

Planning Committee (Smaller Applications)

Wednesday 15 October 2025
7.00 pm

Ground Floor Meeting Rooms - 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

List of Contents

Item No.	Title	Page No.
9.	Development Management	1 - 79

TABLED ITEMS:

Addendum report and Members' pack.

Contact

Beverley Olamijulo on 020 7525 7234 or email: Beverley.olamijulo@southwark.gov.uk
Webpage: www.southwark.gov.uk

Date: 15 October 2025

Welcome to Southwark Smaller Planning Committee

15 October 2025



Councillor Cleo Soanes (Chair)



Councillor Jane Salmon (Vice Chair)



Councillor Richard Livingstone



Councillor Sabina Emmanuel



Councillor Nick Johnston



Councillor Sam Foster



Councillor David Parton

ITEM 6

Confirmation of TPO 747

79 and 83 Mina Road and Land Rear 83 Mina Road London, SE17 2QS

Matters reserved for decision by the planning committee (smaller applications)

To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officers to resolve it, or which officers consider incapable of resolution by negotiation).

2



76 B214



⋮

London, England



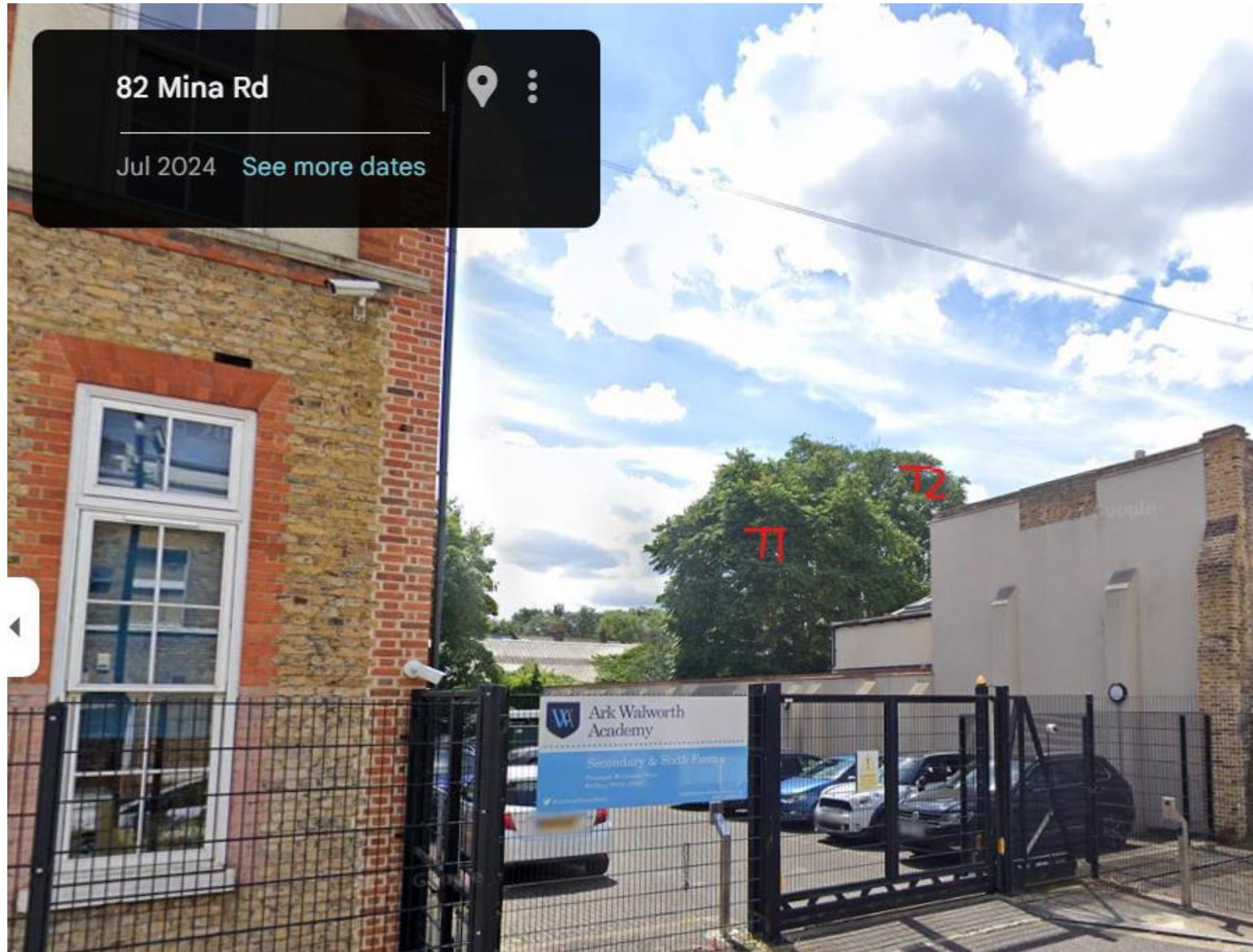
Google Street View

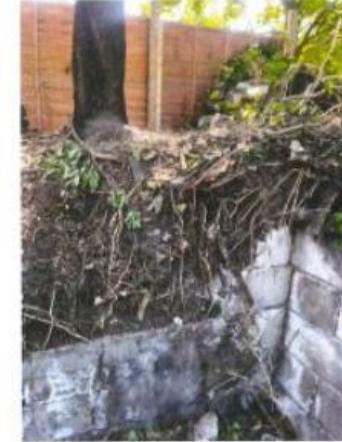
Apr 2025

See latest date



4





6



1

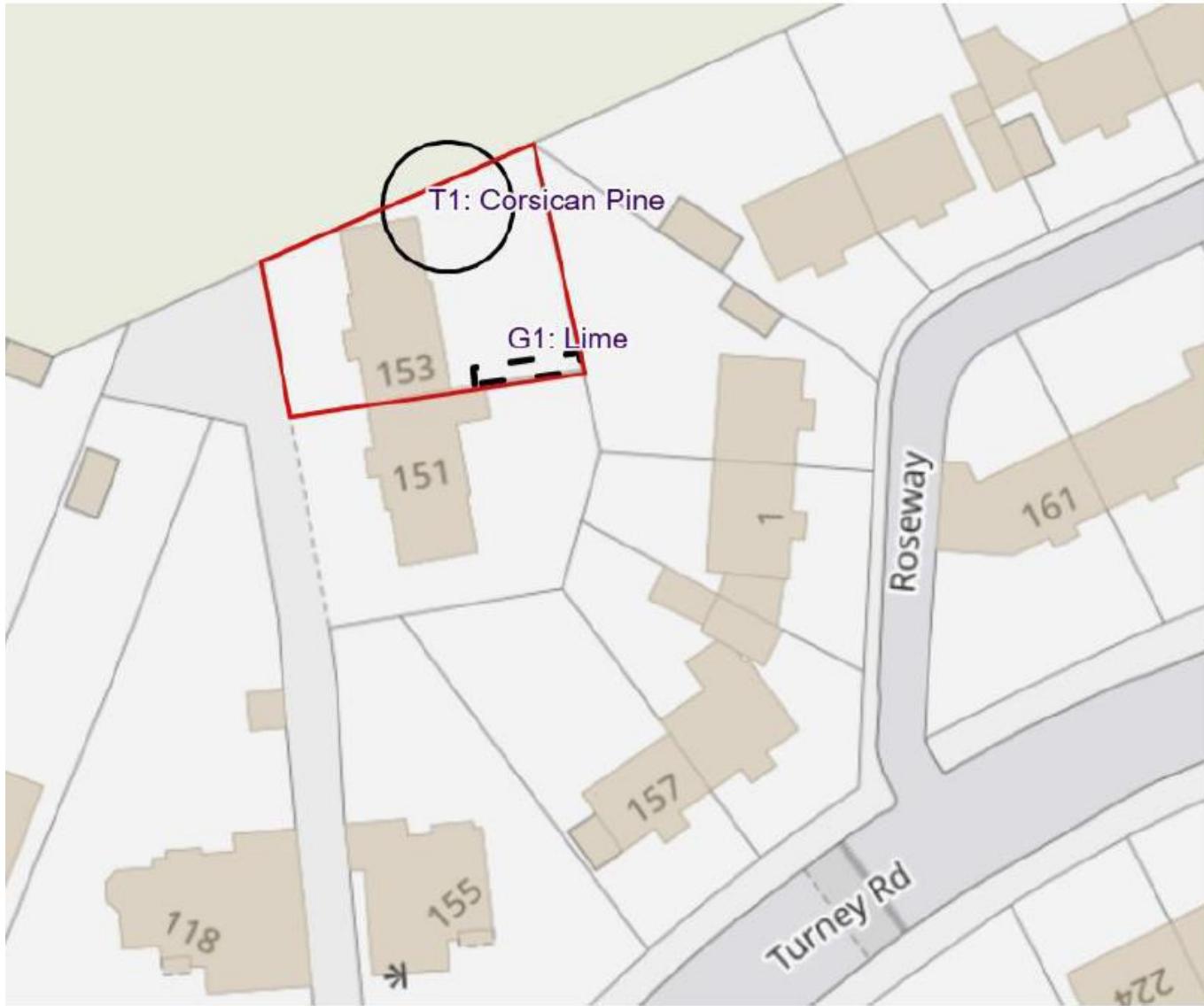
ITEM 7

Confirmation of TPO 748
153 Turney Road London Southwark SE21 7JU

Matters reserved for decision by the planning committee (smaller applications)

To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officers to resolve it, or which officers consider incapable of resolution by negotiation).

∞



6



10

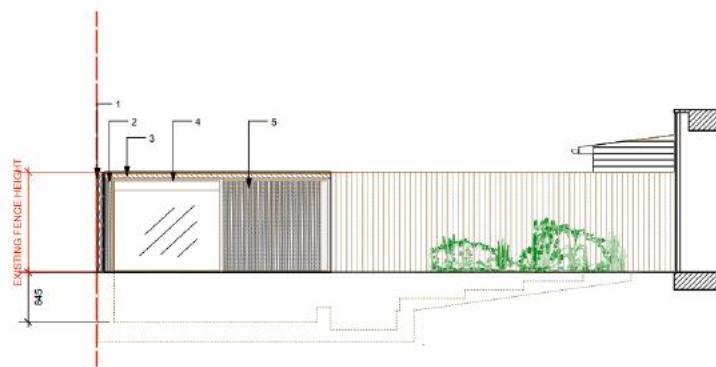


Materials and Storage within Root Protection Area of T1: 07 July 2025

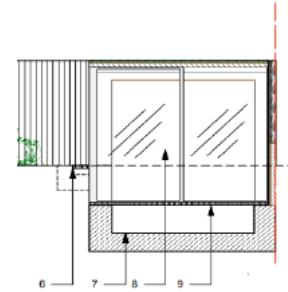
T1: Corsican Pine



G1: Lime



2. NORTH - SIDE ELEVATION



ITEM 8

Confirmation of TPO 752

Old Salt Quay 163 Rotherhithe Street London SE16 5QU

Matters reserved for decision by the planning committee (smaller applications)

To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officers to resolve it, or which officers consider incapable of resolution by negotiation).

3

Showing Council maintained trees and Southwark Freehold Title

 **Southwark Maps**

GREENE KING PUB CO OLD SALT QUAY 163 RK X

✓ X X: 535599 Y: 180189

✓ Tree from Confirm database 1 ...

See on map ...

site_name : Rotherhithe Street

site_code : 22502127

tree_number : 100017.00

eastng : 535600.11

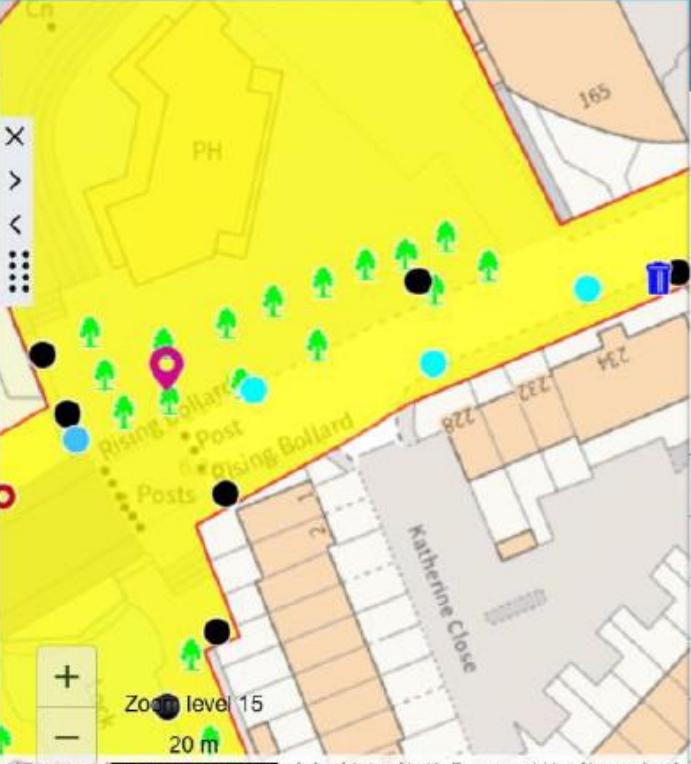
northing : 180187.54

species : Plant Replacement Tree

age : 0.00

contract_area_name : Arboriculture (Park)

✓ LBS council maintained trees 1 ...



14

Conditions of OS data use: Land Registry Index data is subject to Crown copyright and is reproduced by map is OS mapping remastered by Europa Technologies. Selected aerial imagery supplied by Bluesky.

- Southwark Land Title (freehold and leasehold)
- Inclusion_extents_
- Exclusion extents
- Leasehold title extents
- Freehold title extents
- Conservation Areas
- Listed Buildings
- Local List listed buildings
- Southwark Article 4 Directions
- Building ages from OS NGD
- Building heights (polygons and points) fro...

Updated PLAN following site visit 14.08.2025



5



16



17



18

ITEM 9.1

22/AP/1887

Elim Estate Weston Street London Southwark SE1 4DA

Construction of 34 new social rented homes across two separate buildings, along with the provision of external community/play/sports facilities and associated landscaping and car parking.

26

Site History:

- **Planning permission granted for 22/AP/1887 on 11 September 2023**
- **14 June 2024 - claim challenging the Council's decision** to grant planning permission on five grounds:
 1. Ground 1 - Flood Risk
 2. Ground 2 - Leathermarket Grant Agreement
 3. Ground 3 – Equality Duties
 4. Ground 4 – Daylight and Overshadowing
 5. Ground 5 – Consultation

20

On 10 July 2024, the Council under **Ground 1 (Flood Risk)**, accepted that the decision to grant planning permission reference 22/AP/1887 was unlawful and on 19 February 2025 the local planning authority received the sealed consent order from the court **quashing decision** 22/AP/1887 and remitting the application to the Council for redetermination.

Consultation responses

Consultation responses from members of the public and local groups		
	Objections	Support
Initial consultation 2023	52	52
Re-consultation 2025	3	1

21

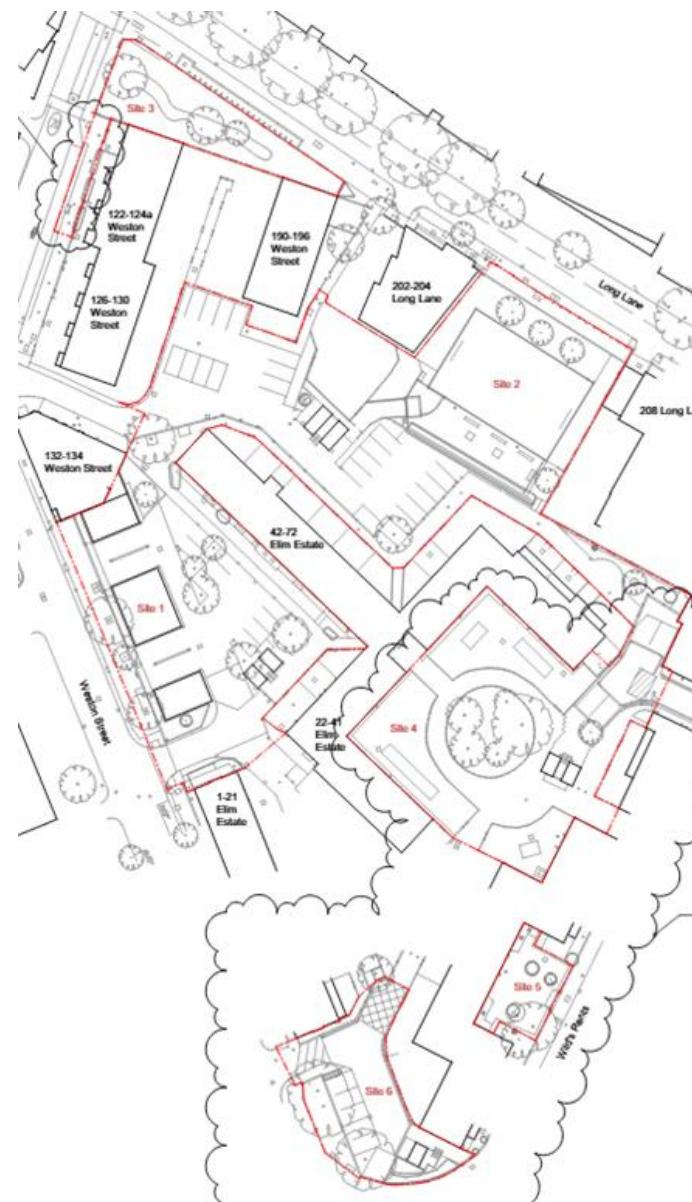
OBJECTION

Concerns initially raised	Concerns raised in both the initial and re-consultation objections	Concerns raised in re-consultation
MUGA	Amenity impacts	Grounds for judicial review
Ecology	Air quality	Additional legal concerns regarding re-consultation
Security	Consultation	
Trees	Design issues	
Urban Greening Factor	Flood risk	
Right to light	Quality of accommodation	
Fire	Equality Impact Assessment	
Transport	Strain on existing community facilities	
Pre-application submission not provided	Transport Conflict with local plan General dislike of proposal Information missing from plans	

SUPPORT

Matters initially supported	Matters supported in re-consultation
<p>Much needed Social Housing</p> <p>Improvements to landscape and the inclusion of green space</p> <p>Biodiversity improvements</p> <p>Quality of the design</p> <p>Enhanced sports facility</p> <p>Supporters have also commended the applicant on their public consultation.</p>	<p>Equality Impact Assessment: Detailed analysis of how the design supports diverse needs, especially for children, women, and disabled people</p> <p>Inclusivity and Accessibility: The new ball court location is described as safer, more visible, and accessible</p> <p>Technical Updates: Flood risk and Sequential Test; Daylight/sunlight reassessment using latest BRE guidance; Air quality, noise, energy, fire safety, overheating — all updated to meet latest regulations</p> <p>Amenity Space: Mentioned as a provision, including children's play space and community garden</p> <p>Process Legitimacy: Asserts that the council has all necessary information for a fair and lawful decision</p>

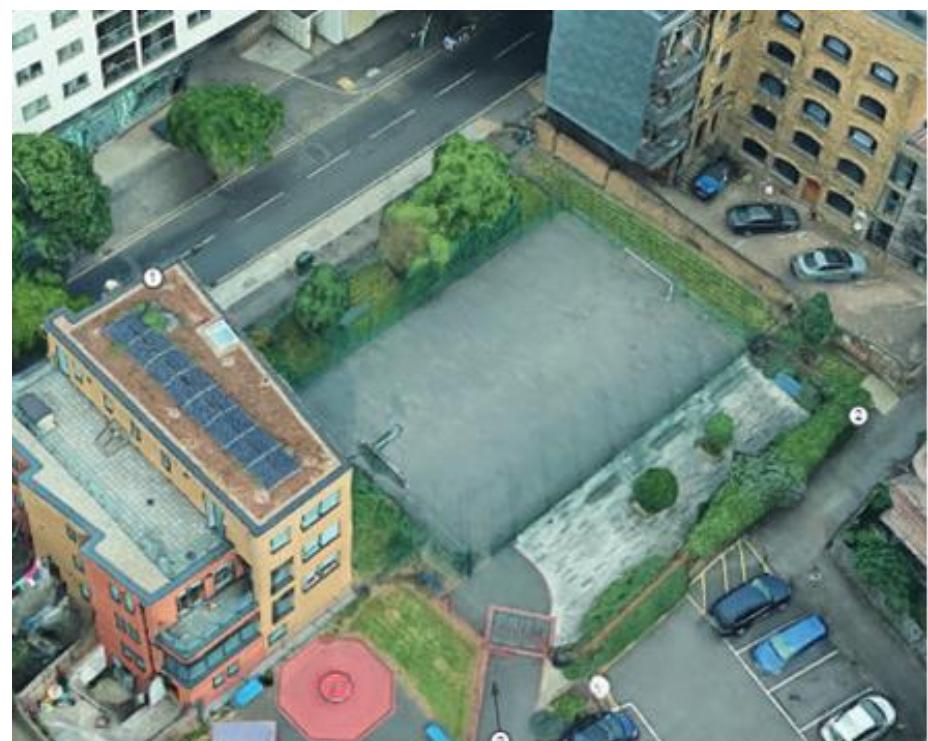
Existing Site Layout



Site 1



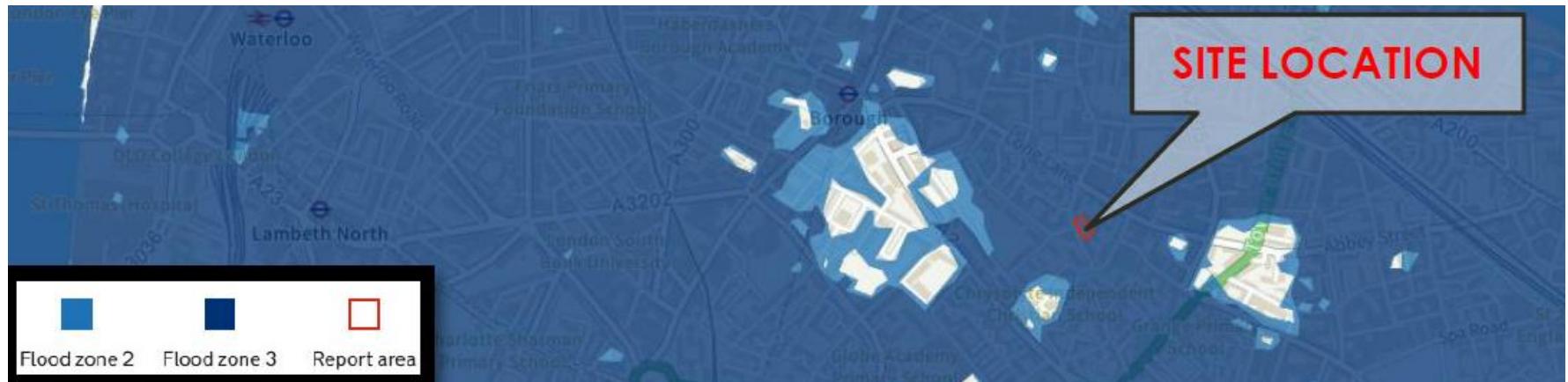
Site 2



25

Environment Agency Flood Map

Flood Zone 3



Submitted for both Site 1 and Site 2. The following updates (paragraph 29) :

- **Sequential Test** - was not included in previous versions.
- Flood mapping - Environment Agency **flood maps have been updated** to reflect the latest available data. The updated maps confirm that the sites remain within **Flood Zone 3a**
- **Exception Test** – the reports include the Exception Test

Sequential Test Geographical Search Area

The Geographical Search Area is limited to land located with the 3 JMB wards of operation – Chaucer, Borough & Bankside and London Bridge and West Bermondsey



28

Planning officers consider that the applicant has **reviewed and attempted to acquire all potentially suitable alternative sites** identified within the agreed search area (Paragraph 34).

Paragraph 34 of the report sets out the:

- agreed **methodology** (Section 3),
- the **datasets reviewed** (Section 4 – SHLAA 2017, Brownfield Register 2020, Southwark “Map” of decided and outstanding applications, and open market searches), the review of over 1,000 potential sites
- **engagement with Southwark Council** (Section 5), and
- **LPA’s conclusions** (Section 6), confirming that **no** sequentially preferable and reasonably available sites exist at lower flood risk.

The applicant sent a recorded-delivery letter to the developer/site owner at both the planning application and Companies House addresses, allowing 21 days to respond. Receipt was confirmed at both addresses, but no reply was received. As the site remains subject to an undecided planning application and legal agreement, and with no confirmation of availability from the owner, it cannot be considered a reasonably available option. The National Planning Policy Framework (NPPF) requires proportionate evidence rather than individual correspondence, and in this case **the submitted Sequential Test Report provides a clear, structured, and verifiable assessment consistent with NPPF requirements..**

Buildings used for dwelling houses are classified as '**More vulnerable**'. (paragraph 37O)

For the **Exception Test to be passed** (Paragraph 38) and development allocated, the following **two points must be met**:

1. the development would provide **wider sustainability benefits** to the community that **outweigh the flood risk**;
2. the development will be **safe for its lifetime** taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

Point 1: Wider sustainability benefits to the community

As set out in paragraph 39:

- Environmental and Climate Resilience
- Affordable Housing and Social Equity
- Urban Regeneration and Land Efficiency
- Public Realm and Community Benefits
- Sustainable Transport and Air Quality

Point 2: Development safe for its lifetime

- **Development vulnerability** (paragraph 41):

The duplex dwellings are appropriate for development in Flood Zone 3a

- **Measures to reduce the flood risk:**

(Paragraph 52) Measures to reduce flood risk, such as:

- Bedrooms would be above ground floor level
- The design of the scheme would be resilient
- Sustainable drainage: The **water storage system** is a key **component** of the Sustainable Drainage Strategy designed to manage **surface water runoff** and **mitigate flood risk**

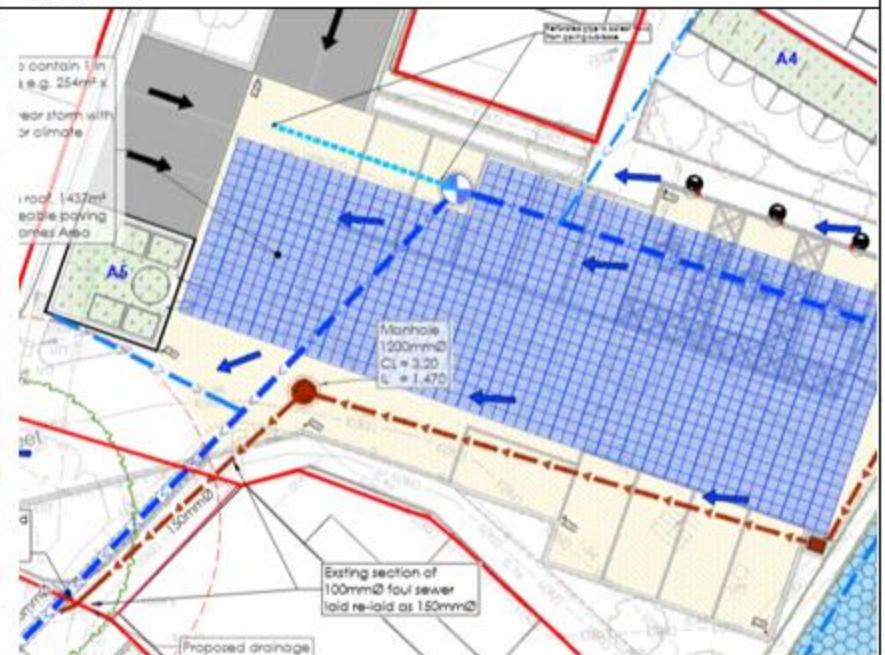
32

Sustainable drainage

Site 1



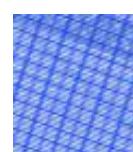
Site 2



A **tanked crate storage system** with controlled discharge to Thames Water's combined sewer network is proposed

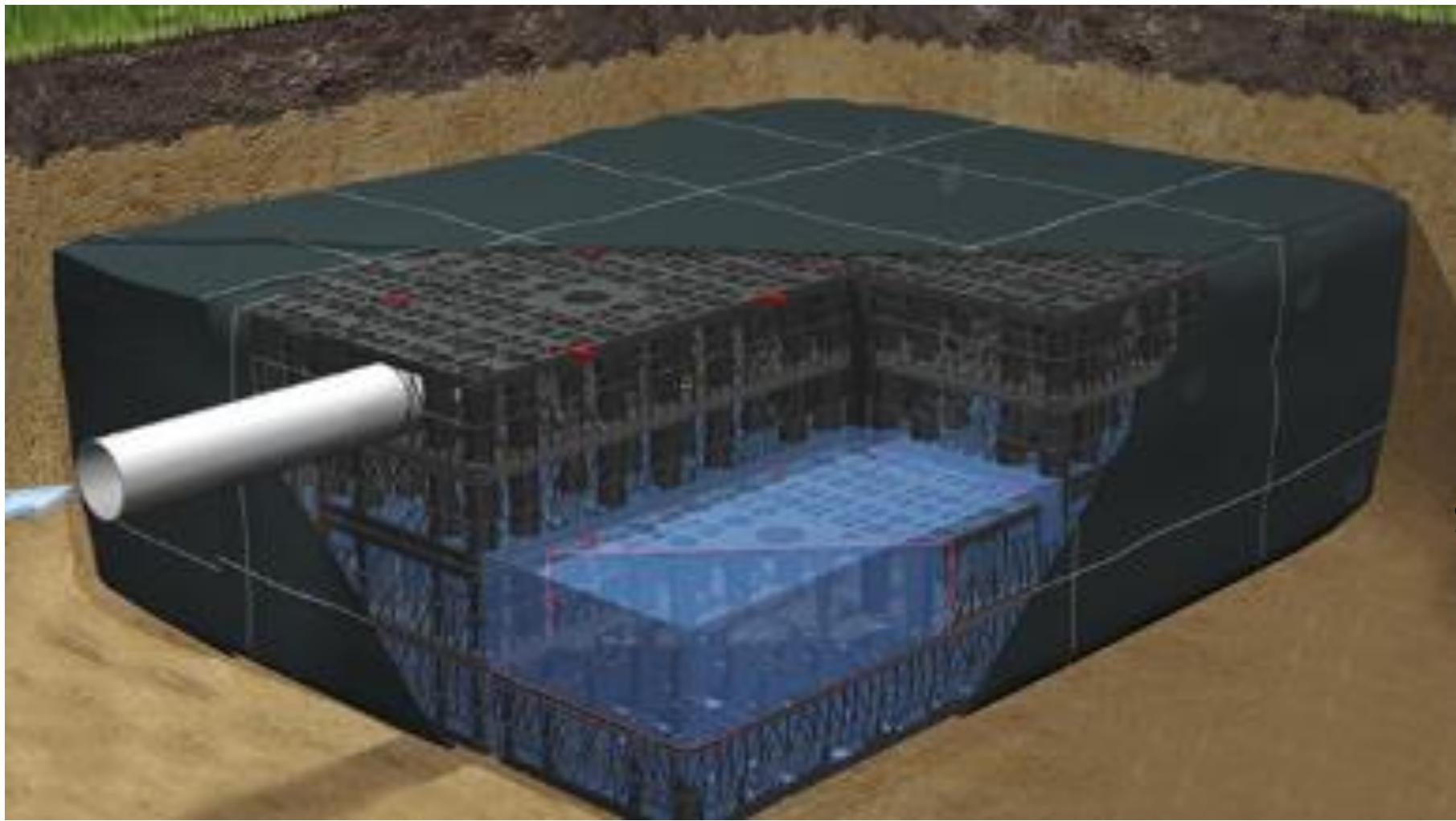


Tanked crate storage system site 1



Tanked crate storage system site 2

Image of typical tanked crate storage system



Located below ground, integrated with **permeable paving** and **green roof** runoff

Ground 2 - Leathermarket Community Benefit Society Grant Agreement

Our Development viability Supplementary Planning Document July 2025 outlines our approach to viability appraisals submitted by planning applicants. The **Southwark Plan 2022 policy P1** 'Social rented and intermediate housing' sets out the council's approach to securing **affordable housing contributions**. Applicants are required to submit a **viability assessment** with their planning application when providing affordable housing to ensure that the maximum proportion of affordable housing is negotiated on each development.

Planning officers have considered ground 2 in relation to the **grant agreement** and state in paragraph 60 that we -

'agree with the Financial Viability Clarification documentation supplied by the applicant and consider that in this case **financial deliverability is not a material planning matter.**'

33

The applicant has submitted an **updated Equality Impact Assessment** as part of the amended supporting documentation for the application. Key updates include:

- Balanced **assessment of impacts** and the **ball court** (paragraph 63)
- A second **updated usage survey (2024)**, carried out during the school summer holidays -when usage is expected to be at its highest – confirmed the findings of the original survey: **the existing ball court is significantly underused** (paragraph 64)

The new ballcourt would encourage wider and more inclusive use.

Limitations with the existing ball court	The re-provided ball court has been designed to address these issues and broaden participation
<ul style="list-style-type: none">Used primarily by young malesOffers limited inclusion for females, disabled residents, and younger children.	<ul style="list-style-type: none">Wider community accessInclusive play markings suitable for younger childrenEncouraging female participationRubberised surfacing reduces injury risk, boosting confidence for young femalesRelocation and safety improvements make females more comfortable and empowered to participateSafer surfaces and improved visibility benefit disabled residents and elderly users.
Suffers from anti-social behaviour – one cause of which is poor overlooking	Safer, better-overlooked location Relocated to the centre of the estate to enhance natural surveillance and reduce ASB Mesh fencing enables passive monitoring while maintaining security

31

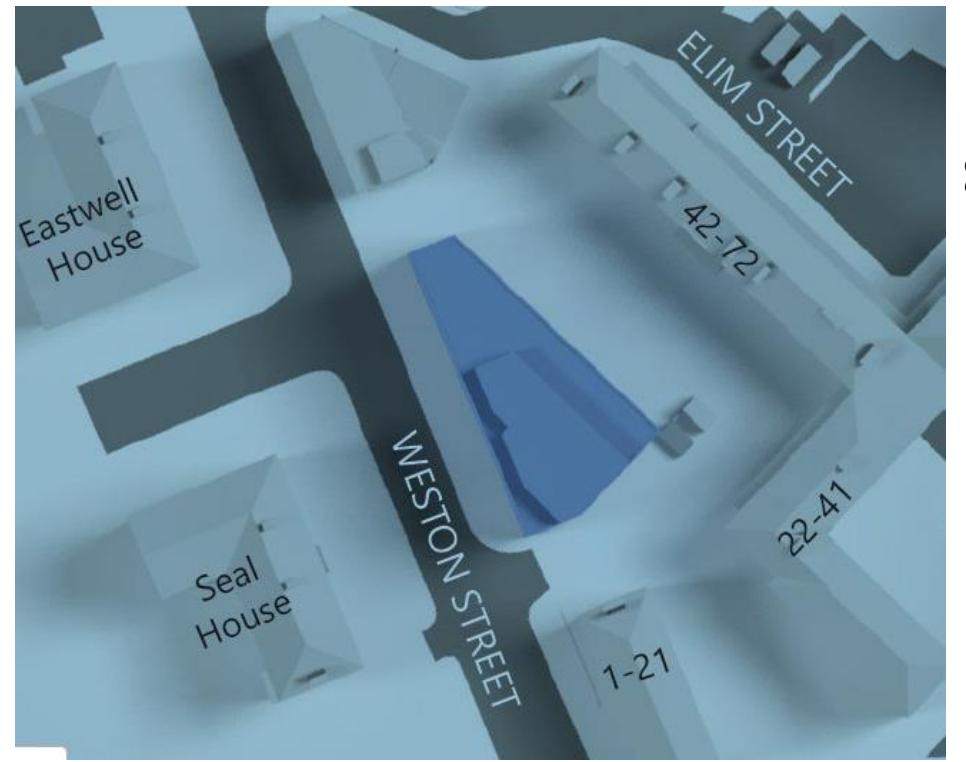
Paragraph 74: The applicant proposes the following **mitigation measures**:

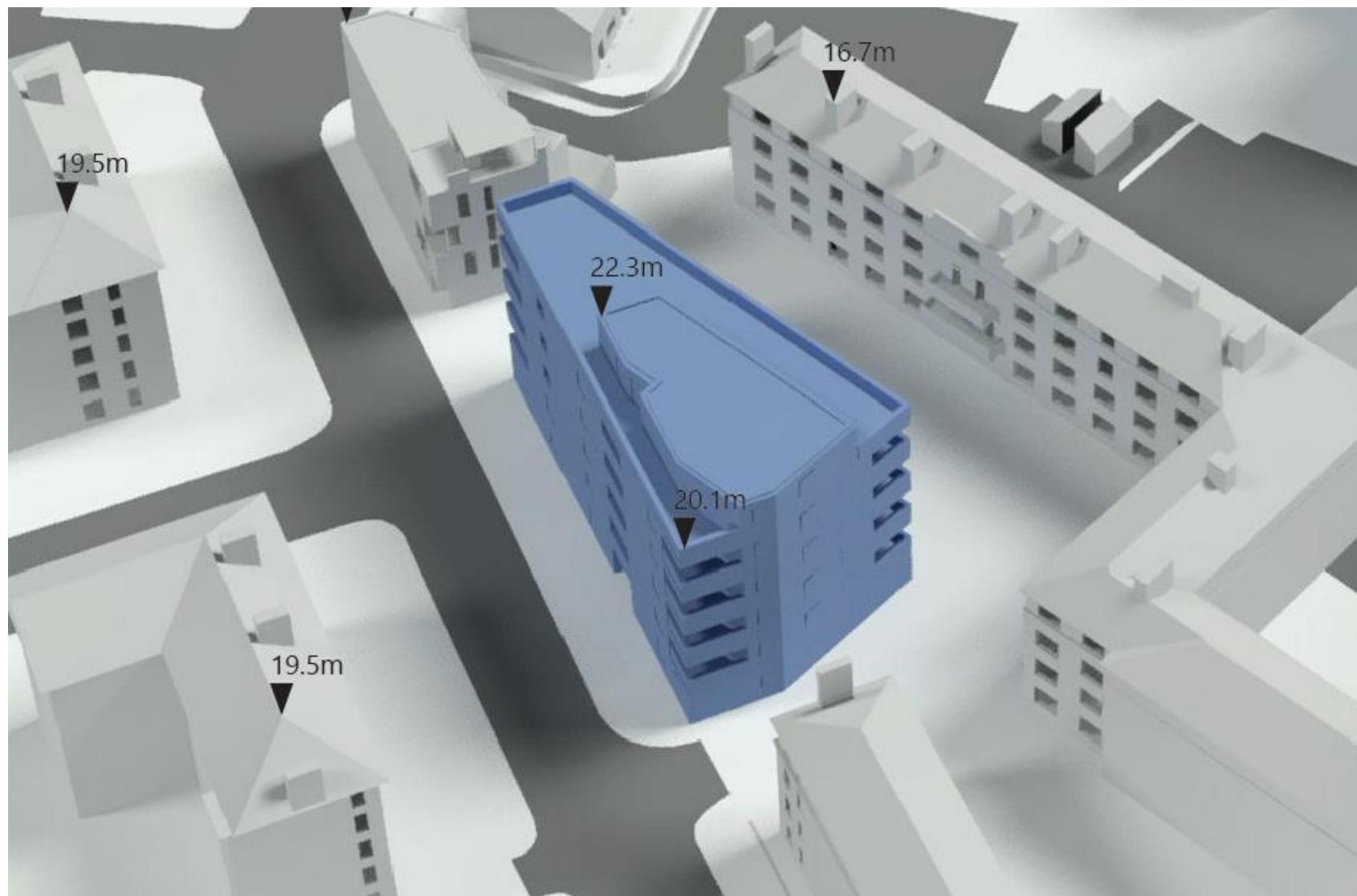
- The new proposed **ball court, and children's play space** (currently at site 2, to be replaced at site 4), would be **provided before the current ball court and play space is closed**. This would ensure there is no loss of these existing community facilities during the implementation of the proposed scheme.
- Reasonable **contractor working hours** to minimise disruption during construction; using hoses to damp down dust; and regular letter drops to residents to give them advance warning of when a particularly noisy part of the construction activity will take place. Secured by a **Construction Management Plan** condition (7)
- Minimise disturbance of **ball court use** by the installation of **specialist sports fencing with minimal movement and noise-reducing fixings** and an **operational management Plan** condition (27) Paragraph 75 - in place before use begins, setting out opening times and arrangements to manage activity levels.

Ground 4 – Daylight and Overshadowing (Impact on daylight and sunlight of existing properties and spaces)

Site 1- Map showing site location and neighbouring residential properties

- 1. 132-134 Weston Street
- 2. 42-68 Elim Estate
- 3. 32-41 Elim Estate
- 4. 1-13 Elim Estate
- 5. Seal House
- 6. Eastwell House

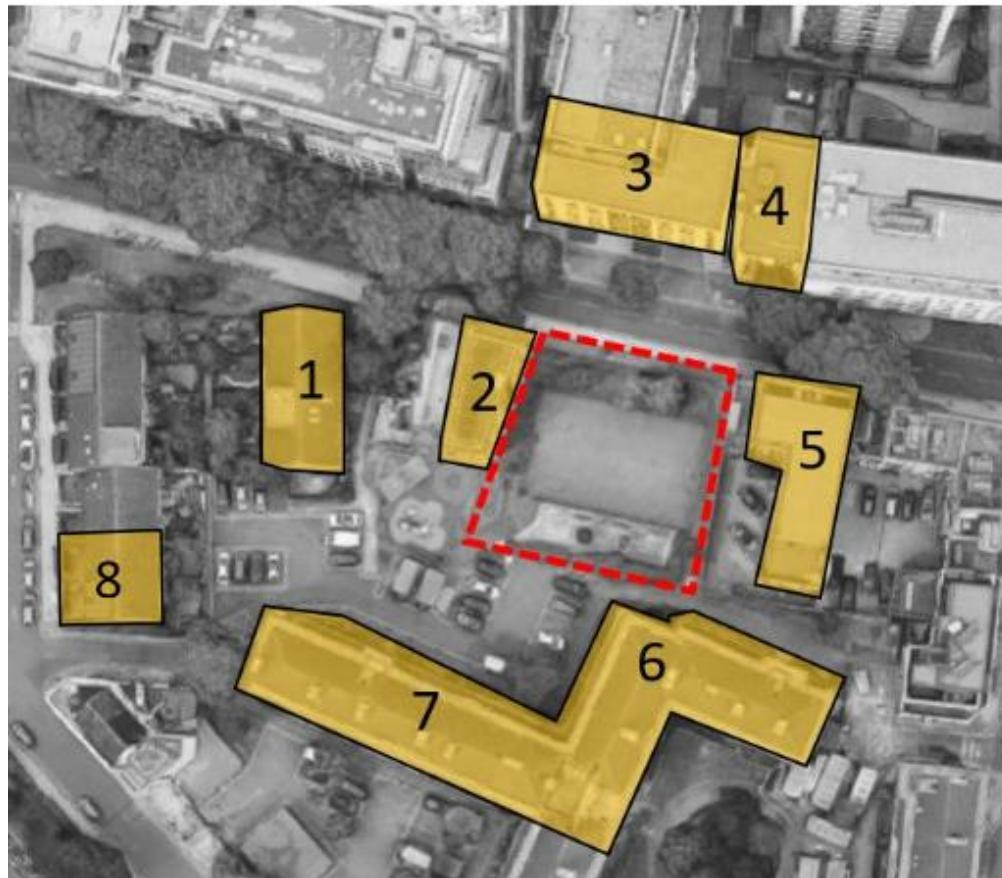




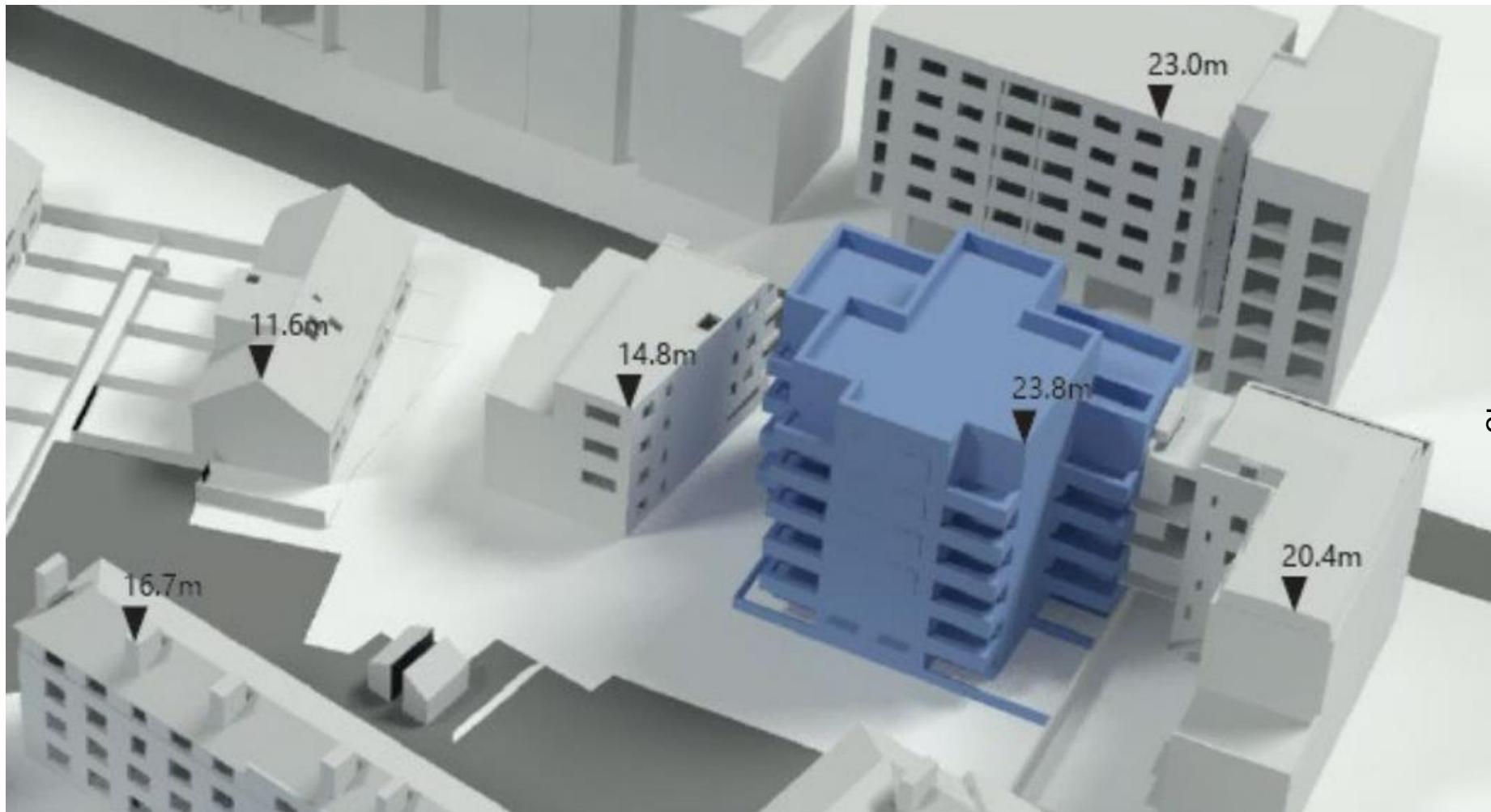
Planning officers confirm that the 2023 decision **did not assess overshadowing** of amenity spaces at neighbouring properties at site 1 as it was considered that no neighbouring amenity spaces were in close proximity and would not be affected.

Site 2 - Map showing location of new building and neighbouring residential properties

1. 190-196 Long Lane
2. 202-204 Long Lane
3. 193-197 Long Lane
4. Calico House, 199 Long Lane
5. 208 Long Lane
6. 73-82 Elim Estate
7. 42-72 Elim Estate
8. 128-130 Weston Street



42



43

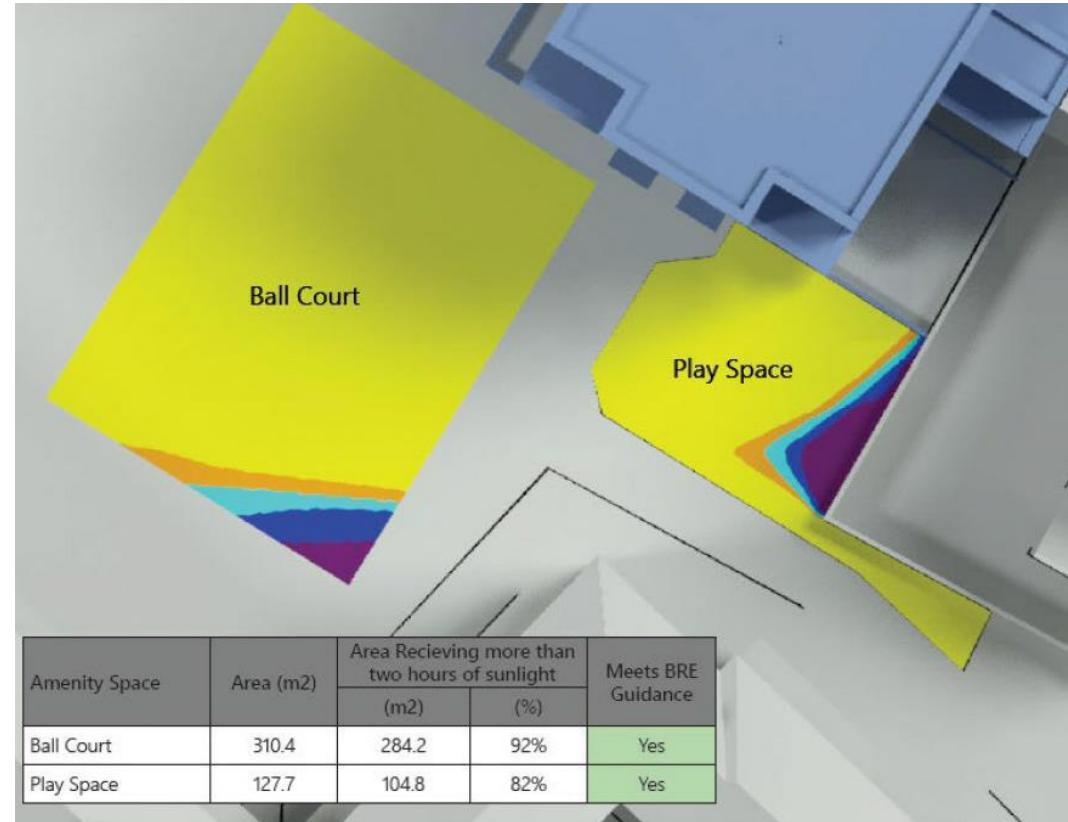
Site 2: Overshadowing

The BRE guidance recommends that **at least 50% of the area of each amenity space** should receive at least two hours of sunlight on 21 March. (paragraph 119)

The 2023 overshadowing report shows that the proposed **ball court** would receive **92%** of two hours of sunlight on 21st of March.

The **play space** would receive **82%** of two hours of sunlight on 21st of March.

This would be acceptable as the BRE guidance recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March.



The Claimant did not agree that any adequate consultation was undertaken to all those with protected characteristics, in particular in respect to consulting with those with disabilities on the estate (paragraph 127), and the applicant did not follow the **4 Gunning principles**:

1. **Consultation** at a formative stage (assessed in paragraph 139 onwards)

2. Sufficient **information** provided (paragraph 142)

3. Adequate **time for consideration** and response (paragraph 143)

4. Feedback conscientiously **taken into account** (paragraph 144)

45

The Council considers that the **consultation undertaken has not been in breach of the Gunning principles**. Local residents have been able to provide their comments on the proposal, which have been taken into account in assessing the proposal.

Assessment of proposal

Land use

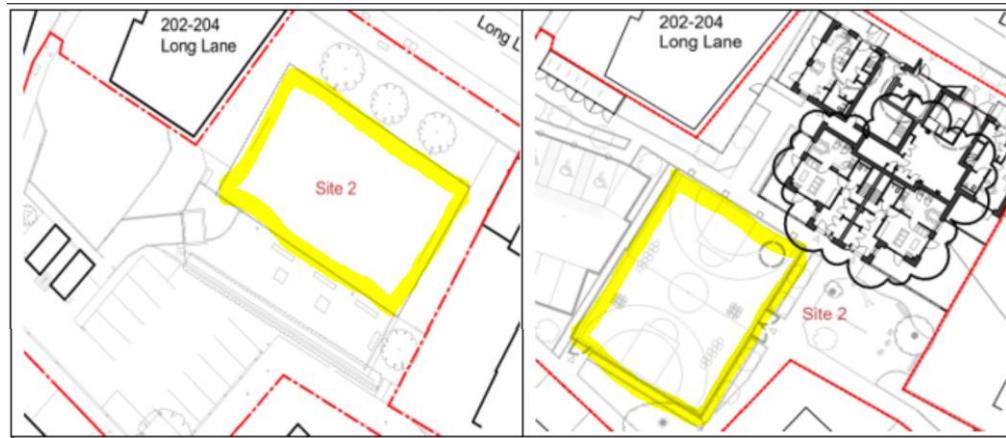
Housing and open space

Sites 1 and 2 are not designated as other open space and **Policy P56 Open Space of the Southwark Plan does not apply**. The sites are part of a housing estate and as the **principle of residential use has been established** it would be appropriate to build new social housing in this context.

Multi Use Games Area (MUGA) / ball court

The principle of the replacement of the MUGA, albeit slightly smaller in size, is agreed given the planning balance resulting in the addition of 34 new council homes.

48



Children's play area

	Existing sqm	Proposed sqm	Net increase sqm
Site 2	170	119	765
Site 4	0	814	

Both the existing and new residents of the Elim Estate will benefit from these newly enhanced spaces and an increased play area

Dwelling mix – 100% rent

	Site 1	Site 2	Total
1-bed	9	7	16
2-bed	2	7	9
3-bed	4	4	8
4-bed	1	-	1
Total	16	18	34

Unit type	Number of units	Percentage of units	Southwark Plan Policy P2 requirement: minimum of
Studio	-	-	5%
1-bed	16	47%	N/A
2-bed	9	26.5%	N/A
2-bed+			60%
3-bed+	9	26.5%	20%
Total	34		

The proposals include a broad range of **one-bed homes for downsizers**, helping to free up larger family homes paragraph 197

The proposal would not comply with the dwelling mix as per policy P2 New family homes of the Southwark Plan as only **53% two or more-bedroom flats** would be provided and would fall short of the minimum of 60% of two or more-bedroom homes required. However, the proposed dwelling mix is provided following a survey on housing need by Leathermarket Community Benefit Society. The 2023 survey identified 38% of Elim Estate residents as living in homes that do not meet their needs. The proposed dwelling mix would be acceptable as **over the estate the dwelling mix of the proposals with the existing estate, 62.3% of the properties would be two bed or more**.

Quality of accommodation

All the flats would meet or exceed the minimum dwellings size standards

On site 1 four of the 6 one-bedroom flats proposed would have undersized open plan living/kitchen/dining rooms and would provide **23sqm where 24sqm** would be required for one-bedroom flats.

On site 2 3 two-bedroom wheelchair flats on the first, second and third floors would have undersized open plan living/kitchen/dining rooms and would provide **25.5sqm where 27sqm** is required.

32 of the 34 flats would be dual aspect, apart from 2 south facing flats, with windows to all habitable rooms and the majority of the proposed dwellings would be afforded good levels of light and outlook.

On **site 1** the applicant would provide an s106 **contribution of £22,700 towards the shortfall of 60.73sqm** private amenity space and shortfall of 50sqm of communal amenity space. On **site 2** the **shortfall of 64.83sqm** private amenity space and shortfall of 50sqm of communal amenity space would require s106 **contribution of £23,540**

Affordable housing

All 34 proposed flats would be social rented affordable units. The emphasis of the New Homes Programme is to provide as many homes for social rent as would be viable to meet the needs of the Borough.

Image – housing need

	2023 baseline	2025 position	increase since 2023
Households on housing register	13,000	20,000+	7,000+
Households in temporary accommodation	3,300+	4,000+	700+ increase since 2023

5

Following re-consultation by the local planning authority an objector raised concerns that 'new social rent housing in prime SE1 is'... 'not appropriate. The poor level of schools in the area is one' of 'the reason many professionals with kids don't settle and leave the area which remain de facto the preserve of young professionals or underprivileged/on benefit for life families.' The objector states that they 'would support the project if it was dedicated and made eligible solely to people working for a minimum of 5 years in local schools, hospitals or lower paid services.'

208 Long Lane is locally listed

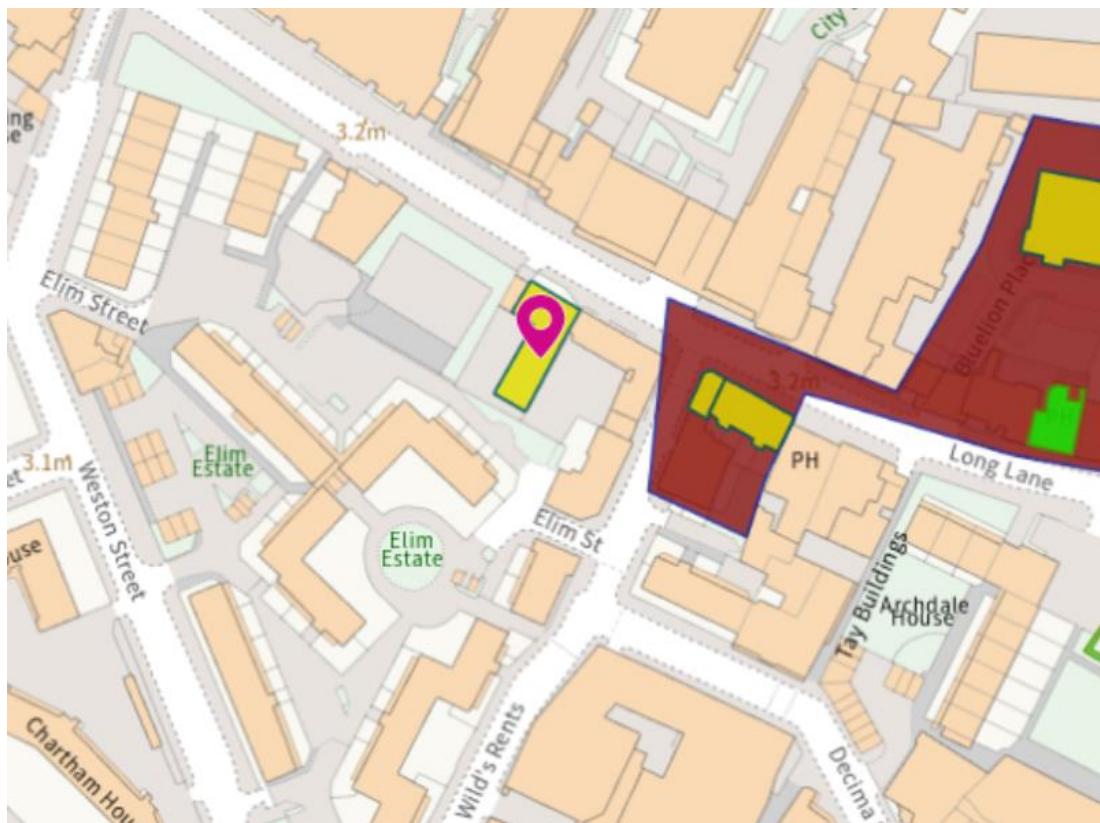
6 December 2023



Local listed building
Conservation Area



The property to the east of the Building 2 site on Long Lane (No 208) was Locally Listed on **6 December 2023**.



The council's **policy P26 Local List** and the Heritage SPD (2021) **embed the presumption against demolition where development involves a Locally Listed property**.

The application site is adjacent to the Locally Listed property. **The development does not affect the Locally Listed Building in any way**. It therefore complies with the council's policies.

Site 1- Height, scale and massing

Image – Emerging context



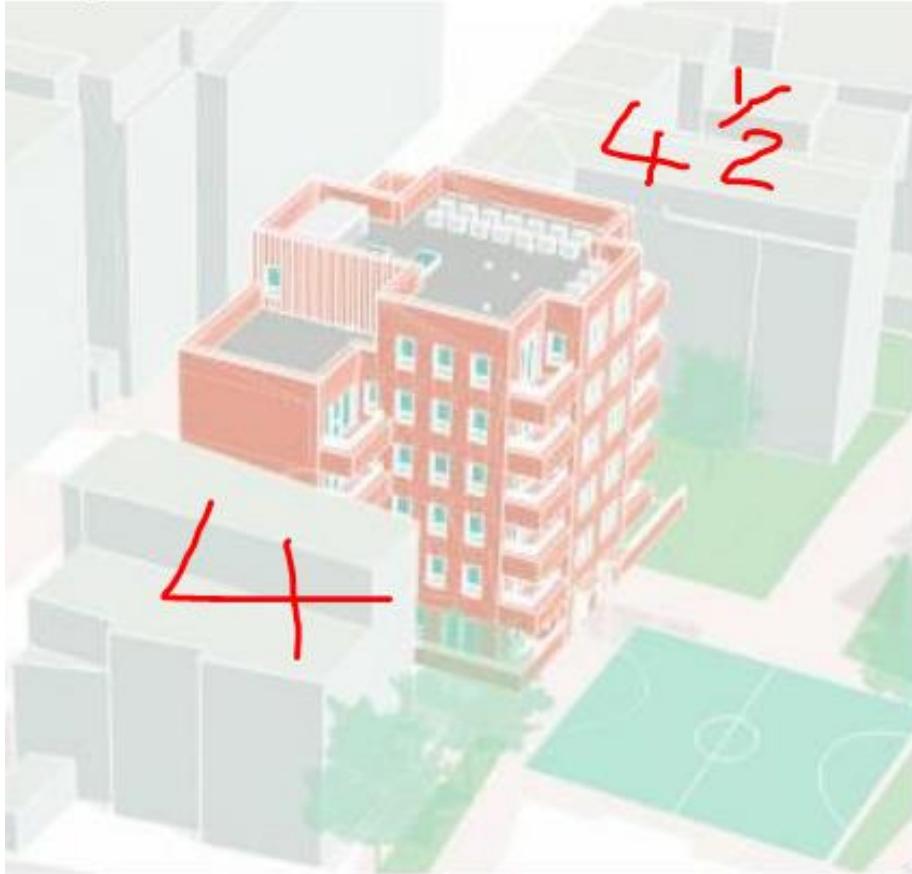
The site is surrounded by 4 and 5 storey estate apartment blocks and just to the north, further up Weston Street at a prominent bend in the street, a former pub dating from the Victorian era, now converted to flats.

The massing of the proposed part five, part six storey building would be acceptable.

Our design and conservation team advised in 2025 that they 'took into account that the 6th storey is not a full floor of accommodation but is well **set-back from the front (1.8m) and rear facades (4.5m)** and over **13.5m from the north edge** of the building (taking up less than half of the roof plan).⁵²

Site 2 - Height, scale and massing

The massing, at **five main storeys with the sixth floor set back**, would be comparable to that of the adjacent warehouse building, albeit a little higher.



Site 2

53



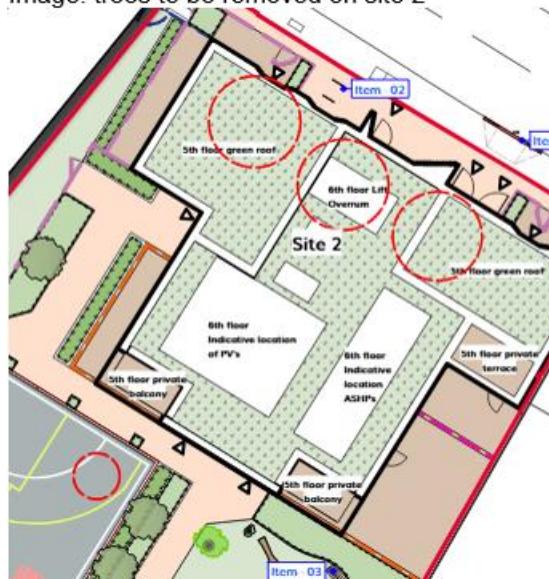
Landscaping and trees

A total of **11 trees** of 30 trees on site would be **removed** of which 6 are category B trees and 5 are category C trees.

Image: 6 trees to be removed site 1 (circled in red)



Image: trees to be removed on site 2



Site 4 – one tree to be removed



New trees



Legend

Standard trees planted with minimum soil volume equivalent to at least two thirds of the projects canopy.

Landscaping enhancements would include sites 3, 4 and 6 comprising soft landscaping, planting and a total of 35 new trees: 15 trees on site 2; 9 trees on site 3; 7 trees on site 4 and 4 trees on site 6.

Urban Greening Factor, ecology, biodiversity and Biodiversity Net Gain

URBAN GREENING FACTOR	
TARGET	PROPOSED
	Landscaping Trees Green roofs (462sqm)
0.4	0.433

The site has potential to support the following protected/notable species.

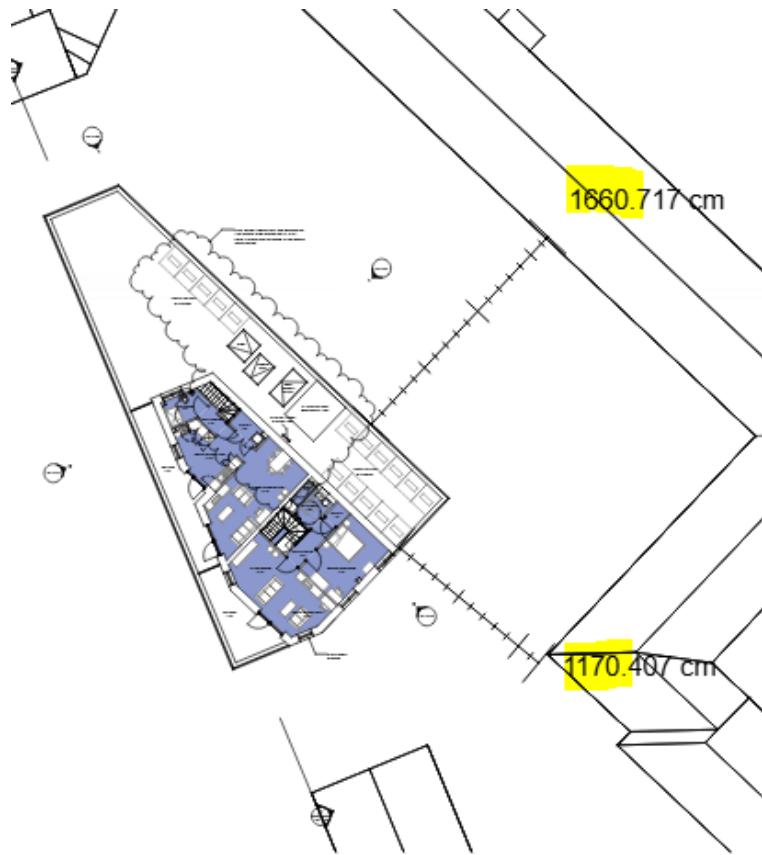
- Low potential to support foraging and commuting bats
- Low potential to support roosting bats; and
- High potential to support nesting birds.

A net gain for biodiversity would be provided. A S106 legal agreement will therefore be required to secure the biodiversity gain for 30 years. **A monitoring fee will be required as part of the S106 agreement to cover the cost of periodic monitoring over 30 years.** A Habitat and Management and Monitoring Plan will be required post-approval to set out the management arrangements.

Amenity of adjoining occupiers and surrounding area

Site 1

The distance between the balconies on the eastern corner and 22- 41 Elim Estate would be 11.7m and 16.6m to 42-72 Elim Estate.



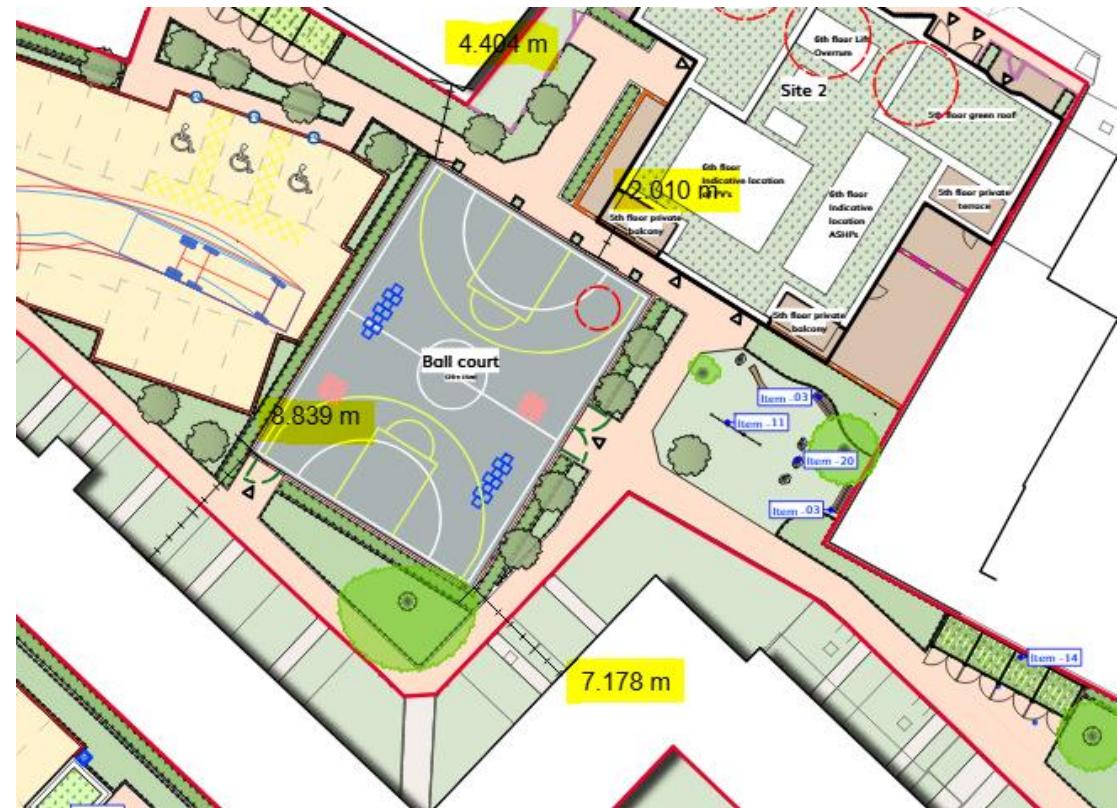
Amenity of adjoining occupiers and surrounding area

Site 2

The rear balconies on the upper floors would be **15.8m** from 22-82 Elim Estate. The end panel of the balconies on the eastern elevation would have screens in excess of 1.7m above the finished floor level and this would ensure that neighbouring properties would not be overlooked.



Objectors state 'the proposed new **MUGA** would be closer to existing flats within Elim Estate and the new flats on Site 2 than the current court. While the noise report suggests that predicted noise levels would be "similar to those resulting from the existing noise environment and not considered intrusive", concerns have been raised by objectors about **noise nuisance**, particularly given the proximity. This raises questions about the adequacy of **mitigation measures** and the potential for increased disturbance for residents



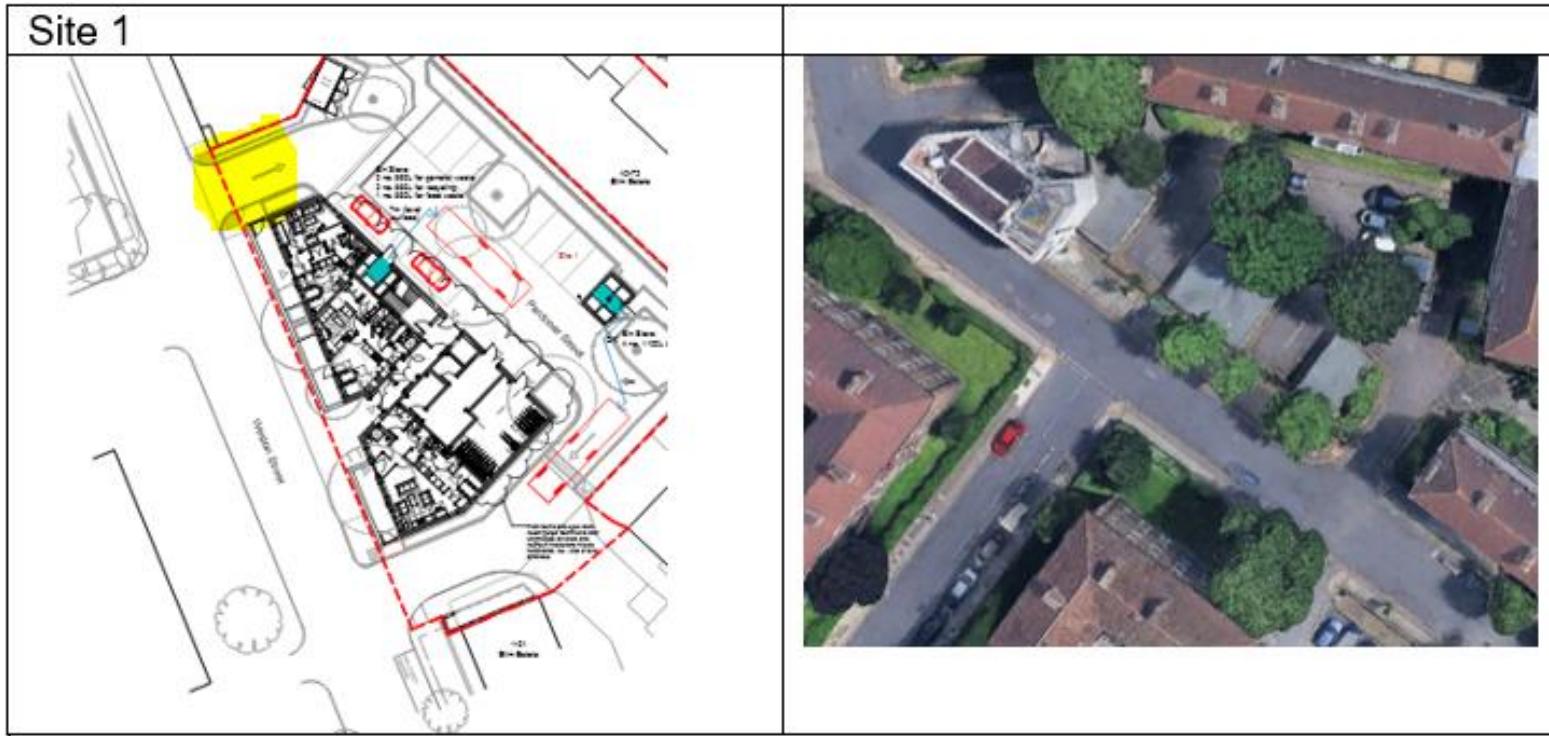
MITIGATION MEASURES

- Specialist sports fence
- Operational management plan - consultation and agreement with Elim residents regarding the opening times

Servicing, deliveries and refuse storage

Three new bin stores are proposed. On site 1 the refuse lorry would circulate Pardoner Street (new one way). For site 2 bins would be collected from Long Lane with the aid of a new dropped kerb and from the western side off Elim Street.





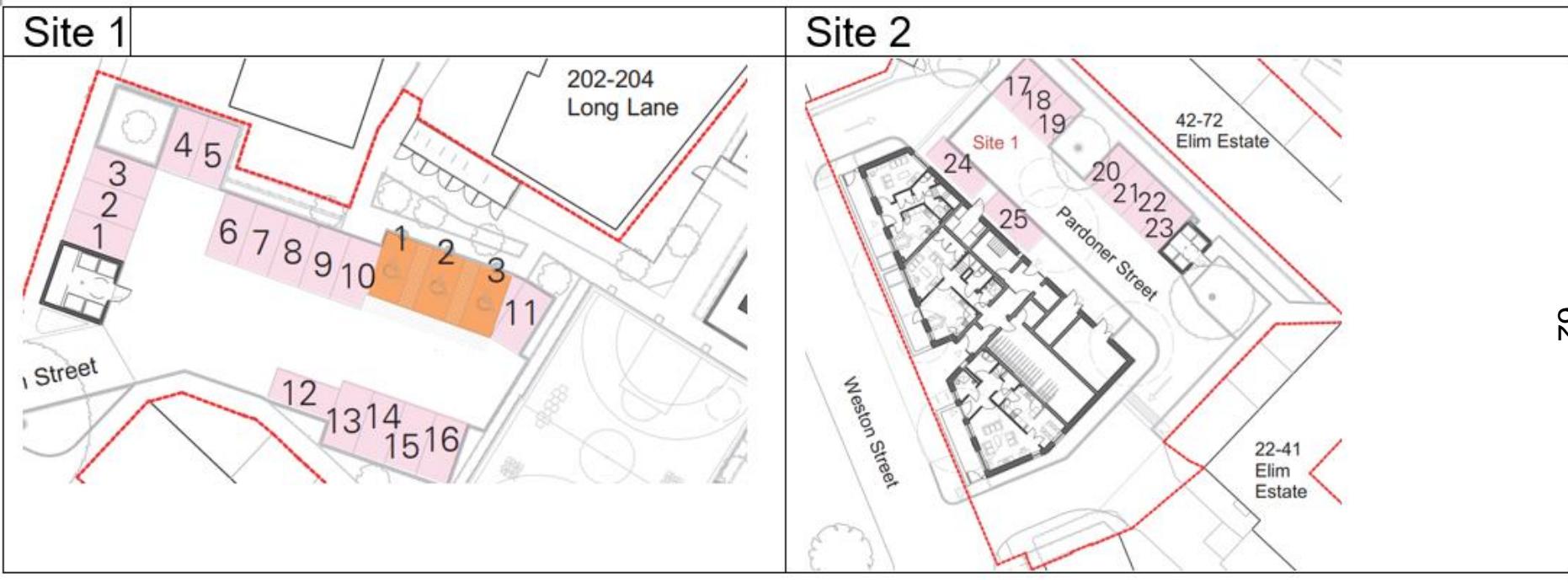
61

Our Transport Policy Team confirmed in 2025 that a stage 1 Road Safety Audit (RSA) of the newly proposed access (extension of Pardoner Street) should form part of the s278 process* and be secured by condition (3).

*Construct new vehicular entrance at Weston Street in accordance with the SSDM standards

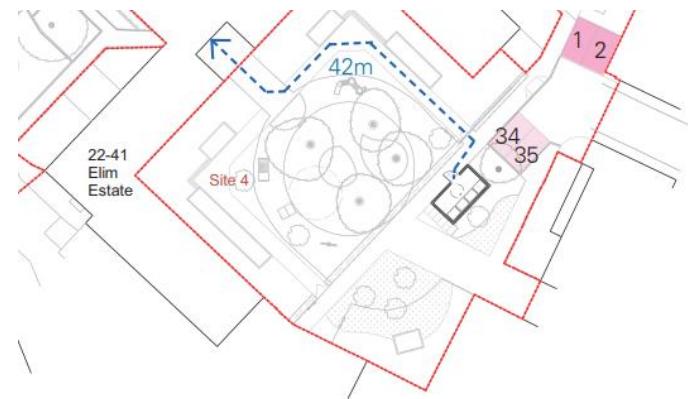
Car parking

3 accessible spaces (site 2) are proposed in addition to **re-provide 35 formal spaces** that are currently existing on the estate.



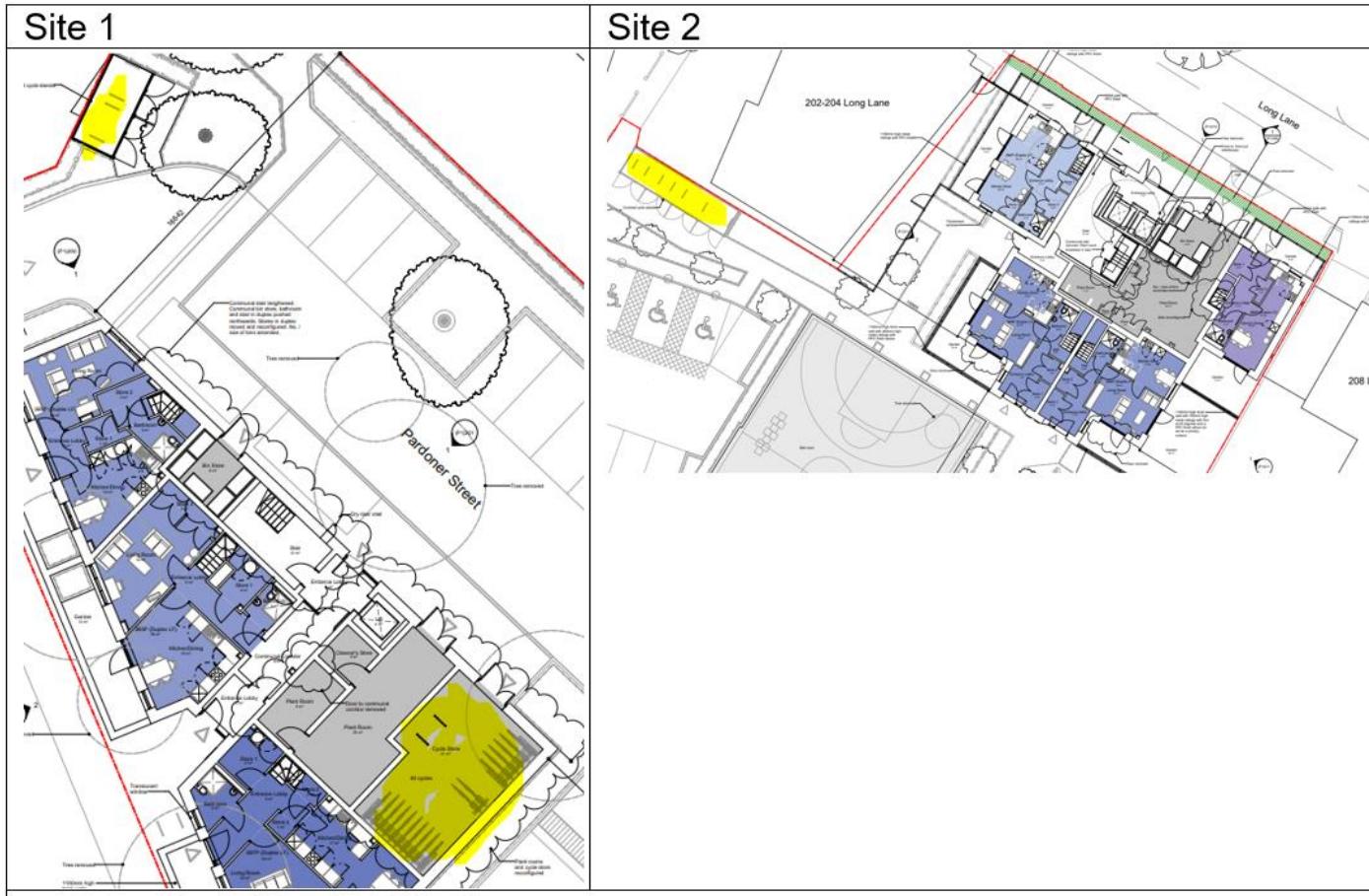
Car parking

The proposal also includes formalising 2 “informal” parking spaces on site 4 that have been used by existing residents with parking permits for more than 10 years. The bin store at site 6 is redundant and not used and its removal would facilitate the re-provision of two existing car parking spaces on site 2 that would be displaced by the re-provision of the MUGA / ball court.



Cycle parking and cycling facilities

The provision of 46 long-stay and short-stay cycle parking spaces on site 1 and 52 long-stay and four short-stay cycle parking spaces on site 2, would align with the minimum quantity standard in the London plan Policy T5. The specifics around stand types and proportions can be dealt with by condition.



Planning obligations (S.106 agreement)

Planning Obligation	Mitigation
Affordable housing	100% social rent
Site 1 Outdoor amenity space	£22,700
Site 2 Outdoor amenity space	£23,540
Site 2 MUGA	To be built before the existing ball court is closed for the works
Tree loss	CAVAT payment of £52,485 to plant trees in Chaucer ward
Carbon offset fund	£31,321.50
Energy performance	<p>Monitor, verify and report to demonstrate agreed carbon savings on site</p> <p>Agreed carbon target (cumulative figure): 10.99 tCO2/yr / 71.12 % reduction against Part L 2021</p> <ul style="list-style-type: none"> - Be Seen - Energy review mechanisms
Adopt pavement	Widen footway on Long Lane; Council to adopt the additional strip beyond planters/outward-opening doors
Parking permits	Development excluded from eligibility for CPZ permits
Cycles membership	Free membership for each initial household for a minimum of 2 years
Monitoring of archaeological matters	£8,635
Highway works	Comprising:

Total financial contributions	£138,681.50
Administration and monitoring fee (excluding affordable housing monitoring fee and servicing bond)	2% of total financial contributions

BENEFITS**MITIGATION****HARM**

34 new council homes

Replacement MUGA 44sqm
smaller

Contribution of
£22,700

Site 1 - shortfall of 60.73sqm
private amenity space and
50sqm of communal amenity
space

Contribution of
£23,540

Site 2 - shortfall of 64.83sqm
private amenity space and
50sqm of communal amenity
space

Marked at both goal ends
for basketball and football

No new play space for children
aged 12+

Surface would be of a
better quality than the
existing

Contribution of
£52,485 to provide
off-site trees

Net loss of amenity tree value
between removed trees and the
proposed planting

URBAN GREENING
FACTOR 0.433

Landscaping
Trees

98

Conclusion

In light of the increase of housing need across the borough, from over 13,000 households to over 20,000 households, officers consider that delivery of additional social rent homes carries substantial public benefit

In reaching this conclusion, the Council as the local planning authority, has had due regard to all residents with protected characteristics, including households who have moved onto the estate since the application was last considered in September 2023.

It is therefore recommended that planning permission be granted, subject to conditions and the timely completion of a S106 Agreement.

8

Meeting Name:	Planning Committee (Smaller Applications)
Date:	15 October 2025
Report title:	Addendum report Late representations, clarifications, corrections, and further information
Ward(s) or groups affected:	Chaucer
Classification:	Open
Reason for lateness (if applicable):	Clarifications to published reports and response to further public comments
From:	Director of Planning and Growth

PURPOSE

1. To advise members of clarifications, corrections, representations and further information received in respect of the following items on the main agenda. These were received after the preparation of the report(s) and the matters raised may not therefore have been taken into account in reaching the stated recommendation.

RECOMMENDATION

2. That members note and consider the additional information in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Additional consultation responses have been received in respect of the following item on the main agenda:

ITEM 8: Confirmation of TPO 752 - Old Salt Quay, 163 Rotherhithe Street, London, SE16 5QU

Recent representations

4. Additional comments have been received by the Council from Knights on behalf of Greene King concerning, in objection, the inclusion of T1 (Lime) and so protects “tree pits” at the site, for a tree that has not yet been planted (labelled T1 on the plan attached to the report).
5. This report represents a precis of those matters salient to the serving of a TPO.

6. Knights on behalf of Greene King have stated: *A TPO can only be granted lawfully over an individual tree where there is an existing living tree. It cannot be granted over a tree which may or may not be planted in future, and item T1 should therefore be removed from the TPO. Further that... if you are able to ensure item T1 (New Planting – Lime) is withdrawn from the proposed TPO prior to the Committee hearing tomorrow, our client will not require us to address the Committee during the hearing.*
7. In respect to the serving of an Order on a yet to be planted tree, this is not without precedence or statutory guidance. S.197 of the Town and Country Planning Act 1990 (as amended), for example, specifically covers this scenario, however this generally refers to development and to mitigation planting.

197 Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

- (a)to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- (b)to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

8. As such, a TPO can be served in relation to trees that are to be planted under a planning condition, even before they are actually planted.
9. In this case, however, the site is not subject to any extant permission or condition of planning, however as covered in the Officer report, the site is Southwark Freehold Land and the tree pit in question is shown as within Adopted Highway and recorded on the council's Asset System as Proposed Tree Planting:

site_name : Rotherhithe Street
site_code : 22502127
tree_number : 100017.00
easting : 535600.11
northing : 180187.54
information : Tilia mongolica. Vacant pit following adj. unauthorised felling

10. A local planning authority may make an Order if it appears to them to be: “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”.
11. Amenity value ... is not defined in the Act, but the Tree Preservation Order Guidance advises: *“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the*

local environment and its enjoyment by the public. There should be a reasonable degree of public benefit in the present or future”.

12. It could therefore be argued that in preserving the planting pit and planting a new tree that there would be a reasonable degree of public benefit in the future. In any event, Officers are confident that for the land in question is Southwark Freehold Land which partly sits in adopted highway and so may plant trees, as it sees fit, in accordance with the Council’s Tree Strategy and relative design standards (SSDM – Southwark Streetscape Design Manual).
13. It would be the consideration of the Committee whether to confirm the order, with the following amendments. Update to Map and Schedule. Variation from Group to Individual Order which includes T1 as was submitted within the agenda, or, to confirm the order, removing T1 but with a view to varying the order once T1 has been planted by the Trees Team; at which point the matter would return to this Committee, if a further objection is upheld.
14. Given that the trees are listed on the councils Asset Management programme with works previously undertaken at site by the council to these trees before the leaseholder undertook tree removal at the site, it would appear that the confirmation of the TPO would not adversely affect any party, nor would it be onerous or engender any increased financial burden over and above any that already exists.
15. This, Officers consider is suitable protection of rights as it pertains to the confirmation of the Order.

Conclusion of the Director of Planning and Growth

16. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the recommendation remains that the Order is confirmed, with amendment to the Map and to the Schedule; with the site owner or occupier advised to submit an application for works to the trees, in the usual manner.
17. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the trees should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.

ITEM 9.1: 22/AP/1887 - Elim Estate, Elim Street, London, Southwark

Paragraph 20 - Ground 1 - Flood Risk

18. The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change

was most recently updated on 17th September 2025 by the UK Government. Key Changes in the September 2025 Update:

Paragraphs 23, 27, 28, and a new Paragraph 27a were revised.

19. The Sequential Test now includes clearer guidance on:

- Considering all sources of flood risk, including surface water and groundwater.
- When a site-specific Flood Risk Assessment (FRA) can remove the need for the Sequential Test.
- Defining “reasonably available” sites and search areas more proportionately.
- Aligning with recent case law and the National Planning Policy Framework (NPPF).

20. A separate Sequential Test may not be required where a site-specific FRA demonstrates the proposal will be safe for its lifetime and not increase flood risk elsewhere. The applicant states that the submitted FRA confirms both these conditions are met for sites 1 and 2, which benefit from Thames Tidal Flood Defences and incorporate full SuDS and resilience measures.

Paragraphs 55 and 402 – Environment Agency comments

21. We have reviewed the submitted information – including the submitted Flood Risk Assessment (FRA) by Infrastruct CS Ltd (dated August 2025 with reference 3753-ELIM-ICS-02-RP-C-07.001, Issue L) – and respond as follows:

22. We understand that sleeping accommodation within the proposed development will be situated at the first floor level and above.

Environment Agency position

23. We have no objection to the planning application as submitted on tidal flood risk grounds.

24. Advice to applicant / Local Planning Authority

We would like to offer the following advice with respect to flood risk, flood mitigation measures, and groundwater and land contamination:

Flood risk

25. The site is in Flood Zone 3 and is located within an area benefitting from flood defences. Whilst the site is protected by the River Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, our most recent flood modelling (December 2017) shows that the site is at risk if there was to be a breach in the defences.

26. We note that the proposed development – namely, residential accommodation – would be classified as ‘more vulnerable’ by the National Planning Policy Framework (NPPF) (Annex 3).

27. Please note that our advice is based upon the tidal and/or fluvial flood risk to the site. Other sources of flooding to the site, such as surface water, also need to be considered. We recommend that the applicant refers to the Strategic Flood Risk Assessment (SFRA) for the borough and seeks advice from the Lead Local Flood Authority (LLFA) and emergency planning teams, where appropriate.

Flood mitigation measures

28. We understand that sleeping accommodation within the proposed development will be situated at the first floor level and above. We recommend that flood resistant and resilient measures are incorporated in to the design and construction of the development proposals, where practical considerations allow, using guidance contained within the Department for Communities & Local Government (DCLG) document 'Improving the flood performance of new buildings: flood resilient construction'.

Groundwater and land contamination

29. We note that the site is located over a Secondary Aquifer.

Advice to Local Planning Authority – flood risk Sequential Test

30. What is the Sequential Test and does it apply to this application? In accordance with the National Planning Policy Framework (NPPF) (Paragraphs 173-175), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The Sequential Test establishes if this is the case. Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and the local Strategic Flood Risk Assessment (SFRA) shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater. The only developments exempt from the Sequential Test in flood risk areas are:

- householder developments, such as residential extensions, conservatories or loft conversions;
- small non-residential extensions with a footprint of less than 250sqm;
- changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site);
- applications for development on sites allocated in the development plan through the Sequential Test and;
- the proposed development is consistent with the use for which the site was allocated; and
- there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

31. Avoiding flood risk through the Sequential Test is the most effective way of

addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the Sequential Test?

32. It is for Local Planning Authorities to determine an appropriate area of search and to decide whether the Sequential Test has been passed, with reference to the information held on land availability. Local Planning Authorities may also ask applicants to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Please refer to the national Planning Practice Guidance (PPG) (Paragraphs 027-030) for further guidance on the area of search.

What is the Environment Agency's role in the Sequential Test?

33. The Environment Agency can advise on the relative flood risk between the proposed site and any alternative sites identified, although the local SFRA should allow Local Planning Authorities to do this in most cases. We will not advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also will not advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Please refer to the relevant section of the national PPG for further guidance on how to apply the Sequential Test to site-specific applications.

Paragraph 174 – Objection (see attached objection letter dated 29 August 2025)

34. Ahead of the Planning Committee meeting on 15 October, we write to draw your attention to the attached objection letter dated 29 August 2025, which outlines continued legal concerns with this application that remain unresolved in the resubmission.

35. As you know, the original planning decision was successfully challenged and quashed by the High Court on 20 February 2025. The Council accepted the decision was unlawful on flood risk sequential test grounds. Four additional grounds relating to the Leathermarket Grant Agreement, Equality Duties, Daylight and Overshadowing, and Consultation were not considered by the judge.

Individual Member Responsibilities

36. Members of the Planning Committee each have an individual duty to ensure that statutory duties have been properly discharged, material planning considerations have been adequately assessed, and the decision accords with relevant planning policy.

37. We respectfully ask that you carefully consider the substantive legal grounds outlined in our attached letter to ensure a robust and legally sound decision.

Procedural Concern

38. Given the short notice provided for the meeting (one week), key objectors with detailed knowledge of the history and legal concerns relating to this application will not be able to attend. Our request for a postponement to the next planning committee meeting was refused by the Council.

Paragraph 247 and 415 – Design

39. The property to the east of the Building 2 site on Long Lane (No 208) was Locally Listed on 6 December 2023.

40. The Listing description states: Later C19 warehouse. 4 storeys with basement, 3 bays wide. Polychrome brick with paired, segmental arched metal framed windows.

41. The council's policy P26 Local List and the Heritage SPD (2021) embed the presumption against demolition where development involves a Locally Listed property.

42. The application site is adjacent to the Locally Listed property. The development does not affect the Locally Listed Building in any way. It therefore complies with the council's policies.

43. The proposed design of Building 2 responds to the Locally Listed building's scale and massing by establishing a 'shoulder' that reflects the height of this undesignated heritage asset with the upper storeys set-back to complement the setting of the Locally Listed warehouse.

Paragraph 268 – Biodiversity Net Gain

44. A monitoring fee for net gain for biodiversity and a Biodiversity Net Gain Plan and Habitat and Management and Monitoring Plan to be added to the table in paragraph 372.

Paragraph 271 – Designing out crime:

45. We received comments from The Metropolitan Police on 7 October 2025. They recommend that permission be granted subject to a 'Secure By Design Measures' condition and a 'Secured by Design Certification' condition. These conditions are already recommended by planning officers under conditions 11 and 26.

46. The Metropolitan Police commented on the planting strategy and the public realm, lighting and that the proposed building should have no recesses.

47. Planting, shrubs and bushes should be maintained and not be higher than 1m, these should not be dense so that weapons or drugs can be easily concealed.

48. Tree canopies, these should also be maintained and the branches should be 2m above the ground to allow for clear lines of sight across the development.

49. Fencing for community accessed area – To be discussed further.

Lighting (external and internal)

50. Access control: Floor to Floor access - where lift/stair cores within this development serve more than 25 units, compartmentation of the buildings for security purposes will be necessary for SBD compliance. Each floor should only be able to be accessed by persons who live on that floor or legitimate visitors to that floor.

Bin Storage

Cycle storage and CCTV

Concerns re EV charging

Commercial/Residential separation

Postal strategy

Local crime trends

Security product standards

SBD Conditions and Certification

51. The Metropolitan Police also provided comments with regard commercial development, but this is not relevant in this case and appears to be a generic response to our consultation which involves residential development only.

Paragraph 372 – S106 legal agreement

52. Net gain for biodiversity - Secure the biodiversity gain for 30 years. A monitoring fee to cover the cost of periodic monitoring over 30 years. A Biodiversity Net Gain Plan and Habitat and Management and Monitoring Plan will be required post-approval.

Paragraph 412 – Metropolitan Police 2025 re-consultation comments:

53. Residential

Planting strategy and the public realm

Good Lighting

No recesses in the building

Planting, shrubs and bushes should be maintained and not be higher than 1m, these should not be dense so that weapons or drugs can be easily concealed.

Tree canopies, these should also be maintained and the branches should be 2m above the ground to allow for clear lines of sight across the development.

Fencing for community accessed area – To be discussed further

Lighting (external and internal)

54. Access control

Floor to Floor access

Where lift/stair cores within this development serve more than 25 units, compartmentation of the buildings for security purposes will be necessary for SBD compliance. Each floor should only be able to be accessed by persons who live on that floor or legitimate visitors to that floor.

55. Bin Storage

- Cycle storage and CCTV
- Concerns re EV charging
- Commercial/Residential separation
- Postal strategy
- Local crime trends
- Security product standards
- SBD Conditions and Certification

56. Commercial

- The following should be considered and will be discussed at future consultations;
- Security rated windows and doors
- Access control in to the building and around the building
- Postal Strategy
- Cycle storage and CCTV
- Bin storage
- Public realm
- Recesses around the perimeter of the building

57. This development / application has cycle storage facilities and / or areas that may require the charging and storage of Lithium-ion powered vehicles or devices, within the building or the wider site footprint. The developer or developer's agent must be aware that it is their responsibility to inform the Responsible Person(s), Fire and Rescue Service and Building Control of these storage facilities and areas, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion products have been considered and specified.

58. I would advise that both Pre-Commencement and Pre-Occupation conditions are considered to ensure end to end compliance with Secured by Design and are worded;

1. SBD Measures.

The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

2. Secured by Design Certification.

Prior to occupation a satisfactory Secured by Design inspection must take place. The resulting Secured by Design certificate shall be submitted to and approved by the local planning authority.

Where planning conditions to achieve SBD certification exist, we will be on hand to assist all parties involved from concept to completion.

Planning Conditions to achieve Secured by Design certification will invariably afford you comfort in the knowledge that all aspects of physical security within any particular development have been considered and approved. Where Secured by design Certification is required to discharge Pre-Occupation Planning Conditions, a physical site inspection will always be carried out by a qualified Designing Out Crime Officer (DOCO) upon completion.

59. The National Planning Policy Framework (NPPF)

Section 8 states

"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...".

60. Section 12 states

"Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

61. Sometimes local crime trends and geographical location insist that heightened security measures are necessary to achieve SBD, and this is decided upon development, by development.

Appendix 5: Relevant planning policy

62. National Planning Policy Framework (NPPF, 2024)

Chapter 2 Achieving sustainable development

Chapter 8 Promoting healthy and safe communities

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 16 Conserving and enhancing the historic environment

63. The London Plan (2021)

Policy D1 London's form, character and capacity for growth

Policy D3 Optimising site capacity through the design led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D10 Basement development

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

Policy HC1 Heritage conservation and growth

Policy G5 Urban greening

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI7 Reducing waste and supporting the circular economy

Policy SI13 Sustainable drainage
 Policy T5 Cycling
 Policy T6 Car Parking
 Policy T7 Deliveries, servicing and construction
 Policy DF1 Delivery of the Plan and Planning Obligations

64. Southwark Plan (2022)

Policy P1 Social rented and intermediate housing
 Policy P8 Wheelchair accessible and adaptable housing
 Policy P13 Design of places
 Policy P14 Design quality
 Policy P16 Designing out crime
 Policy P18 Efficient use of land
 Policy P23 Archaeology
 Policy P50 Highway impacts
 Policy P51 Walking
 Policy P53 Cycling
 Policy P54 Car parking
 Policy P55 Parking standards for disabled people and the physically impaired
 Policy P56 Protection of amenity
 Policy P57 Open Space
 Policy P62 Reducing waste
 Policy P65 Improving air quality
 Policy P66 Reducing noise pollution and enhancing soundscapes
 Policy P68 Reducing flood risk
 Policy P69 Sustainability standards
 Policy P70 Energy
 Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

Conclusion of the Director of Planning and Growth

65. Having taken into account the additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions as amended in this Addendum report and completion of a s106 agreement.

Reason for urgency

66. Applications are required by statute to be considered as speedily as possible. The applications have been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting.

Reason for lateness

67. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda

was printed. They all relate to an item on the agenda and Members should be aware of the comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Resources Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403