

**COMMUNITY COUNCILS**  
A voice for your community



## **Bermondsey Community Council**

### **Planning Agenda**

|  |                     |
|--|---------------------|
| <b>DATE:</b> Thursday April 9 2009                         | <b>TIME:</b> 7.00pm |
| <b>PLACE:</b> Ellen Brown Centre, 145 Grange Road, SE1 3EB |                     |

1. Introduction and welcome
2. Apologies
3. Disclosure of Members interests and dispensations
4. Any items the Chair deems urgent
5. Minutes from previous meeting (to follow)
6. Applications for Decision
- 6.1 Felton Hall, George Row, London SE16 4UP
7. AOB

**Closing comments by Chair**

## **ADDITIONAL INFORMATION**

### **BERMONDSEY COMMUNITY COUNCIL MEMBERSHIP**

Councillor Bob Skelly *Chair*  
Councillor Anood Al-Samerai *Vice Chair*  
Councillor Denise Capstick  
Councillor Helen Jardine-Brown  
Councillor Paul Kyriacou  
Councillor Adedokun Lasaki  
Councillor Linda Manchester  
Councillor Eliza Mann  
Councillor Nick Stanton

### **MEMBERS ARE REQUESTED TO ATTEND THIS MEETING**

**DATE OF DISPATCH:** Tuesday March 31 2009

### **EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the Community Council wishes to exclude the press and public to deal with reports revealing exempt information.

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

### **INFORMATION TO MEMBERS OF THE PUBLIC**

#### Access to information

You may request copies of minutes and reports on this agenda.

#### Carers' Allowances

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

#### Wheelchair access

Wheelchair access is available.

#### No smoking

Please note that under the Council Procedure Rule 1.1(i), smoking is not allowed at any meetings of Committees of Sub-Committees of the Council.

#### Language Needs

If you want information on the Community Councils translated into your language please telephone 020 7525 57187

To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 020 752 57187

আপনি যদি আপনার ভাষায় কমিউনিটি কাউন্সিল সম্বন্ধে তথ্য চান তাহলে অনুগ্রহ করে 020 7525 0640 নম্বরে টেলিফোন করুন

কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা অনুবাদক/ইন্টারপ্রেটার তাহলে 020 7525 0640 নম্বরে টেলিফোন করুন

### **Bengali**

Kendi dilinizde Toplum meclisleri hakkõnda bilgi almak için 020 7525 7514'nolu telefonu arayõnõz.

Özel gereksinimlerinizi bize bildirmek için 020 7525 7514'nolu telefonu çeviriniz.

### **Turkish**

Haddii aad doonayso warbixin ku saabsan qoraalka Kawnsalkada Bulshada oo ku turjuman af Soomaali fadlan tilifoon u dir 020 7525 7514

Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7514

### **Somali**

如果你需要有關社區委員會的訊息翻譯成中文，請致電提出要求，號碼：020 7525 0640

欲想通知我們你有的特別需求或需要，例如接送車輛或手語/傳譯員，請致電通知，號碼：020 7525 0640

### **Chinese**

Se voce quiser informações nos conselhos comunitários traduzidas em sua língua por favor ligue para 020 7525 7514

Para-nos informar de quaisquer necessidades especiais ou requisitos , tipo trasporte, linguagem dos sinais/ intérprete, por favor ligue para 020 7525 7514.

### **Portuguese**

Si vous désirer avoir l'information sur les Conseils de la Communauté (Community Councils) traduite en votre langue téléphonez SVP au 020 7525 7514

Pour nous informer de tout besoin ou condition spéciale, telles que le transport ou le signataire / interprète, téléphonez SVP au 020 7525 7514

### **French**

Si precisa información sobre los departamentos sociales (Community Councils) traducida a su idioma, por favor llame al número de teléfono 020 7525 7514

Si tiene necesidades o requisitos específicos, como es transporte especial o un intérprete, por favor llame al número de teléfono 020 7525 7514

### **Spanish**

Lati bẽre fun itumõ irohin nipa Council agbegbe re (Community Council) ni ede abini re, jõwõ pe telifoonu 020 7525 7514.

Lati jẽ ki a mõ nipa iranlõwõ tabi idi pato, gẽgẽbi õkõ (mõto) tabi olutumõ, jõwõ pe telifoonu 020 7525 7514.

### **Yoruba**



|                                    |                                |   |  |
|------------------------------------|--------------------------------|---|--|
| <b>Item No.</b><br>6.              | <b>Classification:</b><br>Open | <b>Date:</b><br><b>March 2009</b>                     | <b>Meeting Name:</b><br>Bermondsey Community Council |
| <b>Report title:</b>               |                                | Development Control                                   |  |
| <b>Ward(s) or groups affected:</b> |                                | All within the Bermondsey Community Council area      |  |
| <b>From:</b>                       |                                | Strategic Director of Regeneration and Neighbourhoods |  |

### **RECOMMENDATIONS**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

### **BACKGROUND INFORMATION**

4. The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the Council on May 23 2007 and amended on January 30 2008. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in part 3F of the Southwark council constitution 2007/08. These functions were delegated to the planning committee.

### **KEY ISSUES FOR CONSIDERATION**

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
6. Each of the following items is preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. The draft decision notice will detail the reasons for any approval or refusal.
7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.

8. The sanctioning of enforcement action can also involve costs such as process serving, Court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
10. All legal/Counsel fees and costs as well as awards of costs against the Council are borne by the Regeneration and Neighbourhoods budget.

#### **EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED**

11. Equal opportunities considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Strategic Director of Legal and Democratic Services**

12. A resolution to grant planning permission shall mean that the Head of Development Control is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the Committee and issued under the signature of the Head of Development Control shall constitute a planning permission. Any additional conditions required by the Committee will be recorded in the Minutes and the final planning permission issued will reflect the requirements of the Community Council.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Head of Development Control is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Strategic Director of Legal and Democratic Services, and which is satisfactory to the Head of Development Control. Developers meet the Council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Strategic Director of Legal and Democratic Services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
15. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of "development plan"

arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

16. Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:

1. restrict the development or use of the land;
2. require operations or activities to be carried out in, on, under or over the land;
3. require the land to be used in any specified way; or
4. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

17. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligations must also be such as a reasonable planning authority, duly appreciating its statutory duties, can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement Members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

#### **BACKGROUND DOCUMENTS**

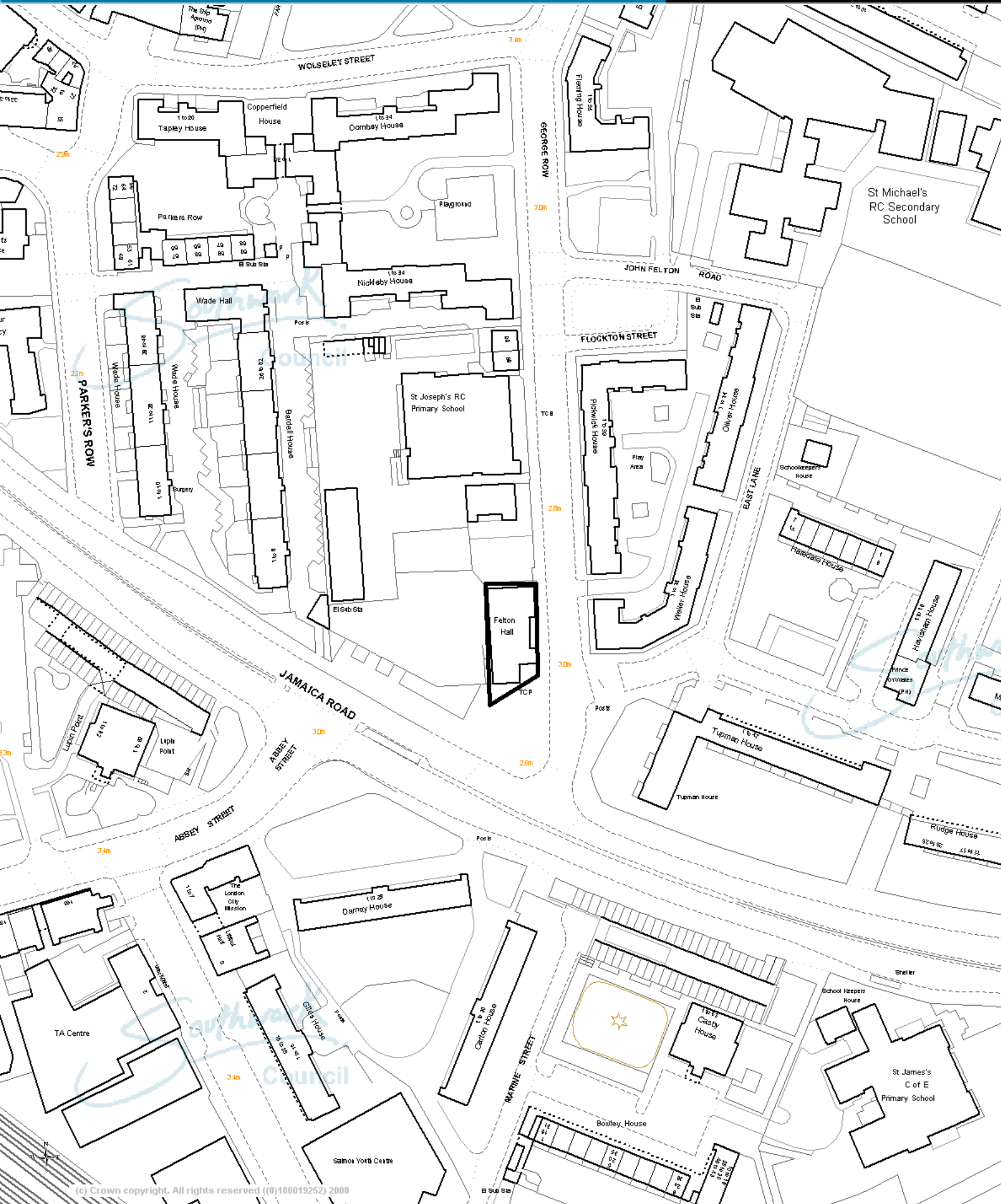
| <b>Background Papers</b>  | <b>Held At</b>   | <b>Contact</b>  |
|---|--|---|
| Council Assembly Agenda May 23 2007 and Council Assembly Agenda January 30 2008 | Constitutional Support Services,<br>Southwark Town Hall,<br>Peckham Road SE5 8UB | Tim Murtagh<br>020 7525 7187                                      |
| Each application has a separate planning case file                              | Council Offices Chiltern<br>Portland Street<br>London SE17 2ES                   | The named case Officer as listed or<br>Gary Rice<br>020 7525 5447 |

## APPENDIX 1

### Audit Trail

|   |  |                          |
|---|--|--------------------------|
| <b>Lead Officer</b>   | Deborah Collins, Strategic Director of Legal & Democratic Services |                          |
| <b>Report Author</b>  | Acting Principal Lawyer - Director's Office                        |                          |
| <b>Version</b>  | Final  |                          |
| <b>Dated</b>  | August 22 2008   |                          |
| <b>Key Decision</b>   | No   |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b> |  |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>   | <b>Comments included</b> |
| Strategic Director of Legal and Democratic Services                       | Yes  | Yes                      |
| Strategic Director of Regeneration and Neighbourhoods                     | No   | No                       |
| Head of Development Control   | No   | No                       |





|   |                                   |   |                             |
|---|-----------------------------------|---|-----------------------------|
| <b>ITEM</b><br><br><b>1.1</b>   | <b>Classification</b><br><br>OPEN | <b>Decision Level</b><br><br>BERMONDSEY<br>COMMUNITY COUNCIL                                    | <b>Date</b><br><br>09.04.09 |
| <b>From</b><br><br>Head of Development Management   |                                   | <b>Title of Report</b><br><br>DEVELOPMENT CONTROL   |                             |
| <b>Proposal</b> (09/AP/0174)<br>Redevelopment of Felton Hall to retain Class D1 (community) use on the ground floor in the form of special educational needs facilities for the neighbouring school, with residential above (2 x 1 bed, 14 x 2 bed & 6 x 3 bed) creating new 7 storey mixed use building. |                                   | <b>Address</b><br><br>FELTON HALL, GEORGE ROW,<br>LONDON, SE16 4UP<br><br><b>Ward</b> Riverside |                             |
| <b>Application Start Date</b> 03/02/2009  |                                   | <b>Application Expiry Date</b> 05/05/2009   |                             |

## PURPOSE

- 1 To consider the above application which has been referred to the Bermondsey Community Council for determination as the proposal constitutes a major development of more than 10 residential units that will be significant locally, and there is an unusual proposal for the S106 agreement.

## RECOMMENDATION

- 2 Grant detailed planning permission subject to the negotiation of a Section 106 agreement. Members are asked to agree that should the Section 106 agreement not be concluded and signed by the 5 May 2009 then planning permission may be refused on grounds that the development fails to mitigate impacts arising from the development and does not provide for affordable housing (policies 2.5 Planning Obligations and 4.4 Affordable Housing of the Adopted Southwark Plan 2007).

## BACKGROUND

### Site location and description

- 3 The application site refers to the building and plot located at Felton Hall, George Row, Bermondsey, London. The existing building is a vacant two storey church hall that benefits from Class D1/D2 (community/leisure) use. There is a hall at ground floor level with ancillary floorspace at first floor level, the existing floorspace within the building measures 426 square metres. The application site does not refer to any listed buildings and is not located within a conservation area.
- 4 The building originally functioned as a community hall for the Catholic Church at Dock Head. Due to declining congregation numbers the hall was employed as a private sports club however this was unsuccessful and the building has been vacant for the past four years.
- 5 The building lies on a prominent piece of land at the junction of George Row and Jamaica Road opposite Abbey Street. The area is predominately residential with some commercial use on Jamaica Road. It is bounded to the north and west by St Josephs primary school. Lying adjacent to the building to the north is the school playground and car park with a small plantation lying to the west. The surrounding

residential buildings along George Row are ex-London Corporation housing blocks ranging from five to seven storeys, all brick built with tiled pitched roofs. Within the wider surrounding area there are two 22 storey tower blocks on Jamaica Road, one lying to the east and one to the west.

- 6 In terms of transport links the area benefits from a PTAL rating of 4 and is well connected to central London and the surrounding area. Bermondsey Underground Station is around a five minute walk from the site, with London Bridge Underground and Mainline Stations lying a ten minute walk to the west. Various bus routes operate along Jamaica Road with the River Thames and associated amenities lying to the north, around a five minute walk. The site lies within a controlled parking zone.

### **Details of proposal**

- 7 Planning consent is sought for the demolition of the existing two storey community hall and the redevelopment of the site to provide a mixed use development comprising Class D1 use (community facilities) at ground floor level and Class C3 residential accommodation on all upper levels providing 22 self contained units. The schedule of accommodation incorporates 2x1 bedroom units, 14x2 bedroom units and 6x3 bedroom units. The proposed development will provide 34% affordable housing and three (14%) wheelchair affordable units. The access to the residential units will be from George Row adjacent to the proposed cycle and refuse store.
- 8 As stated above the ground floor of the proposed development will retain D1 use and will form a Special Educational Needs resource centre for the adjoining St Josephs Primary School. This will benefit from a separate access from within the school grounds and will not be accessible by the general public or from residents of the flats above.
- 9 The building will occupy the footprint of the existing building with a slight forward projection towards Jamaica Road. The building will rise to 7 storeys in height (19 metres). The building will rise to four storeys on George Row with the fifth floor set back and a further set back to the sixth and seventh storeys. The set backs will provide roof terraces, balconies and outdoor amenity space.
- 10 Materials include stock brick and glass panelling (light and green opaque) to provide a degree of animation. At ground floor level the main elevation is recessed behind colonnades along the whole frontage of Jamaica Road and George Row. The materials are proposed to match and enhance the existing context comprising large brick built buildings. The main body of the building will be brickwork with a contrasting cladding system formed of the previously mentioned panels.
- 11 The fifth, sixth and seventh storeys will make use of glass instead of brickwork to provide a lightweight roof form. The roof accommodation will also make use of the cladding system to reinforce the animation carried through the rest of the development. A climbing wall is proposed on the north elevation facing the school for use by the school children under supervision. This climbing wall provides an interesting feature with increased animation.

### **Planning history**

- 12 There is no detailed planning history available for the application site that is of relevance. It should be noted that this site has been the subject of three detailed pre-application enquiries in the past year for the demolition of the existing building and the redevelopment of the site to provide a mixed use development comprising D1 use and C3 residential. The current scheme is the result of ongoing negotiations with case officers in order to secure a satisfactory development.

### **Planning history of adjoining sites**

- 13 There is no planning history of adjoining sites that is of relevance in the determination of this planning application

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 14 The main issues in this case are:
- a] The principle of the development in terms of land use and conformity with strategic policies.
  - b] The impact on the visual, residential and commercial amenity of the area.
  - c] The quality of residential accommodation to be provided.
  - d] The design quality of the proposal.
  - e] Transport impacts.
  - f] All other relevant material planning considerations.

### **Planning Policy**

- 15 Southwark Plan 2007 [July]  
Policy 2.1 - Enhancement of community facilities  
Policy 2.3 – Enhancement of educational establishments  
Policy 2.5 – Planning obligations  
Policy 3.1 – Environmental effects  
Policy 3.2 – Protection of amenity  
Policy 3.4 – Energy efficiency  
Policy 3.5 – Renewable energy  
Policy 3.6 – Air quality  
Policy 3.7 – Waste management  
Policy 3.9 – Water  
Policy 3.11 – Efficient use of land  
Policy 3.12 – Quality in design  
Policy 3.13 – Urban design  
Policy 3.14 – Designing out crime  
Policy 4.1 – Density of residential accommodation  
Policy 4.2 – Quality of residential accommodation  
Policy 4.3 – Mix of dwellings  
Policy 4.4 – Affordable housing  
Policy 5.1 – Locating developments  
Policy 5.2 – Transport impacts  
Policy 5.3 – Walking and cycling  
Policy 5.6 – Car parking  
Policy 5.7 – Parking standards for disabled people and the mobility impaired
- 16 Relevant Supplementary Planning Documents:  
Section 106 planning obligations SPD (2007)  
Design and access statements SPD (2007)  
Draft sustainable transport SPD (2008)  
Residential design standards SPD (2008)  
Draft affordable housing SPD (2008)

Draft sustainability assessment SPD (2008)  
Draft sustainable design and construction SPD (2007)

- 17 London Plan 2004  
Policy 2A.1 - Sustainability criteria  
Policy 2A.2 – The spatial strategy for development  
Policy 3A.1-3A.11 - Housing policies  
Policy 3B.3 – Mixed use development  
Policy 3C.1 – Integrating transport and development  
Policy 3C.2 – Matching development to transport capacity  
Policy 3C.3 – Sustainable transport in London  
Policy 3C.20-3C.23 – Transport and parking policies  
Policy 4A.1 – Tackling climate change  
Policy 4A.2 – Mitigating climate change  
Policy 4A.3 – Sustainable design and construction  
Policy 4A.4 – Energy assessment  
Policy 4A.7 – Renewable energy  
Policy 4A.12 – Flooding  
Policy 4A.16 – Water supplies  
Policy 4A.19 – Improving air quality  
Policy 4A.20 – Reducing noise  
Policies 4B (various) – Urban design
- 18 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]  
PPG24 - Planning and Noise

### **Consultations**

- 19 Site notice date: 12.02.09                      Press notice date: 19.02.09
- 20 Neighbour consultation letters sent: 13.02.09
- 21 Case officer site visit date: 12.02.09
- 22 Internal consultees  
Transport  
Environmental Protection  
Access Officer  
Arboricultural Officer  
Education  
Planning Policy  
Waste Management
- 23 Statutory and non-statutory consultees  
Transport for London  
Metropolitan Police  
Environment Agency  
Southwark Cyclists  
London Underground
- 24 Neighbour consultees  
As detailed Acolaid. A list of all neighbour consultees has been attached at the end of this report.
- 25 Re-consultation  
Re-consultation not required.

## Consultation replies

- 26 Internal consultees  
All comments received in response to the proposed development have been summarised and addressed below;
- 27 Transport - No objections subject to the provision of a S106 agreement to secure funds for the amendment of the Traffic Management Order to exempt the occupiers of the proposed development from obtaining parking permits for the surrounding controlled parking zone.  
**Response** - Noted and agreed, relevant provisions have been made within the S106 agreement to secure the relevant financial contributions.
- 28 Education - Support the proposed development as the provision of education floorspace on the ground floor of the building will assist in improving provision of services for children with special education needs, particularly those with autistic spectrum conditions and behavioural problems. The proposed development is exactly in line with the accommodation schools require for providing a good learning environment for these children.  
**Response** - Noted and agreed, the Council will take ownership of the ground floor of the building as part of the legal agreement of this planning application to provide D1 education accommodation.
- 29 Planning Policy - Objection on the grounds that the proposed development exceeds the density levels for the urban area and that the development fails to provide satisfactory communal amenity space or children's play area.  
**Response** - The proposed development exceeds the specified density of the urban zone. Policy 4.1 - Density of Residential Accommodation, states that development should achieve a density of between 200 and 700 habitable rooms per hectare. This policy also states that the prescribed density levels can be exceeded where a development will be of an exemplary design with excellent living accommodation. In this instance the density level is considered acceptable due to the high quality of the design of the development, the excellent standard of living accommodation proposed and the generous flat sizes. Site constraints are such that communal amenity space is not provided however it should be noted that all units benefit from large balconies and terraces. In this instance the proposed development is considered acceptable.
- 30 Access Officer - No objections in terms of access however there are concerns that the wheelchair affordable housing is located at first floor level with only one lift to serve the whole development.  
**Response** - The proposed development is for 22 flats accessed from one central core. Given the limited size of the development and the application site it is considered that the development cannot provide more than one lift. Provision of another lift would significantly alter the design of the proposed development and reduce the proposed room sizes to unacceptable levels. In this instance it is considered that one lift shall be sufficient to service the development including the wheelchair units at first floor level.
- 31 Waste Management - No response.  
**Response** - The waste storage facilities are acceptable in terms of their size and location, any further details required can be secured by condition.
- 32 Arboricultural Officer - No response.  
**Response** - The proposed development will not result in the loss of any protected trees and as such is considered acceptable.
- 33 Environmental Protection - No objections subject to conditions relating to noise levels

and contaminated land. The environmental protection officer is satisfied that the air quality of the site and surroundings is of an acceptable level.

**Response** - Noted and agreed, the relevant conditions will be imposed as part of any consent issued.

34 Statutory and non-statutory consultees

All comments received in response to the proposed development have been summarised and addressed below;

Transport for London - No objections subject to conditions.

35 **Response** - Noted and agreed, the relevant conditions will be attached to any consent issued.

Environment Agency - No objections subject to conditions.

36 **Response** - Relevant conditions will be attached to any consent issued.

Metropolitan Police - Concerns regarding the colonnades around the ground floor of the proposed development.

37 **Response** - The area covered by the colonnades is narrow and does not present a risk of crime due to the level of animation at ground floor level and the levels of overlooking from the surrounding area.

38 Southwark Cyclists - Request a condition be imposed to secure 130% cycle parking for residents and an additional 10 visitor spaces within 50 metres of the site.

**Response** - The Councils Transport Department are satisfied with the level of cycle parking proposed and as such the development is policy compliant in this respect. It is therefore considered unnecessary to impose conditions to secure further cycle parking.

London Underground - No objections.

39 **Response** - Noted and agreed.

41 Neighbour consultees

No response to date. Any contributions will be reported in the supplementary.

42 Re-consultation

Not applicable.

## **PLANNING CONSIDERATIONS**

43 **Principle of development**

There are no objections in principle to the redevelopment of the site to provide Class D1 floorspace and residential accommodation and there will be no conflict of use. Retaining the D1 use on site is in accordance with policies 2.1 and 2.3 of the Southwark Plan 2007 (July), in the form of a special needs centre for St Joseph's primary school. Information has been submitted to show the need in the area for such a facility. Whilst the development will result in a net loss of some 180 square metres of D1 floorspace it is considered that the vacancy of the existing building in excess of 4 years illustrates a lack of demand for such a large community facility in this area. As such the level of D1 floorspace proposed is considered satisfactory in this instance and will meet a demonstrated need. The provision of residential accommodation on all upper levels will help meet the wider regeneration and housing needs of the borough.

44 The development complies with the relevant policies of the Southwark Plan 2007

(July) namely Policy 2.1 - Enhancement of community facilities, Policy 2.3 – Enhancement of educational establishments, Policy 2.5 – Planning obligations, Policy 3.1 – Environmental effects, Policy 3.2 – Protection of amenity, Policy 3.4 – Energy efficiency, Policy 3.5 – Renewable energy, Policy 3.6 – Air quality, Policy 3.7 – Waste management, Policy 3.9 – Water, Policy 3.11 – Efficient use of land, Policy 3.12 – Quality in design, Policy 3.13 – Urban design, Policy 3.14 – Designing out crime, Policy 4.1 – Density of residential accommodation, Policy 4.2 – Quality of residential accommodation, Policy 4.3 – Mix of dwellings, Policy 4.4 – Affordable housing, Policy 5.1 – Locating developments, Policy 5.2 – Transport impacts, Policy 5.3 – Walking and cycling, Policy 5.6 – Car parking and Policy 5.7 – Parking standards for disabled people and the mobility impaired. As the proposal is in accordance with the development plan it is considered acceptable in principle.

45 **Environmental impact assessment**

The proposed development lies outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not warrant the completion of an environmental impact assessment.

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

The proposed development will have no adverse impact on the amenity of adjoining occupiers or the surrounding area in terms of a loss of daylight/sunlight, loss of outlook, loss or privacy, increase overlooking or indeed the creation of a sense of enclosure. While a building of this size may be considered a prominent feature, this is considered to be more of a townscape/appearance issue rather than one of residential amenity.

47 It is noted that the proposed building of 7 storeys, 19 metres in height, will be taller than the buildings within the immediate vicinity however in terms of the surrounding context the proposed building will not appear incongruous or out of synch with the established pattern of development. The adjacent housing blocks on George Row range in height from four to seven storeys with generous floor to ceiling heights and large pitched roofs with roof accommodation. The application site is detached from the surrounding townscape and as such can sustain a development of this height., the development will therefore be a contextual mass in this part of the streetscape.

48 In terms of daylight and sunlight it is considered that there will be no detrimental loss of daylight, sunlight or indeed sky light at any of the adjacent dwellings on George Row. Following detailed tests undertaken in line with BRE guidance it is clear that no dwellings on George Row will be subjected to a detrimental loss of daylight/sunlight with all windows passing the three diffuse daylight tests and both the annual sunlight and winter sunlight tests. The playground of St Josephs Primary School will experience minor levels of overshadowing. After the development is completed, 6% of the outdoor amenity area of the primary school will remain in permanent shadow on the 21st of March, compared to the existing situation whereby only 5% is in shadow. This represents a loss of only 1% and as such is still better than the BRE minimum requirement that permits up to 40% overshadowing.

**Quality of New Residential Accommodation**

49 The proposed new dwellings at Felton Hall also pass all indicative light tests and will receive levels of daylight, sunlight, sky light and diffuse light well in excess of the British minimum standard as specified by the BRE. As such the proposed development satisfies all of the requirements set out in BRE Digest 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.

50 All of the proposed dwellings have been designed to lifetime homes standards and three wheelchair affordable units have been provided. All room sizes either meet or



exceed the minimum floorspace requirements specified within the Councils SPD: Residential Design Standards and will all have a floor to ceiling height of at least 2300mm. 90% of dwellings will be dual aspect with cross ventilation and no north facing units in order to secure a high quality level of residential accommodation. Amenity space has been provided in the form of large roof terraces and balconies providing a quality and practical outdoor amenity space. The smaller roof terraces and balconies are limited to the one and two bedroom apartments. Given the central London location and the site constraints it is considered that the level of amenity space proposed is acceptable.

51 It is noted that the proposal exceeds the density level specified for the Urban Area; however, in officers' view, the building design is considered to be of a high quality and the flats of a good amenity standard. The upper density indicator is 700hrh, however this development is 1643 hrh. However, this is slightly less than that recently approved at the Gedling Mission Hall development nearby (1645 hrh). The density of the development has not compromised its quality, in terms of relationship with the surrounding buildings and the wider range views. The proposal provides adequate facilities for occupiers and provides a reasonable level of amenity space. It is therefore not considered that the density will lead to any loss of amenity for future or current residents and will not create a building which is over dominant in relation to its context.

52 The proposal complies with Policy 3.11 'Efficient Use of Land' which seeks to maximise the efficient use of land subject to the proposal not affecting the amenity of neighbouring properties, a proposal which responds local context and complying with policies relating to design and ensuring that it does not compromise the development potential of adjoining sites. It is also required to provide adequate servicing, circulation and access to and from the site and ensuring the scale of development is appropriate to the availability of public transport and other infrastructure. This proposal complies with all the points outlined in this policy.

53 **Impact of adjoining and nearby uses on occupiers and users of proposed development**

The surrounding uses are characterised by residential and education, as the site adjoins St Josephs Roman Catholic Primary School. The proposed development incorporates both residential and education use and as such will conform to the nature of the locality. It is therefore considered that there will be no conflict of use detrimental to the amenity of the users and occupiers of the proposed development.

54 **Traffic issues**

The proposed development provides a satisfactory level of cycle parking (23 spaces) for the residential use and as such complies with Council policy on such matters. In terms of car parking it has been agreed that a car free development is acceptable in this location subject to the provision of two on street fully accessible bays at cost to the applicant (£7500). It has also been agreed that the future residents of the development will be made exempt from obtaining parking permits for the surrounding controlled parking zone. As such a financial contribution of £2750 will be required in order to amend the Traffic Management Order. The total financial contribution for transport, including engineer's fees will be £11375.

55 **Design issues**

This application is on a pivotal location on Jamaica Road. It is an important site which merits a building of especially high quality which this design achieves. The junction, with George Row and Jamaica Road and the articulation of the junction with Abbey Street as joins Jamaica Road make a prominent landmark site.

56 The design concept, its form and its response to the local environment, is sympathetic

and positive and would enhance the quality of the local environment and wider townscape east and west along Jamaica Road. The overall bulk and height of the building is acceptable on this site. The location can handle a building of this scale because it responds to the height of the building line to the east on George Row. Following negotiations with the architect prior to the submission of the application, the upper floors were set back away from the neighbouring blocks of flats on George Row.

57 This proposal has improved considerably since its earlier versions presented to the Council over the past year as part of ongoing pre-application discussions. The design has improved, displaying more elegance with the separated front and rear elements enhancing the vertical strength of the southern frontage. The constant outer skin of brickwork clearly articulates the separation into two complete elements rather than fragmenting it by the use of too many external materials. The building compares well to the surrounding urban fabric and will provide a good level of contextualisation.

58 The building is still tall in comparison to the existing buildings in this location, however, taking into account of the considerably taller and bulky buildings opposite which have already gained outline planning consent and the generous floor to ceiling heights of the adjacent Council blocks it is considered that this building will be a relatively contextual mass in this part of the streetscape.

59 There are concerns regarding the safety of the climbing wall, itself an original and interesting feature, in terms of access. In order to overcome these concerns it is considered prudent to condition some form of screening in order to prevent immediate access to the lower portion of the climbing wall when not in supervised use. It should be noted that access to the climbing wall will only be possible from the school as the existing 3 metre high fence along the boundary of this section of the application site and George Row will be retained. The climbing wall itself will provide an interesting feature by increasing the level of animation on the north elevation by removing a large expanse of brickwork.

60 The brick body of the building is firmly rooted in the ground via a series of brick columns which serves to break up the expanse of the elevation fronting George Row and Jamaica Road by providing a degree of animation and a positive hierarchy between this floor and the floors above. The area covered by the colonnades is quite narrow and does not pose a safety risk or a crime risk.

61 Further details as to the materials to be employed on the proposed development will be secured by condition in order to attain a quality finish particularly with regards to the proposed panelling, brickwork and windows.

62 **Impact on character and setting of a listed building and/or conservation area**  
The proposed development will have no adverse impact on any listed buildings or conservation areas.

63 **Impact on trees**  
The proposed development will have no adverse impact on any trees.

64 **Planning obligations [S.106 undertaking or agreement]**  
As the proposed development will provide more than 10 dwellings it is considered a major development and as such will be subject to a comprehensive Section 106 Agreement. The standard charges that would normally be secured for this application in line with the Planning Obligations SPD 2007 would total £156,761. These are broken down as follows:  
Education £60,232

Employment during construction £9,855  
Public open space, children's play equipment and sports development £22,114  
Transport strategic £9,996  
Transport site specific £11,375  
Public realm £16,500  
Health £19,822  
Community facilities £3,237  
Admin charges £3,630  
This would provide £7,125.5 per unit.

- 65 However, the standard S106 toolkit is not to be used in this case. As an exception, the applicant has proposed to transfer ownership of the whole ground floor (D1 Use) to the Council instead of the standard charges. The applicant will still provide affordable housing in line with policy requirements and site specific transport contributions to the sum of £11,375 and all admin and legal fees. The affordable housing will be RSL and will provide 3x3 bedroom units and 4x2 bedroom units with all units identified on plan.
- 66 This approach is considered to be acceptable in this exceptional case as the history of the existing community facility has shown that there is a lack of interest in this area of the borough. Furthermore, the adjacent school has shown that there is an identified need for further D1 provision within the borough for special education needs.
- 67 The ground floor of the building will be a valuable resource to the adjoining school as there are presently 39 pupils registered at the school as having special education needs. Several of these pupils have been identified as having profound learning difficulties and behavioural problems and five have been diagnosed as autistic. At present the school and surrounding area lacks the facilities these pupils require with teaching activities and individual one-to-one support generally taking place in the corridors with pupils often struggling to concentrate due to the number of staff and pupils passing by. As part of the proposed development the ground floor of the building will also accommodate a multi sensory facility to support the learning of the autistic pupils.
- 68 St Josephs Primary School currently has the equipment and expertise to develop an effective centre but no appropriate space for using the equipment. The provision of the ground floor as a D1 education unit would provide the accommodation needed for this resource, particularly as pupil numbers are increasing due to the inclusive nature of the schools teaching programme.
- 69 Independent valuations have valued the ground floor of the building as being within the region of £450,000 to £500,000. As part of the legal agreement the Council's Property Department will conduct an internal survey to verify the valuations. It is proposed that full ownership of the ground floor be transferred to Southwark Council on a 990 year lease with a ground rent of £1 per year. The ground floor will be finished to a standard including plastered and painted walls, floor coverings and provision of all services (with all services capped). The Council would be responsible for all internal maintenance/upkeep, 'wear and tear' and rates. The external areas would be maintained by the freeholder. This will allow the Council to obtain a valuable asset whilst providing the School with much sought after accommodation for a D1 unit whilst at the same time saving money on renting accommodation for the education unit.
- 70 The applicant will cover all admin fees as 2% of the total for monitoring and administering the S106. The total inclusive S106 package now stands in the region of £501,375. Therefore it is considered that total benefits of approximately £354,614 in excess of the standard charge formula are being secured by the Council. This would

be reasonable when considered for this scheme which is an exception to the normal policy requirement and should not be used to inform decisions on other schemes. Therefore the scheme is acceptable on the basis of the revised provision of planning obligations based on the exceptional circumstances.

**71 Other matters**

In terms of flood risk, the proposed development lies within Flood Risk Zone 3. The proposed development will not provide residential accommodation at ground floor level in line with guidance from the Environment Agency and PPS25. Further to the guidance of PPS25, a Sequential Test should be implemented to show that the development meets the following criteria;

- 72**
- The development is on developable or previously developed land.
  - The development provides wider sustainability benefits to the community that outweigh the flood risk.
  - The flood risk assessment demonstrates that the development will be safe without increasing flood risk elsewhere and if possible will reduce flood risk overall.

**73** Given that the application site is previously developed land, all residential accommodation is at first floor level or above, a detailed evacuation plan can be secured for the D1 unit, no additional areas or hardstanding are proposed and the proposal provides satisfactory sustainability measures, it is considered that the development is a type considered suitable for this area. Relevant conditions referring to the evacuation plan will be attached to any consent issued.

**74** The application site lies on the busy Jamaica Road and as such presents issues with regards to noise and air quality, as such a noise and air quality report have been submitted in line with PPG24. The Councils Environmental Protection Team has been consulted on the application and are satisfied with the proposals. Relevant conditions have been recommended to overcome any potential noise, air quality or contaminated land issues. the relevant conditions will be attached to any consent issued.

**75** In terms of sustainability and renewable energy the applicants are proposing a comprehensive Solar Thermal Energy Scheme. Southwark Plan Policy and the Mayor of London have set a target of 20% renewable energy for all new development. Following a detailed energy assessment it has been concluded that Solar Thermal energy is the most effective and efficient option. The assessment has concluded that 2 square meters of photovoltaic cells will be required for each unit. As such a total of 44 square meters of photovoltaic cells will be installed to the roof in a southern orientation. This will create a total of 25.1% renewable energy across the 22 flats. Solar power is not considered appropriate for the D1 use as not enough hot water will be used making this an unviable option for the ground floor. As such an Air Source Heat Pump is proposed which will achieve 18.7% of the energy for the School. Whilst this represents a 1.3% shortfall it is considered that the gains made in renewable energy for the flats at 25.1% will compensate.

**76 Conclusion**

The proposed development will provide the satisfactory redevelopment of a poorly used brownfield site to provide a valuable D1 community resource at ground floor level to meet an established educational need. The development will provide high quality and much sought after residential accommodation to help meet the housing initiative of the Borough. The design quality of the scheme is considered to be of a high standard and satisfactory contributions have been secured by Section 106 agreement. As such the proposed development will have no adverse impact upon either the visual or residential amenity of the area and complies with the relevant policies of The Southwark Plan 2007 (July) and associated guidance. On balance and

with regards to all relevant material planning considerations it is considered that detailed planning permission be granted subject to the negotiation of a Section 106 agreement and relevant conditions.

## **COMMUNITY IMPACT STATEMENT**

77 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

b] There are no issues relevant to particular communities/groups.

c] There are no likely adverse or less good implications for any particular communities/groups.

## **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

78 The proposed development will redevelop an existing brownfield site to provide housing and education accommodation towards the wider regeneration and housing needs of the Borough and the Mayor of London. The contributions to the achievement of use of renewable energy sources is described above.

## **HUMAN RIGHTS ISSUES**

79 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

80 This application has the legitimate aim of providing a development that supports the provision of community education facilities for local citizens, and new housing units. The rights potentially engaged by this application, including a right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

|                 |   |  |
|-----------------|---|--|
| LEAD OFFICER    | Gary Rice   | Head of Development Management                                 |
| REPORT AUTHOR   | Terence McLellan  | Planning Officer - Development Control<br>[tel. 020 7525 5365] |
| CASE FILE       | TP/6-225  |  |
| Papers held at: | Regeneration and neighbourhoods dept., 160 Tooley Street SE1 2TZ<br>tel.: 020 7525 5403 email:planning.enquiries@southwark.gov.uk |  |

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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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|                         |                                       |                    |                     |
|-------------------------|---------------------------------------|--------------------|---------------------|
| <b>Applicant</b>        | Mr T. Sherwood<br>Street Sherwood Ltd | <b>Reg. Number</b> | 09- <u>AP</u> -0174 |
| <b>Application Type</b> | Full Planning Permission              |                    |                     |
| <b>Recommendation</b>   | Grant subject to Legal Agreement      | <b>Case Number</b> | TP/6-225            |

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### Draft of Decision Notice

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

Redevelopment of Felton Hall to retain Class D1 (community) use on the ground floor in the form of special educational needs facilities for the neighbouring school, with residential above (2 x 1 bed, 14 x 2 bed & 6 x 3 bed), creating new 7 storey mixed use building.

**At:** FELTON HALL, GEORGE ROW, LONDON, SE16 4UP

**In accordance with application received on** 03/02/2009

**and Applicant's Drawing Nos.** 105 (P)01, 105 (P)02, 105 (P)03, 105 (P)04, 105 (P)05, 105 (P)06, 105 (P)07, 105 (P)08, 105 (P)09, 105 (P)10, 105 (P)11, 105 (P)12, 105 (P)13, 105 (P)14, PPG24 Assessment, Design and Access Statement, Daylight and Sunlight Study, Environmental Survey, Air Quality Assessment, Flood Risk Assessment, Transport Assessment and Sustainability Assessment.

#### 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 materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan 2007 (July).

- 3 Samples of the windows, brickwork, roof material and cladding to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of materials in the interest of the appearance of the building in accordance with Policy 3.2 - Protection of Amenity of The Southwark Plan 2007 (July).

- 4 Detailed drawings of the means of securing the lower portion of the climbing wall on the north elevation of the building (2 copies) shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of securing the climbing wall when not in supervised use in the interests of health and safety and in the interest of the appearance of the building in accordance with Policy 3.2 - Protection of Amenity of the Southwark Unitary Plan 2007 (July).

- 5 Annotated drawings of Ground floor plan at 1:50, to include details at a scale of at least 1:10 around the side entrance, cycle and refuse store shall be submitted to and approved by Southwark Council as local planning

authority before any work is commenced on site. These shall show all material details for doors and glazing and shall show heavy glazed doors for the cycle and refuse store rather than roller shutters. The development shall not be carried out otherwise than in accordance with the details thus approved.

**Reason**

To ensure that the proposal provides an appropriate design solution for the context of the site in accordance with policy 3.2 - Protection of Amenity and Policy 3.12 - Quality in Design of The Southwark Plan 2007 (July).

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

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

Living rooms- 30dB LAeq, T\*

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

\*T- Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23:00.

**Reason**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG 24: Planning and Noise.

- 7 Dwelling houses, flats and rooms for residential purposes sharing a party element with non-residential premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 is not exceeded in residential premises due to noise from the non-residential premises. Any scheme approved is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

**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 Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 8 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows;
- v) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- vi) The lowest existing LA90, T measurement as already established.
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning 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 Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG24- Planning and Noise.

- 9 Prior to the construction of the climbing wall, a scheme to acoustically separate the climbing wall from the structure of the building shall be submitted for the local planning authority for approval. Any scheme approved shall be maintained thereafter.

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from structure borne and flanking noise in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG24- Planning and Noise.

- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions **6 to 8** have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 9 has been complied with in relation to that contamination.

**Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23.

- 11 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - 1 • human health,
    - 2 • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - 3 • adjoining land,
    - 4 • groundwaters and surface waters,
    - 5 • ecological systems,
    - 6 • archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

**Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23.

- 12 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23.

- 13 The approved remediation scheme must 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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 must be produced, and is subject to the approval in writing of the Local Planning Authority.



**Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23.

- 14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

**Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23.

- 15 Full details of the flood warning and an evacuation plan for safe access from the commercial units to an upper level shall be submitted to and approved in writing to the Local Authority and approved in conjunction with the Environment Agency, prior to the occupation of the premises.

**Reason**

Escape from buildings during flood events must be possible at all times and in compliance with Policy 3.31 'Flood Defences' of the Southwark Plan (2007).

- 15 Before development commences full details of the surface water drainage works shall be submitted and shall be approved in writing by the Local Authority in conjunction with the Environment Agency prior to the occupation of the premises.

**Reason**

To prevent the increased risk of flooding and in compliance with Policy 3.31 'Flood Defences' of the adopted Southwark Plan (2007).

- 17 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

**Reason**

In order that the Council may be satisfied 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 Policy 3.2 - Protection of Amenity of The Southwark Plan 2007 (July).

- 18 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises is commenced and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

**Reason**

In order that the Council may be satisfied 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 Policy 3.2 - Protection of Amenity of The Southwark Plan 2007 (July).

- 19 The cycle storage facilities as shown on drawing No. 105 (P)05 shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

#### Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with Policy 3.2 - Protection of Amenity and 5.3 - Walking and Cycling of The Southwark Plan 2007 (July).

- 20 Detailed drawings showing the no. 2 accessible car parking bays agreed to be provided on street shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given. (Note: funding to secure the implementation of these spaces to be secured through the S106 agreement).

#### Reason

In the interests of amenity and to retain effective planning control in accordance with Policy 3.2 - Protection of and Policy 5.7 – Parking standards for disabled people and the mobility impaired Amenity of The Southwark Plan 2007 (July)

- 21 A Construction Logistics Plan (CLP), as referred to in the London Freight Plan, should be provided. The CLP should provide details on routes for construction vehicles, the types of vehicles expected, their frequency, their time of arrival and departure and any temporary traffic measures which might be required during the course of construction.

#### Reason

As recommended by Transport for London in the interests of residential and transport amenity in accordance with policy 3.2 - Protection of Amenity of The Southwark Plan 2007 (July).

- 22 The accommodation on ground floor level approved for Class D1 purposes shall only be used for the provision of educational facilities and/or ancillary functions linked to the adjacent school. It shall not be used for any other purposes within Class D1 without the express written permission of the local planning authority.

#### Reason

The provision of the special education needs facilities was a key policy consideration and was considered to provide special circumstances in this case which were offset against usual S106 contributions sought to mitigate the impacts of the development. As such, these education facilities ensure that the development complies with Policy 2.5 Planning Obligations of the Southwark Plan 2007.

#### **Reasons for granting planning permission.**

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

- a) Policy 2.1 - Enhancement of community facilities, Policy 2.3 – Enhancement of educational establishments, Policy 2.5 – Planning obligations, Policy 3.1 – Environmental effects, Policy 3.2 – Protection of amenity, Policy 3.4 – Energy efficiency, Policy 3.5 – Renewable energy, Policy 3.6 – Air quality, Policy 3.7 – Waste management, Policy 3.9 – Water, Policy 3.11 – Efficient use of land, Policy 3.12 – Quality in design, Policy 3.13 – Urban design, Policy 3.14 – Designing out crime, Policy 4.1 – Density of residential accommodation, Policy 4.2 – Quality of residential accommodation, Policy 4.3 – Mix of dwellings, Policy 4.4 – Affordable housing, Policy 5.1 – Locating developments, Policy 5.2 – Transport impacts, Policy 5.3 – Walking and cycling, Policy 5.6 – Car parking and Policy 5.7 – Parking standards for disabled people and the mobility impaired of the Southwark Plan [July 2007].
- b) Policy 2A.1 - Sustainability criteria, Policy 2A.2 – The spatial strategy for development, Policy 3A.1-3A.11 - Housing policies, Policy 3B.3 – Mixed use development, Policy 3C.1 – Integrating transport and development, Policy 3C.2 – Matching development to transport capacity, Policy 3C.3 – Sustainable transport in London, Policy 3C.20-3C.23 – Transport and parking policies, Policy 4A.1 – Tackling climate change, Policy 4A.2 – Mitigating climate change, Policy 4A.3 – Sustainable design and construction, Policy 4A.4 – Energy assessment, Policy 4A.7 – Renewable energy, Policy 4A.12 – Flooding, Policy 4A.16 – Water supplies, Policy 4A.19 – Improving air quality, Policy 4A.20 – Reducing noise and Policies 4B (various) – Urban design of the London Plan [2004].
- c) Section 106 planning obligations SPD (2007), Design and access statements SPD (2007), Draft sustainable transport SPD (2008), Residential design standards SPD (2008), Draft affordable housing SPD (2008), Draft sustainability assessment SPD (2008) and Draft sustainable design and construction SPD (2007)

Particular regard was had to the impact on the visual amenity of the area but the form of the building was considered acceptable and the high density of development was not harmful to the townscape, and provided a

good standard of residential accommodation. The achievement of special educational needs facilities was considered acceptable and a justified exception to the usual S106 benefits. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

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