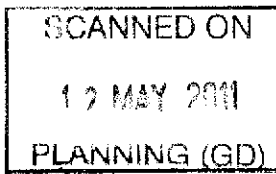


TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## PLANNING PERMISSION WITH LEGAL AGREEMENT

**Applicant** Family Mosaic  
**Date of Issue of this decision** 21/04/2011

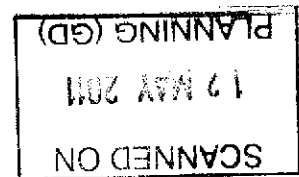
**LBS Registered Number** 11-AP-0138

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

Demolition of existing buildings and erection of a building ranging from four to eight storeys in height (maximum 27.87m AOD) comprising 417 sqm of commercial floorspace (Use Classes A1 retail, A2 financial and professional services and/or B1 business) and 64 residential units (27 x one bedroom, 22 x two bedroom, 11 x three bedroom and 4 x four bedroom) with balconies, terraces and gardens, communal amenity space, 92 bicycle spaces, 21 car parking spaces, refuse storage, access and associated works

**At:** 430-432 OLD KENT ROAD, LONDON, SE1 5AG

**In accordance with application received on 20/01/2011 Your Ref. No.:**  
**and revisions/amendments received on 16/02/2011**  
09/02/2011  
23/03/2011



**and Applicant's Drawing Nos.** Transport Statement, Archaeological Desk-Based Assessment, Report on Phase 2 Site Investigation, Code for Sustainable Homes Preliminary Assessment, Revised Noise Assessment, Revised Air Quality Assessment, Flood Risk Assessment, Energy Statement, Planning & Planning Obligation Statement, Affordable Housing Statement, Daylight & Sunlight Report, Design and Access Statement, Drawing Schedule,

Plans:- 2743\_D100 REV P2, 2743\_D101 REV P4, 2743\_D102 REV P4, 2743\_D103 REV P4, 2743\_D105 REV P6, 2743\_D107 REV P2, 2743\_D110 REV P12, 2743\_D111 REV P12, 2743\_D112 REV P12, 2743\_D113 REV P11, 2743\_D114 REV P11, 2743\_D115 REV P10, 2743\_D116 REV P8, 2743\_D117 REV P8, 2743\_D118 REV P6, 2743\_D200 REV P10, 2743\_201 REV P10, 2743\_D210 REV P6, 2743\_D211 REV P7, 2743\_D220 REV P6, 2743\_221 REV P2, 2743\_D230 REV P7, L2743\_L\_900 REV P6, L2743\_L\_902 REV P6, L2743\_L\_903 REV P4, L2743\_L\_904 REV P4, L2743\_L\_905 REV P7, L2743\_L\_906 REV P5, L2743\_L\_911 REV P4, L2743\_L\_912 REV P4, L2743\_L\_913 REV P4, L2743\_L\_914 REV P4

### Reasons for granting permission.

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

#### a) Southwark Plan 2007(saved policies)

Policy 2.5 Planning obligations where the local planning authority will seek to enter into planning obligations to avoid or mitigate the adverse impacts of development which cannot be addressed through conditions.

Policy 3.2 Protection of amenity where permission will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.

Policy 3.4 Energy efficiency which requires all development to maximise energy efficiency and to minimise and reduce energy consumption and carbon dioxide emissions.

Policy 3.11 Efficient use of land which advises that all developments should ensure that they maximise the efficient use of land subject to satisfying a number of criteria.

Policy 3.12 Quality in design states that developments should achieve a high quality of both architectural and urban design.

Policy 3.13 Urban design advises that the principles of good urban design must be taken into account in all developments.

Policy 4.1 Density of residential development where density will be expected to comply with the specified density ranges, taking into account the quantity and impact of any non-residential uses.

Policy 4.2 Quality of residential accommodation which advises that permission will be granted for residential development provided that they achieve good quality living conditions and include high standards of accessibility, privacy and outlook, daylight and sunlight, ventilation, amenity space, safety and security and protection from pollution.

Policy 4.3 Mix of dwellings seeks to ensure a mix of dwelling sizes and types to cater for a range of housing needs in the area.

Policy 4.4 Affordable housing where the local planning authority will endeavour to secure 50% of all new dwellings as affordable in accordance with the London Plan.

Policy 5.2 Transport impacts where planning permission will be granted for development unless there is an adverse impact on transport networks, adequate provision has not been made for servicing or consideration has not been given to impacts on the Transport for London road network.

#### b) Emerging Policies of the Southwark Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 5 Providing new homes which seeks to ensure that development meets housing needs by providing high quality new homes in attractive environments, particularly in growth areas.

Strategic Policy 6 Homes for people on different incomes seeks to ensure developments provide homes including social rented, intermediate and private for people on a wide range of incomes.

Strategic Policy 7 Family homes advises that developments must provide more family housing with 3 or more bedrooms for people of all incomes.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

Strategic Policy 14 Implementation and Delivery which ensure that the strategic vision and objectives for Southwark are implemented to ensure that the borough continues to be successful and vibrant.

#### c) London Plan 2008 (Consolidated with Alterations since 2004)

3A.1 Increasing London's supply of housing, 3A.2 Borough housing targets, 3A.3 Maximising the potential of sites, 3A.5 Housing choice, 3A.9 Affordable housing targets, 3C.21 Improving conditions for walking, 3C.22 Improving conditions for cycling, 3C.23 Parking strategy, 4A.1 Tackling climate change, 4A.3 Sustainable Design and Construction, 4A.4 Energy Assessment, 4A.7 Renewable Energy, 4A.8 Energy Assessment, 4A.12 Flooding, 4A.13 Flood Risk Management, 4A.14 Sustainable Drainage, 4A.16 Water Supplies, 4A.19 Improving Air Quality, 4A.20 Reducing Noise, 4B.1 Design Principles for a Compact City, 4B.3 Maximising the Potential of Sites, 4B.8 Respect Local Context and Communities, and 6A.5 Planning Obligations.

d) Planning Policy Statements 1 Planning for Sustainable Communities, 5 Planning and the Historic Environment, 22 Renewable Energy 13 Transport, 24 Planning and Noise and 25 Development and FloodRisk.

Particular regard was had to the principle of the development in that it would see the redevelopment of a under-utilised brownfield site that would deliver much needed housing, including affordable accommodation, as well help increase local employment opportunities. The proposal would offer a good standard of residential accommodation and suitable mitigation measures will be in place to ensure that future occupiers of the flats facing Old Kent Road would not suffer unacceptable noise and air quality impacts associated with high volumes of vehicular traffic. The development would not have a harmful impact on the amenities of existing adjoining residents, subject to appropriate conditions. The development would not have a detrimental impact in terms of transport matters and it has been demonstrated that the scheme would meet the required minimum standards in terms of energy efficiency and on-site renewable energy provision.

The scale and design of the development has been assessed carefully, particularly in respect of its impact upon the Glengall Road Conservation Area and Nos. 1-35 and 24-28 Glengall Road which are Grade II listed buildings. However, on the basis of the Inspector's appeal decision to the previous scheme (reference 09-AP-1873), which is a material consideration with significant weight, it is considered that refusal of planning permission on the basis of the

height, quality of design or impact on heritage assets would not be warranted. The concerns raised by the Inspector in relation to the previous scheme have been addressed through this proposed development and taking account of the regeneration benefits of the development, it is considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**Subject to the following conditions:**

- 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** Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

In order that the applicants supply the necessary archaeological information to ensure suitable mitigation measures and/or foundation design proposals be presented in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved Policy 3.19 Archaeology of the Southwark Plan 2007.

- 3** Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved policy 3.19 Archaeology of the Southwark Plan 2007.

- 4** Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved Policy 3.19 Archaeology of the Southwark Plan 2007.

- 5** Before any work hereby authorised begins, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

In order that details of the foundations, ground works and all below ground impacts of the proposed development are detailed and accord with the programme of archaeological mitigation works to ensure the preservation of archaeological remains by record and in situ in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved Policy 3.19 Archaeology of the Southwark Plan 2007.

**Continued overleaf...**

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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## PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 11-AP-0138

Date of Issue of this decision 21/04/2011

- 6 Before the development hereby permitted begins, a site investigation and risk assessment which assesses the nature and extent of any contamination on the site (whether or not it originates on the site) shall be submitted to and approved in writing by the Local Planning Authority. The report should include the following information:
- A survey of the extent, scale and nature of contamination (also indicating sources, pathways and receptors)
  - An assessment of the potential risks arising from contamination at the site to:
    - (i) human health
    - (ii) property (existing or proposed) including buildings, woodland, service lines and pipes
    - (iii) adjoining land
    - (iv) ecological systems
    - (v) groundwaters and surface waters
    - (vi) archaeological sites and ancient monuments
  - An appraisal of remedial options and proposal of the preferred option(s).

This shall be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11, and the Environment Agency's Guidance on Requirements for Land Contamination Reports. The development shall not be carried out otherwise than in accordance with any such approval given.

### Reason

To ensure that risks from land contamination to 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 Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011 and Saved Policy 3.1 (Environmental effects) of the Southwark Plan and PPS23 Planning and Pollution Control.

- 7 Subject to the findings of Condition 6, if deemed necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall not be carried out otherwise than in accordance with any such approval given.

### Reason

To ensure that risks from land contamination to 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 Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011, Saved Policy 3.1 (Environmental effects) of the Southwark Plan and PPS23 Planning and Pollution Control.

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# SOUTHWARK COUNCIL

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- 8 (a) The approved remediation scheme (if one is required pursuant to condition 7) shall be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority who shall be given two weeks written notification of commencement of the remediation scheme works.
- (b) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out (including identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action) shall be submitted to and approved in writing by the Local Planning Authority.

### Reason

To ensure that risks from land contamination to 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 Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011 and Saved Policy 3.1 (Environmental effects) of the Southwark Plan and PPS23 Planning and Pollution Control

- 9 (a) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall thereafter be undertaken in accordance with the requirements of Condition 6 and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Condition 7 and submitted to the Local Planning Authority for approval in writing.

(b) Following completion of measures identified in the approved remediation scheme, a verification report shall be prepared, which is subject to the approval in writing by the Local Planning Authority and carried out in accordance with the criteria set out in Condition 8.

### Reason

To ensure that risks from land contamination to 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 Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011 and Saved Policy 3.1 (Environmental effects) of the Southwark Plan and PPS23 Planning and Pollution Control.

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# SOUTHWARK COUNCIL

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**10** The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment carried out by Merebrook Consulting Engineers Ltd (Reference FRA-E4190-08-75 Rev A) dated August 2009, and in accordance with the following mitigation measures detailed within the Flood Risk Assessment:

- a) Reduce surface water run-off rate generated by the 1 in 100 year (plus 30% for climate change) critical storm by 50%.
- b) Finished floor levels set no lower than 2.3m above Ordnance Datum (AOD).

**Reason**

To prevent flooding by ensuring the satisfactory storage of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants in accordance with Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011 and Saved Policy 3.9 (Water) of the Southwark Plan 2007 and PPS25: Development and Flood Risk.

**11** Piling or any other foundation design using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

The made ground at this site is potentially contaminated and therefore a piling risk assessment should be completed to determine the most appropriate type of piling for the site in order to protect groundwater quality in accordance with Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy and Saved Policy 3.9 Water of the Southwark Plan 2007.

**12** Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:

- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
- A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
- Details of arrangements for publicity and promotion of the scheme during construction;
- A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance.
- A Delivery and Servicing Plan (all construction access routes and access details also need to be approved by TfL).

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 and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

**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 (Draft) Core Strategy 2011, Saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

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## PLANNING PERMISSION WITH LEGAL AGREEMENT

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- 13 Before any development is carried out above grade, sample boards of all external facing materials showing the method of fixing and the layout/joints of cladding materials to be used in carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order to ensure that these materials will make an acceptable contextual response to the site, and achieve a quality of design and detailing in accordance with Strategic Policy 12 - Design and Conservation of The (Draft) Core Strategy 2011 and Saved Policies: 3.12 Quality in Design, 3.13 Urban Design and 3.18 (Setting of listed buildings, conservation areas and world heritage sites) of The Southwark Plan 2007.

- 14 Section detail-drawings at a scale of 1:5 or 1:10 as appropriate through:

- parapets and roof edges;
- balconies and terraces;
- junctions between facing materials;
- heads, sills and jambs of all openings; and
- shopfronts;

shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order to ensure that the quality of the design and details is in accordance with Strategic Policy 12 - Design and Conservation of The (Draft) Core Strategy 2011 and Saved Policies: 3.12 Quality in Design; 3.13 Urban Design and 3.18 (Setting of listed buildings, conservation and world heritage sites) of The Southwark Plan 2007.

- 15 Notwithstanding the details shown on the approved drawings, before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site, including communal areas, 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 five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of 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**

So that the Council may be satisfied with the details of the landscaping scheme in accordance with Strategic Policy 12 - Design and Conservation of The (Draft) Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design in the Southwark Plan 2007.

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# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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- 16** Before the development hereby permitted begins, details of the layout and facilities of the play space(s), which shall be no less than 112 sqm (including equipment, fencing, seating and surfaces) shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with the approved details and retained thereafter for children's play purposes. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

To ensure the adequate provision of play space and equipment in accordance with Strategic Policy 12 - Design and Conservation of the (Draft) Core Strategy 2011 and Saved Policy 4.2 (Quality of residential accommodation) of the Southwark Plan and Policy 3D.13 (Children and young people's play and informal recreation recreation strategies) of the London Plan 2008.

- 17** Notwithstanding the details shown on drawing 2743\_D118 Rev P6, before any above grade work hereby authorised begins, details of the areas of the roof capable of accommodating green roofs (including a specification and maintenance plan) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with Strategic Policies 12 - Design and conservation and 13 - High environmental standards of the (Draft) Core Strategy 2011 and Saved Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

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

**Reason**

In the interests of visual and residential amenity in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

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# SOUTHWARK COUNCIL

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- 19** Before any work hereby above is carried out above grade, details of the privacy screening to balconies shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details and thereafter retained. The development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

In order to protect the privacy and amenity of the occupiers of neighbouring properties within the development and occupiers of adjacent existing properties from undue overlooking in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved Policy 3.2 (Protection of amenity) of the Southwark Plan 2007.

- 20** Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority in writing before any such lighting or security equipment is installed. The development shall not be carried out otherwise in accordance with any such 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 Strategic Policy 12 - Design and Conservation of The (Draft) Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

- 21** Before the first occupation of the development hereby permitted, details of a communal satellite (or other equivalent) system to be placed on top of each of the buildings to serve all residents in that building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

To restrict the installation of multiple satellite dishes to the elevations of the buildings to ensure that the elevations remain free from unsightly satellite dishes in accordance with Strategic Policy 12 - Design and conservation of the (Draft) Core Strategy 2011 and Saved Policy 3.12 (Quality in design) of the Southwark Plan 2007.

- 22** (a) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings- Code of Practice' to attain the following internal noise levels:

Bedrooms- 30dB LAeq,T\* and 45dB LAfmax

Living rooms- 30dB LAeq, D\*

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

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

(b) After completion of works but prior to occupation or use, a test shall be carried out to show the above criterion has been met and the results shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011 and Saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan 2007 and PPG 24 Planning and Noise.

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**23** (a) Before any work hereby authorised begins, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB(A) or more below the measured  $L_{A90}$  level at the nearest noise sensitive premises) shall be submitted to and approved in writing by the Local Planning Authority and the method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. Prior to occupation or commencement of the use hereby permitted, the plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

(b) Within one month of the installation of the plant and equipment, a further acoustic report to demonstrate compliance with the requirements approved at (a) shall be submitted to and approved in writing by the Local Planning Authority, and the report shall include:

- i) A schedule of all plant and equipment installed;
- ii) Location of the plant, associated ducting, attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Location of the most affected noise sensitive receptor locations and most affected windows;
- v) Distance between plant, equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location/s;
- vi) The lowest existing  $L_{A90, T}$  measurement as already established;
- vii) Noise monitoring data, measurement evidence, calculations demonstrating compliance with this condition.

### 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 (Draft) Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and PPG24- Planning and Noise.

**24** Before any work hereby authorised begins, details of a scheme of sound insulation sufficient to ensure that the  $L_{eq, 5min}$  level does not exceed NR20 in any residential room due to sound transmission from a commercial premises sharing a party element shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use of the development hereby permitted, shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

### Reason

To ensure that 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 accordance with Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

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# SOUTHWARK COUNCIL

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- 25** 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 development has achieved a minimum Code for Sustainable Homes Code Level 3 rating.

**Reason**

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

- 26** Before the development hereby permitted begins, a final detailed report identifying how the development will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be provided in accordance with the approved details prior to the occupation of the development and thereafter retained for so long as the development remains in existence. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason**

To ensure the development complies with Strategic Policy 13 - High environmental standards of the (Draft) Core Strategy 2011 and Policy 4A.7 (Renewable Energy) of the London Plan 2008 and the Council's Sustainable Design and Construction SPD 2008.

- 27** Before the first occupation of the development hereby permitted, a Service Management Plan detailing how all elements of the site (to include service arrangements for residential, commercial and refuse collection) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

**Reason**

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the (Draft) Core Strategy 2011 and Saved Policy 5.2 (Transport impacts) of the Southwark Plan 2007

- 28** Any deliveries, unloading and loading to the commercial units shall only take place between the hours of 08:00 to 20:00 on Mondays to Saturdays and not at all on Sundays and Bank Holidays.

**Reason**

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Strategic Policy 13 High environmental standards of the (Draft) Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan.

**Continued overleaf...**

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



[www.southwark.gov.uk](http://www.southwark.gov.uk)

## PLANNING PERMISSION WITH LEGAL AGREEMENT

**LBS Reg. No.** 11-AP-0138

**Date of Issue of this decision** 21/04/2011

- 29** Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the development and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose. T

**Reason**

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Strategic Policy 13- High environmental standards of the (Draft) Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan.

- 30** Before any above grade works are carried out, details (1:50 scale drawings) of the facilities to be provided for the secure storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

**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 - Strategic Transport of The (Draft) Core Strategy 2011 and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 31** Prior to occupation of the development, the car parking facilities shown on the approved plans shall be constructed for the sole use of occupiers of the proposed development and thereafter permanently retained and used for no other purpose for as long as the development is occupied.

**Reason**

To ensure that adequate facilities are provided in accordance with the standards set out in Strategic Policy 5.2 - Sustainable Transport of the Core Strategy 2011 and Saved Policies 5.6 Car Parking and 5.7 Parking Standards for Disabled People and the Mobility Impaired of the Southwark Plan 2007.

- 32** No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure of any building hereby permitted.

**Reason**

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with Strategic Policy 12 - Design and Conservation of The (Draft) Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

**Continued overleaf...**

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 11-AP-0138

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- 33 a) Dwelling houses, flats and rooms for residential use hereby approved shall be designed and constructed to improve on Building Regulations (2003) Part E for internal sound transmission standards by 5dB
- (b) After completion of works but prior to occupation or use, a test shall be carried out to show the above criterion has been met and the results shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

### Reason

To ensure that the occupiers of the residential units do not suffer from a loss of acoustic privacy and noise 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 and London Plan Sustainable Design and Construction SPG (2006).

- 34 Before the development hereby permitted begins, details of the proposed means of ventilation (including any mechanical ventilation incorporating a scientifically proven medium for filtering NO<sub>2</sub> with maintenance plan) for the residential units shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any such approval given and the approved scheme shall be implemented prior to occupation and shall be permanently maintained thereafter.

### Reason

To ensure that users of the development 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 of the Southwark Plan 2007.

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

### Plans

2743\_D110 Rev P12 Ground Floor  
2743\_D111 Rev P12 First Floor  
2743\_D112 Rev P12 Second Floor  
2743\_D113 Rev P11 Third Floor  
2743\_D114 Rev P11 Fourth Floor  
2743\_D115 Rev P10 Fifth Floor  
2743\_D116 Rev P8 Sixth Floor  
2743\_D117 Rev P8 Seventh Floor  
2743\_D118 Rev P6 Roof  
L2743\_L\_900 Rev P6 Landscape Key  
L2743\_L\_901 Rev P7 Landscape Podium Key  
L2743\_L\_902 Rev P6 Landscape Terrace Key  
L2743\_L\_903 Rev P4 Street Tree Planting  
L2743\_L\_904 Rev P4 Maisonette Planting  
L2743\_L\_905 Rev P7 Landscape Podium Planting  
L2743\_L\_906 Rev P5 Landscape Terrace Planting  
2743\_D107 Rev P2 Refuse Storage

### Elevations / Sections

2743\_D200 Rev P10 Old Kent Road  
2743\_D201 Rev P10 Glengall Road  
2743\_D210 Rev P6 Old Kent Road Rear  
2743\_D211 Rev P7 Glengall Road Rear  
2743\_220 Rev P6 Glengall Road - End  
2743\_221 Rev P2 Old Kent Road - End

2743\_D230 Rev P7 Elevations in Context  
L2743\_L\_911 Rev P4 Front Garden Sections  
L2743\_L\_912 Rev P4 Back Garden Sections  
L2743\_L\_913 Rev P4 Podium Sections  
L2743\_L\_914 Rev P4 Terrace Sections

Reason:

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

Signed *Gary Rice*

Head of Development Management

**Your attention is drawn to the notes accompanying this document**

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)

UPRN: 200003371980

checked by



TP/2168-432

**PLANNING PERMISSION WITH LEGAL AGREEMENT**

**LBS Registered Number: 11-AP-0138**

**Date of issue of this decision: 21/04/2011**



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**INFORMATIVE NOTES TO APPLICANT RELATING TO THE PROPOSED DEVELOPMENT**

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- 1 The Environment Agency recommend that the developer should:
  - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
  - 2) Refer to the EA Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors.
  - 3) Refer to EA website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.
  
- 2 Transport for London advise that the Olympic Route Network (ORN) and Paralympic Route Network (PRN) will operate during the Olympic and Paralympic Games period between June and September 2012. During this period, there will be an impact on construction works, utility works and highway licensed activities if they affect the roads designated as part of the ORN/PRN and some of the surrounding streets. Other routes might also be affected and will also be required to be clear of any kinds of obstruction. These are not yet finalised, but will be advised as further information becomes available.

Given the likely highway works and licenses required, works could therefore be affected on occasions during the Games period. Requests to utility providers to provide any additional water, gas, electricity or telecommunications connections should also be made sufficiently well in advance of this period.

## PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Registered Number: 11-AP-0138

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### IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

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- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes). You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application from and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
  - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
  - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a