification Report demonstrating completion of the works set out in the approved Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency). The report shall include results of sampling and monitoring carried out in accordance with the approved Remediation Strategy to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

**Reason**

Should remediation be necessary, it needs to be demonstrated that any remedial measures have been undertaken as approved and the environmental risks have been satisfactorily managed so that the site is deemed suitable for its intended use, in accordance with in accordance with saved Policy 3.2 'Protection of amenity' of the Southwark Plan 2007, and Strategic Policy 13' High environmental standards' of the Core Strategy 2011.

**Statement of positive and proactive action in dealing with the application**

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

The Council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating development proposals that are in accordance with the development plan and core strategy. The pre-application service was used for this application and the advice given was followed.

The application was subject to a Planning Performance Agreement and was determined with the agreed timescale.

**Informatives**

- 1 It is advised that the demolition contractor/s apply for permission under S61 of the Control of Pollution Act 1974 for each phase of the demolition. Some works may require road closures, weekend or school holiday working or out-of-hours activity to ensure works are undertaken safely and to minimise overall levels of disruption and disturbance.
- 2 Dampening down activities will create a substantial amount of potentially contaminated run-off from the site. Permission will be required from either the Environment Agency and / or Thames Water to discharge to public

sewers or culverts.

3 **Infrastructure protection**

The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements in particular with regard to: demolition, excavation, construction methods, security, boundary treatment, safety barriers, landscaping and lighting.

4 **Movement of waste off site - duty of care**

The Environment Agency state that the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any movements of wastes off site. The developer, as waste producer, therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

5 **Movement of waste off site - registered waste carrier**

The Environment Agency require that if any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

6 **Use of waste on site - exemption or permit required**

If any waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency. They are unable to specify what exactly would be required, if anything, owing to the limited amount of information at this outline stage.

7 **Construction - waste hierarchy**

The Environment Agency advises that the developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

8 **Construction - site waste management plans**

The Environment Agency advise that in England it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding value added tax (VAT). You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, a SWMP will help ensure compliance with the duty of care.

9 **Demolition Environmental Management Plan**

Natural England advise that the DEMP should include a dust management plan which includes details of the tree protection zones and how any dust build up on trees will be addressed. The DEMP should also set out procedures should any bats be discovered on site and for nesting birds. Vegetation clearance should only occur outside the bird breeding season March to August inclusive. If outside this period hand inspection by suitably qualified personnel should precede any clearance, and if nesting birds are found, work should cease in that area until the young birds have fledged.