

## Planning Committee

Tuesday 3 March 2015

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Nick Dolezal (Chair)  
Councillor Maisie Anderson  
Councillor Sarah King  
Councillor Hamish McCallum  
Councillor Darren Merrill (Vice-Chair)  
Councillor Michael Mitchell  
Councillor Jamille Mohammed  
Councillor Adele Morris

### Reserves

Councillor James Barber  
Councillor Stephanie Cryan  
Councillor Catherine Dale  
Councillor Tom Flynn  
Councillor Jane Lyons  
Councillor Martin Seaton

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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#### Babysitting/Carers allowances

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#### Access

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#### Contact

Everton Roberts on 020 7525 7221 or email: [everton.roberts@southwark.gov.uk](mailto:everton.roberts@southwark.gov.uk)  
Webpage: <http://www.southwark.gov.uk>

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 23 February 2015



# Planning Committee

Tuesday 3 March 2015  
7.00 pm  
Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
	<b>PROCEDURE NOTE</b>	
<b>1.</b>	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
<b>2.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
<b>3.</b>	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
<b>4.</b>	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
<b>5.</b>	<b>MINUTES</b>	3 - 8
	To approve as a correct record the Minutes of the open section of the meeting held on 3 February 2015.	
<b>6.</b>	<b>DEVELOPMENT MANAGEMENT</b>	9 - 13
	<b>6.1. UNITS 13 TO 16, THE CIRCLE, QUEEN ELIZABETH STREET, LONDON, SE1 2JE</b>	14 - 32

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>6.2. CASTLE DAY CENTRE, HAMPTON STREET, LONDON, SE1 6SN</b>	33 - 65
	<b>6.3. 21 DULWICH WOOD AVENUE, LONDON, SE19 1HB</b>	66 - 75
<b>7.</b>	<b>APPLICATION OF THE VACANT BUILDING CREDIT IN SOUTHWARK</b>	76 - 82

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the committee 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 exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**PART B - CLOSED BUSINESS**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 23 February 2015



## PLANNING COMMITTEE

### **Guidance on conduct of business for planning applications, enforcement cases and other planning proposals**

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. Your role as a member of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at committee and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** The Head of Development Management  
Planning Section, Chief Executive's Department  
Tel: 0207 525 5437; or

Planning Committee Clerk, Constitutional Team  
Corporate Strategy, Chief Executive's Department  
Tel: 0207 525 7236



## Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 3 February 2015 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Nick Dolezal (Chair)  
 Councillor Maisie Anderson  
 Councillor Sarah King  
 Councillor Hamish McCallum  
 Councillor Darren Merrill  
 Councillor Michael Mitchell  
 Councillor Jamille Mohammed  
 Councillor Adele Morris

**OFFICER SUPPORT:** Simon Bevan, Director of Planning  
 Yvonne Lewis, Planning Officer  
 Rob Bristow, Planning Officer  
 Christian Loveday, Transport Planner  
 Jonathan Gorst, Legal Officer  
 Sarah Koniarski, Constitutional Officer  
 Sean Usher, Constitutional Officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers, relating to item 7 on the agenda, which has been circulated prior to the meeting:

- Addendum report

- Member pack.

#### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

#### **5. MINUTES**

##### **RESOLVED:**

That the minutes of the meeting held on 13 January 2015 be agreed as a correct record and signed by the Chair.

#### **6. NEW SOUTHWARK PLAN OPTIONS VERSION**

Report: see the supplemental agenda.

An officer introduced the report. The committee asked questions of the officer.

##### **RESOLVED:**

1. That the New Southwark Plan Options Version and the Revised Parking Standards Consultation Leaflet, together with supporting documents, be noted.
2. That committee members submit individual consultation responses to the planning policy team before 6 March 2015.

#### **7. DEVELOPMENT MANAGEMENT**

Report: see pages 6 to 10 of the agenda.

##### **RESOLVED:**

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.

## 7.1 2-2A CRYSTAL PALACE ROAD, LONDON SE22 9HB

### **Planning application reference number 14/AP/0115**

Report: see pages 11 to 42 of the agenda and sections 3.1 to 3.4 of the addendum report.

#### **PROPOSAL**

*Demolition of the existing building and erection of a part 3, part 4 storey building comprising 22 residential units together with basement car parking, landscaping and works incidental to the development.*

An officer introduced the report. The committee asked questions of the officer.

The committee heard a representation from an objector to the application and asked questions of the objector.

The applicant's agent made a representation to the committee and answered questions arising from their submission.

Councillor Charlie Smith addressed the committee in his capacity as ward councillor for East Dulwich ward. The committee asked questions of the ward councillor.

The committee debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared.

#### **RESOLVED:**

1. That the addendum report be noted and the amended conditions contained therein be agreed.
2. Subject to the applicant (or their successors in title) first entering into an appropriate legal agreement (at no cost to the council) by no later than 14 February 2015 planning permission be granted in relation to planning application number 14/AP/0115 subject to the section 106 agreement and conditions as amended.
3. In the event that the legal agreement is not entered into by 14 February 2015, the Head of Development Management be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 81 of this report.

## 7.2 169-173 BLACKFRIARS ROAD (BOUNDED BY SURREY ROW AND POCOCK STREET) LONDON SE1 8ER

### **Planning application reference number 14/AP/3503**

Report: see pages 43 to 69 of the agenda.

#### **PROPOSAL**

*Minor material amendments to planning permission 13/AP/0966 dated 21/10/2013 for the*



*Demolition of existing buildings and structures followed by the erection of a part 10 storey / part 6 storey building comprising 86 residential units, five retail/commercial units totaling 451 sqms (Use Classes A1-A5 and D1), a reception area, ancillary cycle and disabled car parking, private and public amenity space, basement and ancillary plant:*

*Variation of condition 1 (approved plans) in order to allow an amended east elevation, installation of a lift over-run, telecomms equipment/satellite dishes and roof plant.*

An officer introduced the report. The committee asked questions of the officer.

The applicant's agent made a representation to the committee and answered questions arising from their submission.

The committee debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared.

**RESOLVED:**

1. That planning permission in respect of application number 14/AP/3503 be granted subject to conditions and the terms of the legal agreement dated 21 October 2013.

**7.3 LAND ADJACENT TO LAMBETH COLLEGE AND POTTERS FIELDS, LONDON SE1**

**Planning application reference number 14/AP/0024**

Report: see pages 70 to 84 of the agenda.

**PROPOSAL**

*Modifications to the S106 Agreement dated 21 April 2011 (LBS reg: 10-AP-1935) for: 45,075 sq metres (GEA) of Class C3 floorspace comprising 356 residential units and ancillary residential floorspace including an Estate Management facility; 6,554 sq metres (GEA) of cultural floorspace (Class D1/D2 to accommodate concert hall or gallery or exhibition space or museum uses); 1,827 sq metres (GEA) of commercial floorspace (to accommodate Class A1, A2, A3, A4, A5, D1, D2 and B1 uses, the latter not to exceed 500 sq metres); all accommodated within buildings of up to 11 storeys (45.505 AOD) and residential campanile of 20 storeys, plus roof garden and light box (79.3 AOD) together with 6,523.9 sq metres of communal and private amenity space, including an extension to and improvement of Potters Fields Park; 144 car parking spaces including two surface level parking spaces for car club use; 15 motorcycle spaces, cycle parking; together with associated highway, access and landscape works and other associated works and uses.*

*The modifications comprise:*

*Amend timing for the delivery of the Affordable Housing Units;*

*Amend timing for the submission of Car Club details and the delivery of the Car Club Scheme;*

*Delete requirement for submission of a Car Park Management Plan;*

*Replace Plan 8 (Coach Drivers Facility) and Plan 1 (Basement) with updated plans;*

*Amend rights of access obligation to Children's Play Area and Communal Areas for*

*occupiers of the Corporation of London Development;  
Amend obligations concerning cultural use to reflect changes in the quantum of cultural floorspace;  
Corrections to Education, and Employment and Training Contributions;  
Amend timing for the completion of a Section 278 Highways Agreement;  
Amend requirement for a Supplementary Deed concerning land transfer  
Amend timing for the submission of a Public Open Space Management Plan;  
Amend timing for the submission of a Sustainability Report; and  
Revise list of Wheelchair Adaptable Units to reflect updated dwelling mix*

An officer introduced the report. The committee asked questions of the officer.

The applicant's agent made a representation to the committee and answered questions arising from their submission.

The committee debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared.

**RESOLVED:**

1. That planning permission in respect of application number 14/AP/0024 to agree the proposed modifications be granted and that a deed of variation be completed.

**8. SITE OF THE FORMER TUKE SCHOOL, 2-4 WOODS ROAD, LONDON SE15 2PX**

**Planning application reference number 14/AP/1872**

Report: see pages 85 to 141 of the agenda.

**PROPOSAL**

*Redevelopment of the site to provide 122 residential units in a new building fronting Woods Road and Cossall Park ranging from 4-7 storeys high, a new 2-storey building at the rear of the site and provision of car parking, cycle space and amenity space (Use Class C3).*

An officer introduced the report. The committee asked questions of the officer.

The committee heard a representation from an objector to the application and asked questions of the objector.

The committee debated the application and asked questions of the officers.

A motion to amend the time frame for agreeing the legal agreement was moved, seconded, put to the vote and declared.

**RESOLVED:**

1. In relation to application number 14/AP/1872 that the time frame for agreeing the legal agreement be amended from 7 November 2014 to 10 February 2015 at which

date the Head of Development Management be authorised to refuse planning permission in accordance with the reasons set out in the original report to planning committee.

Meeting ended at 9.38pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 3 March 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### 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 Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
  - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
  - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are 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. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
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 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 budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

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

##### **Director of Legal Services**

12. A resolution to grant planning permission shall mean that the development & building control manager 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 management 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 planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management 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 director of legal services, and which is satisfactory to the head of development management. 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 director of legal 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. 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).

15. 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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the 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. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation 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.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Gary Rice 020 7525 5437

## APPENDICES

No.	Title
Appendix 1	Development Control items to be determined by Planning Committee

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
<b>Version</b>	Final	
<b>Dated</b>	20 February 2015	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	20 February 2015	

**ITEMS ON AGENDA OF THE PLANNING COMMITTEE**  
**on Tuesday 03 March 2015**

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**Appl. Type** Full Planning Permission  
**Site** UNITS 13 TO 16, THE CIRCLE, QUEEN ELIZABETH STREET, LONDON, SE1  
 2JE

**Reg. No.** 14-AP-4094  
**TP No.** TP/240-30  
**Ward** Riverside  
**Officer** Adam Greenhalgh

**Recommendation** GRANT PERMISSION

**Proposal**

Part change of use (Unit 16) to Class A1 retail use and minor external alterations to Units 13 - 16

***Item 6.1***

**Appl. Type** Council's Own Development - Reg. 3  
**Site** CASTLE DAY CENTRE, HAMPTON STREET, LONDON, SE1 6SN

**Reg. No.** 14-AP-4270  
**TP No.** TP/1058-12  
**Ward** Newington  
**Officer** Amy Lester

**Recommendation** GRANT PERMISSION

**Proposal**

Redevelopment of existing day care centre to provide new 2/3 storey church (Use Class D1), communal bin store, substation and associated public realm improvements

***Item 6.2***

**Appl. Type** Tree Preservation Order - works related  
**Site** 21 DULWICH WOOD AVENUE, LONDON, SE19 1HB

**Reg. No.** 14-AP-4154  
**TP No.** TP/2088-19  
**Ward** College  
**Officer** Oliver Stutter

**Recommendation** GRANT TPO CONSENT

**Proposal**

T3 - Oak - Fell; T4 - Laurel - Fell; Provide suitable replacement planting.

***Item 6.3***

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Ordnance Survey

Date 19/2/2015



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<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 3 March 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/4094 for: Full Planning Permission  <b>Address:</b> UNITS 13 TO 16, THE CIRCLE, QUEEN ELIZABETH STREET, LONDON, SE1 2JE  <b>Proposal:</b> Part change of use (Unit 16) to Class A1 retail use and minor external alterations		
<b>Ward(s) or groups affected:</b>	Riverside		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 03/11/2014		<b>Application Expiry Date</b> 29/12/2014	
<b>Earliest Decision Date</b> 06/12/2014			

### RECOMMENDATION

1. That the planning application is referred to the Planning Committee for consideration and that full planning permission is granted subject to condition.

### Site location and description

2. The application relates to Units 13-16 The Circle, Queen Elizabeth Street. They are commercial ground floor units. Units 13 - 15 extend along Curlew Street and were in use as an Indian restaurant (Use Class A3) and Unit 16 is located within The Circle and is in use as a dentist office (Use Class D1).
3. Units 13 - 15 have a mezzanine floor measuring 183sqm. The ground floor area of units is 235sqm and the ground floor area of unit 16 is 85sqm, thus the total floor area is 503sqm. Units 13 - 15 have 'restaurant' windows and single-leaf doors onto Curlew Street and Queen Elizabeth Street. Unit 16 has a pair of full height windows onto Queen Elizabeth Street and two single-leaf doors onto The Circle.
4. The units are located within 'The Circle' for which the planning records indicate permission S/87/125 was granted on 26 February 1988 by the London Docklands Development Corporation for "*Demolition of existing buildings and erection of new buildings comprising 21,072m<sup>2</sup> of gross residential floorspace (274 units), 3,904m<sup>2</sup> of gross commercial floorspace and a basement car park for 363 cars*".
5. The host building is not listed but falls within the Tower Bridge Conservation Area (TBCA). The TBCA Appraisal identifies the host building as a one that 'makes a positive contribution' to the TBCA.
6. Shad Thames is a mixed use area with a variety of commercial, residential and tourist uses. The units are well connected by public transport with London Bridge Rail and Underground Stations located less than 1km to the west.
7. The Southwark Proposals Map identifies the site as falling within a Strategic Cultural Area and an Air Quality Management Area. The site is located approximately 200m

east of the London Bridge District Town Centre and the Central Activities Zone.

### **Details of proposal**

8. Planning permission is sought for the change of use of Unit 16 to Class A1 (retail) use and alterations to Units 13 - 16 in connection with Class A1 retail use.
  - The applicant has advised that Tesco propose to operate Units 13-16 as a Tesco Express convenience store and the works proposed in this application will facilitate Tesco's proposed fit-out and occupation of the unit. The application form indicates that the opening hours will be 07:00 to 23:00 every day, including Sundays and Bank Holidays.
  - Units 13-15 have planning permission for use as a restaurant (A3). Under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 it is lawful to undertake a change of use from Class A3 to Class A1 without planning permission.
  - Unit 16 was last in use as a dentist office (D1) as per planning permission 96/01015 (see Planning History below). A change of use of Unit 16, which totals 85sqm, from Class D1 to Class A1 is sought under this application.
9. The application drawings (and covering letter) indicate that the existing mezzanine floor at the north end of Units 13-16 will be reduced by 83sqm. As units 13 - 15 can be used for Class A1 retail without planning permission the 'net' additional area for which planning permission is required for A1 is 2sqm.
10. Access to the shop for customers would be via doors on Queen Elizabeth Street and The Circle. The existing door onto Queen Elizabeth Street would serve as the entrance and the exit would be through one of the doors onto The Circle.
11. On the Curlew Street (west) elevation, new plant louvres serving an internal plant room will be inserted within the existing window opening on the far left hand side of the site. The louvres would be finished in bronze to match existing features on the elevation.
12. The existing door, second in from the right hand side as viewed from Curlew Street, will be replaced with a steel security door finished in bronze to match existing features on the elevation. The windows on Curlew Street would be of clear glass (2) and frosted glass (4).

### **Planning history**

13. S/88/94 - Erection of 299 flats, 3 houses, 850sqm office floorspace, 1,510sqm retail floorspace and basement car parking.

Units 13-15 were permitted for restaurant use under planning permission 95/01144 on 27 February 1996 and Unit 16 as a orthodontists under permission 96/01015 on 6 December 1996.

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

14. Unit 9 The Circle - 03/AP1439 - Change of use of an office to a shop (Use Class A1). - granted 11 September 2003.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

15. The main issues to be considered in respect of this application are:
- a) the principle of the development
  - b) the effects on the amenity of surrounding occupiers
  - c) the effects on the character and appearance of the Conservation Area
  - d) the effects on highway safety

### Planning policy

16. National Planning Policy Framework (the Framework)  
 Relevant policies/advice are contained within Section 1 (Building a strong, competitive economy) Section 7 (Requiring Good Design) and Section 12 (Conserving and Enhancing the Historic Environment).

#### London Plan July 2011 consolidated with revised early minor alterations October 2013

- 4.1 – Developing London's Economy
- 4.8 - Supporting a Successful and Diverse Retail Sector
- 6.9 - Cycling
- 7.8 - Heritage assets and archaeology
- 7.9 - Heritage-led regeneration

#### Core Strategy 2011

- SP1 - Sustainable Development
- SP2 – Sustainable Transport
- SP12 - Design and Conservation
- SP13 - High Environmental Standards

#### Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 1.8 – Location of developments for retail and other town centre uses
- 2.1 – Enhancement of Community Facilities
- 3.2 – Protection of Amenity
- 3.12 – Urban Design
- 3.13 – Quality in Design
- 3.15 – Conservation of the historic environment
- 3.16 – Conservation areas
- 5.2 – Transport impacts
- 5.3 – Walking and cycling
- 5.6 – Car parking

### Principle of development

17. Planning permission is sought for the change of use of Unit 16 from Class D1 (dentists) to Class A1 retail floorspace. Under the Town and Country Planning

(General Permitted Development) Order 2013 it would be possible for the change of use from D1 to A1 use to operate for a temporary period of up to two years.

18. With respect to the loss of Class D 'community' facilities LB Southwark Plan Policy 2.1 (Enhancement of Community Facilities) seeks to retain existing community uses unless it can be demonstrated that the use is surplus to requirements or that alternative facilities meet the needs served by the use. The dentist has confirmed that following planning permission for the use of Unit 2 The Circle under Class D1 the clinic will relocate and upgrade within this unit.
19. The use of Unit 16 for Class A1 retail complies with policy 1.8 (Location of developments for retail and other town centre uses) in the respect that it would provide a local convenience shopping function in an established mixed use area, the site lies in an 'edge of centre' location where retail uses beyond a town centre or local centre can be provided, the vitality and viability of a town centre or local centre will not be compromised and the proposal would be accessible by a choice of means of transport.
20. In any event, the scale of proposed additional retail floorspace is minor. The application proposes the change of use of 85sqm of floorspace currently in use as an orthodontist office (a Class D1 use) to Class A1 retail floorspace. However, the reduction in the existing mezzanine floor in Unit 13-15 by 83sqm effectively means there is a negligible (2sqm) increase in 'Class A1 floorspace' given that the existing larger mezzanine floor could be occupied for Class A1 retail use without planning permission.
21. The floorspace within units 13-15 are in A3 use and under Part 3 of Schedule 2 of the the Town and Country Planning (General Permitted Development) Order 1995 it is possible to undertake a change of use from Class A3 to Class A1 without planning permission. No 'in principle' objections can therefore be made to the Class A1 retail use of Units 13 - 15.

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

22. When considering the effects on the amenity of the occupiers of surrounding properties it must be taken into account that under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 it is possible to undertake a change of use from Class A3 to Class A1 without planning permission.
23. Additionally, under the Town and Country Planning (General Permitted Development) order 2013 it is also possible to undertake a change in use of a Class D1 community use (e.g. dentist) to a Class A1 retail use for a limited period of two years without the need for planning permission.
24. As the site can lawfully be used for Class A1 purposes without the need for planning permission, the local planning authority has no remit under current regulations to prohibit or otherwise control the proposed use.
25. Nevertheless, as planning permission is required for the permanent change in the use of Unit 16 for Class A1 purposes and for the elevational alterations to the building, the Council can consider the impacts arising from the elements of the proposal which require planning permission, namely the additional 2spm of shop (A2) area and the external changes.
26. The Class A1 use of Unit 16 is not considered to give rise to any significant or harmful impacts on the amenity of neighbours or the local area. The unit was originally in retail use and the retail use of Unit 16 in association with Units 13 - 15 would not create

undue additional harm to the amenity of surrounding occupiers. The applicant has pointed out that the removal of part of the mezzanine floor within Units 13 - 15 would result in an additional area of 2sqm of Class A1 retail floorspace for which planning permission is needed. The impacts arising from this very limited area of additional A1 use is considered to be 'de minimis' or so small as to have no material effect in terms of the proposed development.

27. The proposed hours of use would be in line with other shops and the existing restaurant within Units 13 - 15 and the retail use of Unit 16, which was originally a shop unit, would not generate excessive noise levels from customers or staff, plant or associated deliveries/servicing. As a matter of interest there are no restrictions on the hours of use when the planning permission (96/01015) for the use as a dentists was granted.
28. With regard to deliveries/servicing the applicant has advised (in the Delivery & Servicing Plan) that deliveries will only be undertaken between 0800 and 2000 with the exception of newspapers & magazines delivered on small 'transit' type vans earlier in the morning. The Council's Environmental Protection Team has indicated that unacceptable noise/disturbance will be avoided if these hours for servicing are permitted.
29. Within the Delivery & Servicing Plan, which forms part of the application, it is confirmed that delivery and service vehicles will not leave engines, chiller units or cab radios on when they are in situ. Restrictions on the loading bay hours would prevent service and delivery vehicles arriving and staying after the prescribed hours.
30. The Noise Assessment which accompanies the application confirms that the noise levels from the louvres within the Curlew Street elevation will be 10dB below background noise levels both by day and night.
31. Concern has been raised within the neighbourhood consultation responses in relation to the nature of lighting to be used. No external lighting is proposed in the application. External lighting of the building would necessitate a subsequent planning application and if any illuminated signage is required then this too would require separate advertisement consent. A planning condition is suggested by the Council's Environmental Protection Team in relation to the brightness of any lighting; however, imposing such a condition would not meet the tests of necessary or relevant to the development and is not recommended.

### **Transport issues**

32. Given that the site can largely be used for Class A1 retail without planning permission (the permanent use of Unit 16 for Class A1 requires planning permission) the highway implications of the A1 use are not relevant planning considerations in this case.
33. The Council's Highways Team can however effect control in respect of the use of the the highway and the Delivery and Servicing Plan which forms part of this application, in addition to being an approved document of any planning permission, would also be subject to Highway Authority control.
34. The Delivery and Servicing Plan shows an on-street loading bay on Curlew Street 17m from the junction with Queen Elizabeth Street. This would occupy existing on-street parking bays and it will be necessary for the applicant to enter into a S278 agreement with the Highways Department for these works to be undertaken. The Highway Authority will determine the need for alternative parking bays to be provided for those which will be removed. An informative is therefore recommended to the effect that the applicant should ensure that consent for these works is agreed with the Highway

Authority.

35. Taking the Delivery and Servicing Plan as an approved planning document, and the need for Highway Authority agreement/control of the use of the highway, and any works thereto, it is not considered that the proposal would result in any harm to highway conditions, the safety or amenity of users of the highway or neighbouring residents and there would be no conflict with the Council's policies for transport safety. The Delivery and Servicing Plan would become operative when the planning permission is implemented.

#### **Impact on character and appearance of Conservation Area**

36. The Class A1 retail use of the units (which were originally in A1 use) would not impact upon the integrity of the Conservation Area.
37. Mixed retail/commercial premises on the ground floor are to be found within the area and the Shad Thames Conservation Area Management Plan, to which a number of residents refer, makes no recommendation per se to retail uses.
38. Following negotiation with the applicant, The Circle and Queen Street elevations would effectively remain as existing. An existing door to Unit 15 on Queen Elizabeth Street would be used as the shop entrance. An existing door to Unit 16 on The Circle would be used as the shop exit and louvres would be installed to windows on the Curlew Street elevation where existing door openings would be used.
39. The proposed alterations would not fundamentally change the built form of the units and the pattern, rhythm and style of building would not be compromised. A planning condition has been included to secure details of the windows and doors to ensure that the design and construction match the original building.
40. Residents have raised the issue of inappropriate signage. The application does not include any signage which would be expected to require separate advertisement consent. The amenity and safety implications of any such signage would be considered under any application for advertisement consent.

#### **Planning obligations (S.106 undertaking or agreement)**

41. Not relevant, as the application does not involve a net increase in floorspace and it is therefore neither liable for Community Infrastructure Levy or planning obligations.

#### **Sustainable development implications**

42. Not relevant, as the proposal does not exceed LB Southwark or London Plan thresholds for the provision of renewable energy or carbon cutting measures.

#### **Other matters**

43. The site lies within Flood Zone 3; however, the use is not considered to be 'highly vulnerable' and additionally no changes in floorspace or levels are proposed either in relation to the application premises or adjoining residential floorspace. The proposal will not increase the risk of flooding for existing or future occupiers.

#### **Conclusion on planning issues**

44. The proposal seeks planning consent for the change of use of Unit 16 The Circle to Class A1 retail (85sqm) in association with the use of Units 13-16 for Class A retail and external alterations including replacement doors/glazing and new louvres. The

retail use and associated external changes would not detract from the character or the visual amenities of the area or materially affect the amenity of surrounding occupiers. Planning conditions relating to the hours of use and details of external alterations are attached in the interests of the protection of residential amenity and the character and appearance of the Conservation Area, respectively.

### **Community impact statement**

45. 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.

### **Consultations**

46. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

47. Details of consultation responses received are set out in Appendix 2.

#### Summary of consultation responses

140 letters/emails of objection received. Letters/emails are from occupiers of neighbouring properties and objections relate to:

- Creation of new shop entrance onto Queen Elizabeth Street and obstruction of the highway
- More intensive use of Unit 16 and associated noise and disturbance
- Noise and disturbance arising from deliveries, waste collection, vehicular movements, staff and customer activity
- Other issues of environmental health: litter/on-street alcohol consumption, air and light pollution
- Lack of need for supermarket
- Harm to viability of existing shops
- Noise/nuisance from extended operating hours/use
- Noise from plant
- Loss of on-street parking space
- Inadequate servicing/access space
- Harm to character and appearance of Conservation Area
- Conflict with objectives of Shad Thames Management Plan
- Harm to the Tower Bridge Conservation Area
- Loss of safety/access for users of the highway
- Inappropriate signage
- Impact of service/delivery vehicles on surrounding roads/amenity of area
- Lack of benefit to the community or public realm
- Excessive size of unit; amenity/safety issues associated with increased footfall

Consideration of each of the above issues is included in the relevant sections of this report. The comments received from the council's Environmental Protection Team are summarised in paragraph 28.



**Human rights implications**

48. 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.
49. This application has the legitimate aim of providing new Class A1 retail floorspace. The rights potentially engaged by this application, including the 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.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Site history file: TP/214-70 Application file: 14/AP/4094 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5428 Council website: www.southwark.gov.uk

**APPENDICES**

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Adam Greenhalgh, Planner	
<b>Version</b>	Final	
<b>Dated</b>	19 February 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance & Corporate Services	No	No
Strategic Director of Environment and Leisure	Yes	Yes
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	19 February 2015	

**APPENDIX 1****Consultation undertaken****Site notice date:** 11/11/2014**Press notice date:** 13/11/2014**Case officer site visit date:** 11/11/2014**Neighbour consultation letters sent:** 11/11/2014**Internal services consulted:**

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]  
 Highway Development Management

**Statutory and non-statutory organisations consulted:**

n/a

**Neighbour and local groups consulted:**

326 The Circle Queen Elizabeth Street SE1 2JU	65 The Circle Queen Elizabeth Street SE1 2JG
327 The Circle Queen Elizabeth Street SE1 2JU	66 The Circle Queen Elizabeth Street SE1 2JG
325 The Circle Queen Elizabeth Street SE1 2JU	64 The Circle Queen Elizabeth Street SE1 2JG
323 The Circle Queen Elizabeth Street SE1 2JU	62 The Circle Queen Elizabeth Street SE1 2JG
324 The Circle Queen Elizabeth Street SE1 2JU	63 The Circle Queen Elizabeth Street SE1 2JG
331 The Circle Queen Elizabeth Street SE1 2JU	70 The Circle Queen Elizabeth Street SE1 2JG
332 The Circle Queen Elizabeth Street SE1 2JU	71 The Circle Queen Elizabeth Street SE1 2JG
330 The Circle Queen Elizabeth Street SE1 2JU	69 The Circle Queen Elizabeth Street SE1 2JG
328 The Circle Queen Elizabeth Street SE1 2JU	67 The Circle Queen Elizabeth Street SE1 2JG
329 The Circle Queen Elizabeth Street SE1 2JU	68 The Circle Queen Elizabeth Street SE1 2JG
316 The Circle Queen Elizabeth Street SE1 2JU	55 The Circle Queen Elizabeth Street SE1 2JG
317 The Circle Queen Elizabeth Street SE1 2JU	56 The Circle Queen Elizabeth Street SE1 2JG
315 The Circle Queen Elizabeth Street SE1 2JU	54 The Circle Queen Elizabeth Street SE1 2JG
313 The Circle Queen Elizabeth Street SE1 2JU	52 The Circle Queen Elizabeth Street SE1 2JG
314 The Circle Queen Elizabeth Street SE1 2JU	53 The Circle Queen Elizabeth Street SE1 2JG

321 The Circle Queen Elizabeth Street SE1 2JU	60 The Circle Queen Elizabeth Street SE1 2JG
322 The Circle Queen Elizabeth Street SE1 2JU	61 The Circle Queen Elizabeth Street SE1 2JG
320 The Circle Queen Elizabeth Street SE1 2JU	59 The Circle Queen Elizabeth Street SE1 2JG
318 The Circle Queen Elizabeth Street SE1 2JU	57 The Circle Queen Elizabeth Street SE1 2JG
319 The Circle Queen Elizabeth Street SE1 2JU	58 The Circle Queen Elizabeth Street SE1 2JG
333 The Circle Queen Elizabeth Street SE1 2JU	72 The Circle Queen Elizabeth Street SE1 2JG
347 The Circle Queen Elizabeth Street SE1 2JU	99 The Circle Queen Elizabeth Street SE1 2JJ
348 The Circle Queen Elizabeth Street SE1 2JU	100 The Circle Queen Elizabeth Street SE1 2JJ
346 The Circle Queen Elizabeth Street SE1 2JU	98 The Circle Queen Elizabeth Street SE1 2JJ
344 The Circle Queen Elizabeth Street SE1 2JU	96 The Circle Queen Elizabeth Street SE1 2JJ
345 The Circle Queen Elizabeth Street SE1 2JU	97 The Circle Queen Elizabeth Street SE1 2JJ
352 The Circle Queen Elizabeth Street SE1 2JU	104 The Circle Queen Elizabeth Street SE1 2JJ
353 The Circle Queen Elizabeth Street SE1 2JU	105 The Circle Queen Elizabeth Street SE1 2JJ
351 The Circle Queen Elizabeth Street SE1 2JU	103 The Circle Queen Elizabeth Street SE1 2JJ
349 The Circle Queen Elizabeth Street SE1 2JU	101 The Circle Queen Elizabeth Street SE1 2JJ
350 The Circle Queen Elizabeth Street SE1 2JU	102 The Circle Queen Elizabeth Street SE1 2JJ
337 The Circle Queen Elizabeth Street SE1 2JU	77 The Circle Queen Elizabeth Street SE1 2JG
338 The Circle Queen Elizabeth Street SE1 2JU	78 The Circle Queen Elizabeth Street SE1 2JG
336 The Circle Queen Elizabeth Street SE1 2JU	75 The Circle Queen Elizabeth Street SE1 2JG
334 The Circle Queen Elizabeth Street SE1 2JU	73 The Circle Queen Elizabeth Street SE1 2JG
335 The Circle Queen Elizabeth Street SE1 2JU	74 The Circle Queen Elizabeth Street SE1 2JG
342 The Circle Queen Elizabeth Street SE1 2JU	94 The Circle Queen Elizabeth Street SE1 2JJ
343 The Circle Queen Elizabeth Street SE1 2JU	95 The Circle Queen Elizabeth Street SE1 2JJ
341 The Circle Queen Elizabeth Street SE1 2JU	81 The Circle Queen Elizabeth Street SE1 2JG
339 The Circle Queen Elizabeth Street SE1 2JU	79 The Circle Queen Elizabeth Street SE1 2JG
340 The Circle Queen Elizabeth Street SE1 2JU	80 The Circle Queen Elizabeth Street SE1 2JG
211 The Circle Queen Elizabeth Street SE1 2JN	Unit 4 The Circle SE1 2JE
212 The Circle Queen Elizabeth Street SE1 2JN	Unit 5 The Circle SE1 2JE
210 The Circle Queen Elizabeth Street SE1 2JN	28 Curlew Street London SE1 2ND
208 The Circle Queen Elizabeth Street SE1 2JN	26 Curlew Street London SE1 2ND
209 The Circle Queen Elizabeth Street SE1 2JN	27 Curlew Street London SE1 2ND

216 The Circle Queen Elizabeth Street SE1 2JN	29 The Circle Queen Elizabeth Street SE1 2JG
217 The Circle Queen Elizabeth Street SE1 2JN	30 The Circle Queen Elizabeth Street SE1 2JG
215 The Circle Queen Elizabeth Street SE1 2JN	28 The Circle Queen Elizabeth Street SE1 2JG
213 The Circle Queen Elizabeth Street SE1 2JN	Unit 16 The Circle SE1 2JE
214 The Circle Queen Elizabeth Street SE1 2JN	Unit 17 The Circle SE1 2JE
201 The Circle Queen Elizabeth Street SE1 2JN	18a-19 The Circle Queen Elizabeth Street SE1 2JE
202 The Circle Queen Elizabeth Street SE1 2JN	Unit 2 Right The Circle SE1 2JE
200 The Circle Queen Elizabeth Street SE1 2JN	Unit 2 Left The Circle SE1 2JE
198 The Circle Queen Elizabeth Street SE1 2JN	Unit 2 Middle The Circle SE1 2JE
199 The Circle Queen Elizabeth Street SE1 2JN	24 Curlew Street London SE1 2ND
206 The Circle Queen Elizabeth Street SE1 2JN	25 Curlew Street London SE1 2ND
207 The Circle Queen Elizabeth Street SE1 2JN	29 Curlew Street London SE1 2ND
205 The Circle Queen Elizabeth Street SE1 2JN	31 The Circle Queen Elizabeth Street SE1 2JG
203 The Circle Queen Elizabeth Street SE1 2JN	45 The Circle Queen Elizabeth Street SE1 2JG
204 The Circle Queen Elizabeth Street SE1 2JN	46 The Circle Queen Elizabeth Street SE1 2JG
218 The Circle Queen Elizabeth Street SE1 2JN	44 The Circle Queen Elizabeth Street SE1 2JG
232 The Circle Queen Elizabeth Street SE1 2JN	42 The Circle Queen Elizabeth Street SE1 2JG
233 The Circle Queen Elizabeth Street SE1 2JN	43 The Circle Queen Elizabeth Street SE1 2JG
231 The Circle Queen Elizabeth Street SE1 2JN	50 The Circle Queen Elizabeth Street SE1 2JG
229 The Circle Queen Elizabeth Street SE1 2JN	51 The Circle Queen Elizabeth Street SE1 2JG
230 The Circle Queen Elizabeth Street SE1 2JN	49 The Circle Queen Elizabeth Street SE1 2JG
311 The Circle Queen Elizabeth Street SE1 2JU	47 The Circle Queen Elizabeth Street SE1 2JG
312 The Circle Queen Elizabeth Street SE1 2JU	48 The Circle Queen Elizabeth Street SE1 2JG
236 The Circle Queen Elizabeth Street SE1 2JN	35 The Circle Queen Elizabeth Street SE1 2JG
234 The Circle Queen Elizabeth Street SE1 2JN	36 The Circle Queen Elizabeth Street SE1 2JG
235 The Circle Queen Elizabeth Street SE1 2JN	34 The Circle Queen Elizabeth Street SE1 2JG
222 The Circle Queen Elizabeth Street SE1 2JN	32 The Circle Queen Elizabeth Street SE1 2JG
223 The Circle Queen Elizabeth Street SE1 2JN	33 The Circle Queen Elizabeth Street SE1 2JG
221 The Circle Queen Elizabeth Street SE1 2JN	40 The Circle Queen Elizabeth Street SE1 2JG
219 The Circle Queen Elizabeth Street SE1 2JN	41 The Circle Queen Elizabeth Street SE1 2JG
220 The Circle Queen Elizabeth Street SE1 2JN	39 The Circle Queen Elizabeth Street SE1 2JG
227 The Circle Queen Elizabeth Street SE1 2JN	37 The Circle Queen Elizabeth Street SE1 2JG
228 The Circle Queen Elizabeth Street SE1 2JN	38 The Circle Queen Elizabeth Street

226 The Circle Queen Elizabeth Street SE1 2JN	SE1 2JG
224 The Circle Queen Elizabeth Street SE1 2JN	160 The Circle Queen Elizabeth Street SE1 2JL
225 The Circle Queen Elizabeth Street SE1 2JN	161 The Circle Queen Elizabeth Street SE1 2JL
296 The Circle Queen Elizabeth Street SE1 2JW	159 The Circle Queen Elizabeth Street SE1 2JL
297 The Circle Queen Elizabeth Street SE1 2JW	157 The Circle Queen Elizabeth Street SE1 2JL
295 The Circle Queen Elizabeth Street SE1 2JW	158 The Circle Queen Elizabeth Street SE1 2JL
293 The Circle Queen Elizabeth Street SE1 2JW	165 The Circle Queen Elizabeth Street SE1 2JL
294 The Circle Queen Elizabeth Street SE1 2JW	166 The Circle Queen Elizabeth Street SE1 2JL
301 The Circle Queen Elizabeth Street SE1 2JW	164 The Circle Queen Elizabeth Street SE1 2JL
302 The Circle Queen Elizabeth Street SE1 2JW	162 The Circle Queen Elizabeth Street SE1 2JL
300 The Circle Queen Elizabeth Street SE1 2JW	163 The Circle Queen Elizabeth Street SE1 2JL
298 The Circle Queen Elizabeth Street SE1 2JW	150 The Circle Queen Elizabeth Street SE1 2JL
299 The Circle Queen Elizabeth Street SE1 2JW	151 The Circle Queen Elizabeth Street SE1 2JL
286 The Circle Queen Elizabeth Street SE1 2JW	149 The Circle Queen Elizabeth Street SE1 2JL
287 The Circle Queen Elizabeth Street SE1 2JW	147 The Circle Queen Elizabeth Street SE1 2JL
285 The Circle Queen Elizabeth Street SE1 2JW	148 The Circle Queen Elizabeth Street SE1 2JL
283 The Circle Queen Elizabeth Street SE1 2JW	155 The Circle Queen Elizabeth Street SE1 2JL
284 The Circle Queen Elizabeth Street SE1 2JW	156 The Circle Queen Elizabeth Street SE1 2JL
291 The Circle Queen Elizabeth Street SE1 2JW	154 The Circle Queen Elizabeth Street SE1 2JL
292 The Circle Queen Elizabeth Street SE1 2JW	152 The Circle Queen Elizabeth Street SE1 2JL
290 The Circle Queen Elizabeth Street SE1 2JW	153 The Circle Queen Elizabeth Street SE1 2JL
288 The Circle Queen Elizabeth Street SE1 2JW	167 The Circle Queen Elizabeth Street SE1 2JL
289 The Circle Queen Elizabeth Street SE1 2JW	181 The Circle Queen Elizabeth Street SE1 2JL
303 The Circle Queen Elizabeth Street SE1 2JW	182 The Circle Queen Elizabeth Street SE1 2JL
Unit 20 The Circle SE1 2JE	180 The Circle Queen Elizabeth Street SE1 2JL
Fifth Floor India House SE1 2ND	178 The Circle Queen Elizabeth Street SE1 2JL
Unit 9 The Circle SE1 2JE	179 The Circle Queen Elizabeth Street SE1 2JL
Circle Spa Health Club Unit 3 6 And 8 The Circle SE1 2JE	186 The Circle Queen Elizabeth Street SE1 2JL
	187 The Circle Queen Elizabeth Street SE1 2JL

Unit 1 The Circle SE1 2JE	185 The Circle Queen Elizabeth Street SE1 2JL
Unit 20a The Circle SE1 2JE	183 The Circle Queen Elizabeth Street SE1 2JL
40-50 Gainsford Street London SE1 2NE	184 The Circle Queen Elizabeth Street SE1 2JL
Units 13 To 15 The Circle SE1 2JE	171 The Circle Queen Elizabeth Street SE1 2JL
Basement Ground Floor And Mezzanine Floor 32 Curlew Street SE1 2ND	172 The Circle Queen Elizabeth Street SE1 2JL
307 The Circle Queen Elizabeth Street SE1 2JW	170 The Circle Queen Elizabeth Street SE1 2JL
308 The Circle Queen Elizabeth Street SE1 2JW	168 The Circle Queen Elizabeth Street SE1 2JL
306 The Circle Queen Elizabeth Street SE1 2JW	169 The Circle Queen Elizabeth Street SE1 2JL
304 The Circle Queen Elizabeth Street SE1 2JW	176 The Circle Queen Elizabeth Street SE1 2JL
305 The Circle Queen Elizabeth Street SE1 2JW	177 The Circle Queen Elizabeth Street SE1 2JL
Unit 18 The Circle SE1 2JE	175 The Circle Queen Elizabeth Street SE1 2JL
30 Curlew Street London SE1 2ND	173 The Circle Queen Elizabeth Street SE1 2JL
309 The Circle Queen Elizabeth Street SE1 2JW	174 The Circle Queen Elizabeth Street SE1 2JL
310 The Circle Queen Elizabeth Street SE1 2JW	119 The Circle Queen Elizabeth Street SE1 2JJ
255 The Circle Queen Elizabeth Street SE1 2JW	120 The Circle Queen Elizabeth Street SE1 2JJ
256 The Circle Queen Elizabeth Street SE1 2JW	118 The Circle Queen Elizabeth Street SE1 2JJ
254 The Circle Queen Elizabeth Street SE1 2JW	116 The Circle Queen Elizabeth Street SE1 2JJ
252 The Circle Queen Elizabeth Street SE1 2JW	117 The Circle Queen Elizabeth Street SE1 2JJ
253 The Circle Queen Elizabeth Street SE1 2JW	124 The Circle Queen Elizabeth Street SE1 2JJ
260 The Circle Queen Elizabeth Street SE1 2JW	125 The Circle Queen Elizabeth Street SE1 2JJ
261 The Circle Queen Elizabeth Street SE1 2JW	123 The Circle Queen Elizabeth Street SE1 2JJ
259 The Circle Queen Elizabeth Street SE1 2JW	121 The Circle Queen Elizabeth Street SE1 2JJ
257 The Circle Queen Elizabeth Street SE1 2JW	122 The Circle Queen Elizabeth Street SE1 2JJ
258 The Circle Queen Elizabeth Street SE1 2JW	109 The Circle Queen Elizabeth Street SE1 2JJ
358 The Circle Queen Elizabeth Street SE1 2JU	110 The Circle Queen Elizabeth Street SE1 2JJ
359 The Circle Queen Elizabeth Street SE1 2JU	108 The Circle Queen Elizabeth Street SE1 2JJ
356 The Circle Queen Elizabeth Street SE1 2JU	106 The Circle Queen Elizabeth Street SE1 2JJ
354 The Circle Queen Elizabeth Street SE1 2JU	107 The Circle Queen Elizabeth Street SE1 2JJ
355 The Circle Queen Elizabeth Street SE1 2JU	114 The Circle Queen Elizabeth Street

250 The Circle Queen Elizabeth Street SE1 2JW	SE1 2JJ
251 The Circle Queen Elizabeth Street SE1 2JW	115 The Circle Queen Elizabeth Street SE1 2JJ
249 The Circle Queen Elizabeth Street SE1 2JW	113 The Circle Queen Elizabeth Street SE1 2JJ
360 The Circle Queen Elizabeth Street SE1 2JU	111 The Circle Queen Elizabeth Street SE1 2JJ
361 The Circle Queen Elizabeth Street SE1 2JU	112 The Circle Queen Elizabeth Street SE1 2JJ
262 The Circle Queen Elizabeth Street SE1 2JW	126 The Circle Queen Elizabeth Street SE1 2JJ
276 The Circle Queen Elizabeth Street SE1 2JW	140 The Circle Queen Elizabeth Street SE1 2JJ
277 The Circle Queen Elizabeth Street SE1 2JW	141 The Circle Queen Elizabeth Street SE1 2JJ
275 The Circle Queen Elizabeth Street SE1 2JW	139 The Circle Queen Elizabeth Street SE1 2JJ
273 The Circle Queen Elizabeth Street SE1 2JW	137 The Circle Queen Elizabeth Street SE1 2JJ
274 The Circle Queen Elizabeth Street SE1 2JW	138 The Circle Queen Elizabeth Street SE1 2JJ
281 The Circle Queen Elizabeth Street SE1 2JW	145 The Circle Queen Elizabeth Street SE1 2JL
282 The Circle Queen Elizabeth Street SE1 2JW	146 The Circle Queen Elizabeth Street SE1 2JL
280 The Circle Queen Elizabeth Street SE1 2JW	144 The Circle Queen Elizabeth Street SE1 2JL
278 The Circle Queen Elizabeth Street SE1 2JW	142 The Circle Queen Elizabeth Street SE1 2JJ
279 The Circle Queen Elizabeth Street SE1 2JW	143 The Circle Queen Elizabeth Street SE1 2JL
266 The Circle Queen Elizabeth Street SE1 2JW	130 The Circle Queen Elizabeth Street SE1 2JJ
267 The Circle Queen Elizabeth Street SE1 2JW	131 The Circle Queen Elizabeth Street SE1 2JJ
265 The Circle Queen Elizabeth Street SE1 2JW	129 The Circle Queen Elizabeth Street SE1 2JJ
263 The Circle Queen Elizabeth Street SE1 2JW	127 The Circle Queen Elizabeth Street SE1 2JJ
264 The Circle Queen Elizabeth Street SE1 2JW	128 The Circle Queen Elizabeth Street SE1 2JJ
271 The Circle Queen Elizabeth Street SE1 2JW	135 The Circle Queen Elizabeth Street SE1 2JJ
272 The Circle Queen Elizabeth Street SE1 2JW	136 The Circle Queen Elizabeth Street SE1 2JJ
270 The Circle Queen Elizabeth Street SE1 2JW	134 The Circle Queen Elizabeth Street SE1 2JJ
268 The Circle Queen Elizabeth Street SE1 2JW	132 The Circle Queen Elizabeth Street SE1 2JJ
269 The Circle Queen Elizabeth Street SE1 2JW	133 The Circle Queen Elizabeth Street SE1 2JJ
197 The Circle Queen Elizabeth Street SE1 2JN	By Email
	Email

**Re-consultation:** 29/01/2015

**APPENDIX 2****Consultation responses received****Internal services**

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]  
Highway Development Management

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

By Email Apartment 206 SE1 2YE  
By Email 12 Compass Court SE1 2NJ  
Cardamom Building Shad Thames SE1 2YR  
Cinnamon Wharf 24 Shad Thames SE1 2YJ  
D Hughes 28 Anchor Brewhouse SE1 2LY  
Eform Flat 17 SE1 2PW  
Email representation  
Email 1 Millennium Square SE1 2PW  
Email 30 Butlers & Colonial Wharf SE1 2PX  
Email 416 Caraway Apartments SE1 PP  
Flat 106 Ginger Apartments SE1 2PA  
Flat 107 Vanilla Nad Sesame Court SE1 2NP  
Flat 133, The Circle, Queen Elizabeth Street London  
Flat 15 The Cooperage SE1 2NG  
Flat 18 Vogan'S Mill Mill Street SE1 2BZ  
Flat 2 3 Millennium Square SE1 2JE  
Flat 20, 3 Millennium Square Crn Queen Elizabeth Street And Shad Thames SE1 2PW  
Flat 202 Spice Quay House 32 Shad Thames SE1 2YL  
Flat 21 3 Millennium Square SE1 2PW  
Flat 218 The Circle London SE1 2JN  
Flat 5, 1 Millennium Square London SE1 2PW  
Flat 56 SE1 2NN  
Flat 608 Caraway Apartments 2 Cayenne Court SE1 2PP  
Flat 7 Boss House SE1 2JE  
G8 Tamarind Court 18 Gainsford Street SE1 2NE  
Horselydown Mansions Lafone Street SE1 2NA  
Sandpiper House 39 Queen Elizabeth Street SE1 2BT  
Tamarind Court, 18 Gainsford Street, SE1 2NE  
Tamarind Court 18 Gainsford Street SE1 2NE  
Tower Bridge Moorings 31 Mill Street SE1 2AX  
1 St Andrews Wharf 12 Shad Thames SE1 2YN  
11 Knights House 75 Gainsford Street SE1 2NB  
115 Butlers & Colonial Wharf Shad Thames SE1 2PY  
118 Butlers And Colonial Wharf Shad Thames SE1 2PY  
12 Compass Court 39 Shad Thames, SE1 2NJ  
123 Cardamon Building 31 Shad Thames SE1 2YR  
13 Tempus Wharf London SE16 4ST  
133 The Circle Queen Elizabeth Street SE1 2JJ  
136 The Circle Queen Elizabeth Street SE1 2JJ  
138 The Circle Queen Elizabeth Street SE1 2JJ  
160 The Circle Queen Elizabeth Street SE1 2JL



17 Triangle House 21 Three Oak Lane SE1 2NZ  
19 Boss House Boss Street SE1 2PS  
2 The Cooperage 6 Gainsford Strrett SE1 2NG  
20 Albion House Queen Elizabeth Street SE1 2RJ  
206 Cinnamon Wharf Shad Thames SE1 2YJ  
213 The Circle Queen Elizabeth Street SE1 2JN  
23 Dockhead Wharf 4 Shad Thames SE1 2YT  
235 The Circle Queen Elizabeth Street SE1 2JN  
24 Curlew Street SE1 2ND  
24 Curlew Street London SE1 2ND  
25 Curlew Street London SE1 2ND  
26 Curlew Street SE1 2ND  
27 Curlew Street London SE1 2ND  
271 The Circle Queen Elizabeth Street SE1 2JW  
28 Curlew Street London SE1 2ND  
284 The Circle Queen Elizabeth Street SE1 2JW  
29 Curlew Street London SE1 2ND  
3 More London Riverside London SE1 2AQ  
30 Curlew Street London SE1 2ND  
307 Fennel Apartments Cayenne Court SE1 2PJ  
309 Ginger Apartments Cayenne Court SE1 2PA  
31 St George'S Wharf 6 Shad Thames SE1 2YS  
313 The Circle Queen Elizabeth Street SE1 2JU  
32 Tamarind Court Gainsford St SE1 2 NE  
323 The Circle Queen Elizabeth Street SE1 2JU  
33 Lafone Street SE1 2LX  
338 The Circle Queen Elizabeth Street SE1 2JU  
34 St Andrew'S Wharf 12 Shad Thames  
345 The Circle Queen Elizabeth Street SE1 2JU  
349 The Circle Queen Elizabeth Street SE1 2JU  
35 Lafone Street SE1 2LX  
361 The Circle Queen Elizabeth Street SE1 2JU  
4 Horselydown Mansions Lafone Street, SE1 2NA  
4 St Andrews Wharf 12 Shad Thames SE1 2YN  
403 Cinnamon Wharf 24 Shad Thames SE1 2YJ  
5 Horselydown Mansions Lafone Street SE1 2NA  
62 The Circle Queen Elizabeth Street SE1 2JG  
7 Queen Elizabeth Street London SE1 2LP  
75 Boss House Boss Street SE1 2PT  
87 St Saviours Wharf 8 Shad Thames SE1 2YP  
90 Butler'S & Colonial Wharf SE1 2PY

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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>	c/o agent Tesco Stores Ltd	<b>Reg. Number</b>	14/AP/4094
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/240-30
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Part change of use (Unit 16) to Class A1 retail use and minor external alterations to Units 13 - 16

**At:** UNITS 13 TO 16, THE CIRCLE, QUEEN ELIZABETH STREET, LONDON, SE1 2JE

**In accordance with application received on** 30/10/2014 08:03:46

**and Applicant's Drawing Nos.** F9D11-113(00)01, F9D11-113(04), F9D11-113(05), F9D11-113(06), F9D11-113(07), F9D11-113(08), F9D11-113(09) Rev C, F9D11-113(10), F9D11-11(11), F9D11-113(12) Rev C, F9D11-113(13), Delivery & Servicing Plan, SP04

**Subject to the following five conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: F9D11-113(00)01, F9D13-113(09) Rev C, F9D13-113(10), F9D13-113(011), F9D13-113(12) Rev C, F9D13-113(13), Delivery & Servicing Plan, SP04

Reason:

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

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 3 Notwithstanding the details shown on drawing F9D13-113(12)Rev C, 1:20 drawings of the replacement doors to be installed in the Queen Elizabeth Street and The Circle elevations, including details of frames and any glazing bars shall be submitted to and approved in writing by the Council prior to the first occupation of the A1 use hereby permitted (Unit 16). Unless otherwise agreed in writing by the Local Planning Authority the replacement doors shall be installed and retained thereafter in accordance with such approval.

Reason

In order to ensure that these details will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 4 The premises shall not be open for trading outside of the hours 07.00hrs to 23.00hrs on any day.

Reason

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 5 The facing materials used in the carrying out of this permission shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

**Reason**

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

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

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

**Informatives**

- 1 You are advised that a S.278 agreement with the Council's Highways Department will be required for any changes, alterations or other works to the highway or footway, including the formation of an on-street loading bay and the removal of any designated on-street parking bays. Please contact Richard Wells, Principal Network Development Engineer, Department of Environment and Leisure, London Borough of Southwark. PO Box 64529, London, SE1P 5LX
- 2 All delivery vehicles shall turn off their engines when stationary.

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Ordnance Survey

Date 19/2/2015

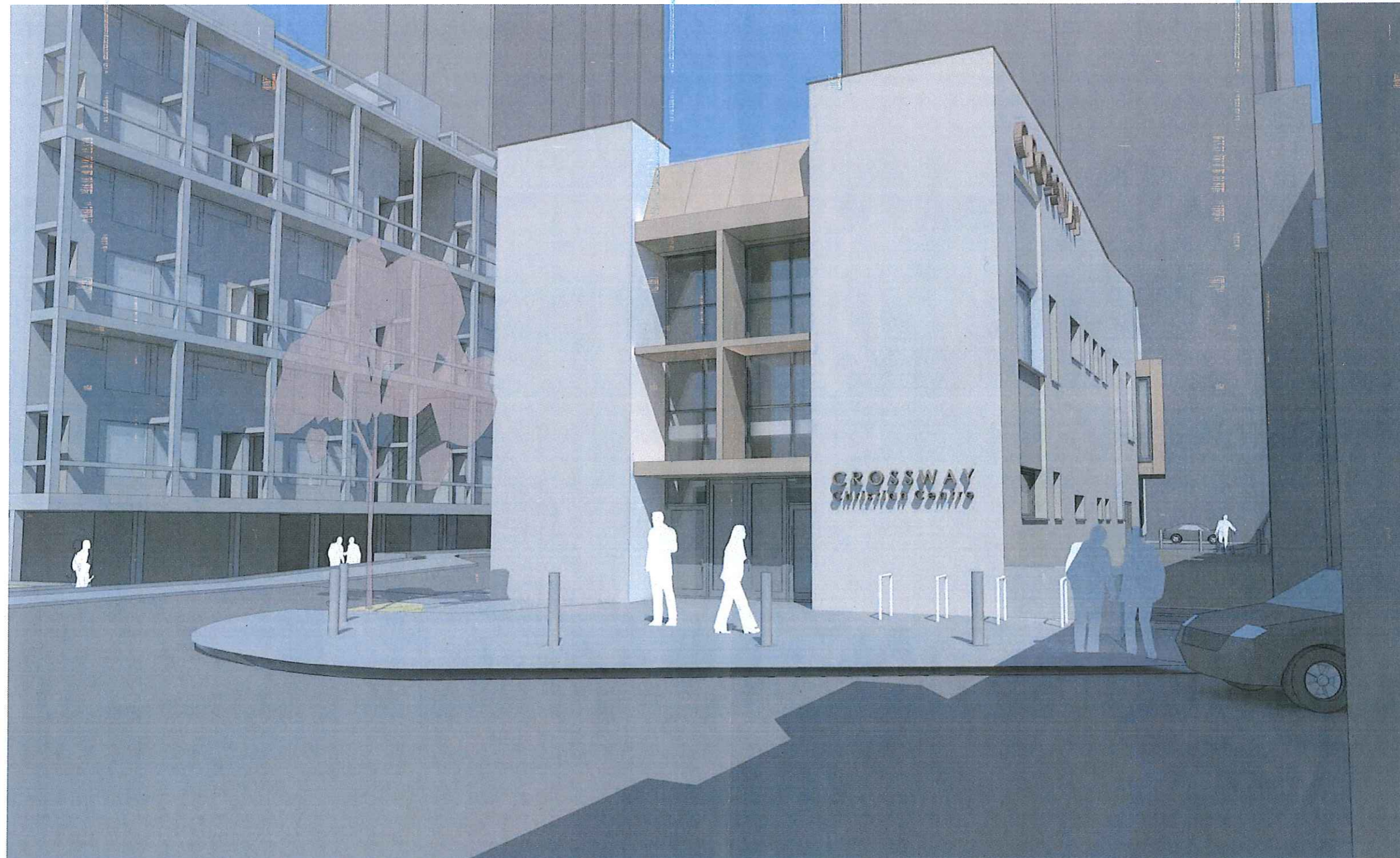


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**1. View from Hampton Street, South approach.**



2. View of church main entrance and “East Alley”



<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 3 March 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Council's own development Application 14/AP/4270 for: Council's Own Development - Reg. 3  <b>Address:</b> CASTLE DAY CENTRE, HAMPTON STREET, LONDON, SE1 6SN  <b>Proposal:</b> Redevelopment of the site to provide new 2/3 storey church (Use Class D1), communal bin store, substation and associated public realm improvements		
<b>Ward(s) or groups affected:</b>	Newington		
<b>From:</b>	Head of development management		
<b>Application Start Date</b>	01/12/2014	<b>Application Expiry Date</b>	26/01/2015
<b>Earliest Decision Date</b> 12/01/2015			

## RECOMMENDATION

1. That the Planning Committee grant full planning permission subject to conditions.

## BACKGROUND INFORMATION

2. This application is being reported to Planning Committee as it is a council own application and in excess of 5 objections have been received. It also involves the relocation of the existing Crossways Church on the Heygate Estate.

### Site location and description

3. The subject site is the former Castle Day Centre located on the north side of Hampton Street directly to the south of the Strata Tower in the Newington area of the borough. The site has recently been cleared which involved the demolition of a two storey building made up of the day centre at first floor and garages on the ground. The north western most corner of the site has an electricity substation.
4. The site is bounded to the east by the railway viaduct, which accommodates a number of commercial operators within its arches. To the north is a parking and service area for Strata and to the west the site is bounded by a service access road which separates the site from the adjacent 7 storey residential block known as Wollaston Close. To the south is Hampton Street and a single storey pre-fabricated building which is occupied by the Elephant and Caste day nursery. The following planning designations are relevant:
  - Central Activities Zone
  - Flood Risk Zone
  - PTAL 6
  - Controlled Parking Zone (CPZ)
  - Elephant & Caste Opportunity Area

## Details of proposal

5. The proposed development would involve the redevelopment of the site with the erection of a new Church to be utilised by the United Reformed Church who currently are based at the existing Crossway Church located at 100 New Kent Road within the Heygate Estate. The existing premises is due to be demolished as part of the wider regeneration of the Elephant and Castle area and this application makes provision for the relocation and enhancement of the existing facility.
6. The church would provide a place of worship and community centre serving the existing congregations along with a variety of users, predominately made up of people who live or work in the area.
  - Arranged as a detached building of linear form the proposed church has a north-south orientation which broadly sits on the same footprint as the original day centre building - it would be slightly foreshortened and slightly wider than the previous building making it marginally closer to the arches. The building would provide two floors of accommodation rising to a maximum height of 11.2m with a gently undulating roof and a single storey substation and service enclosure provided at its northern end facing the Strata service yard. New pedestrian footpaths would be provided along the western and northern frontages of the building removing all existing vehicle crossovers.
  - At its southern end the main access point to the church would front Hampton Street with a recessed full height glazed entrance. The southern section of the building would be given over to two floors of offices, flexible community and worship space, and associated supporting facilities. The northern section of the building forms the main worship space with the focal (altar) point utilising the whole height of the building with a void that extends to the roof.
  - The main external material of the church would be facing brick work with stainless steel panels and copper clad box-like bays which project at first floor level, along with areas of textured brickwork and large feature windows.
  - From Hampton Street a controlled vehicle drop off point would be provided, along with cycle stands and new tree planting. Along the east elevation the existing access to the railways arches would be maintained with a minimum vehicular clearance gap of 3m. At its narrowest point the physical separating gap between the east elevation and the facing arches would be reduced to 4.5m whereas the previous arrangement had a gap ranging between 5m at its narrowest and 10m at its widest.
7. Hours of Opening  
 Monday - Thursday: 0800-2200  
 Friday: 0800-0200  
 Saturday - Sunday: 0800-2300  
 Dispensation for major Christian festivals to enable midnight communion and daybreak services.

## Planning history

8. 13/EQ/0250 Application type: Pre-Application Enquiry (ENQ)  
 Demolition of the existing Castle Day Resource Centre and development of the new Crossway Church and adjacent residential block (6 flats). (see planning statement for further details)  
 Decision date 04/03/2014 Decision: Pre-application enquiry closed (EQC)



14/AP/3279 Application type: Prior Approval (PRAP)  
 Demolition of building comprising ground floor garages and first floor community centre  
 Decision date 06/10/2014 Decision: Prior Approval Required - Approved (PARA)

14/AP/1553 Application type: Full Planning Permission (FULL)  
 Demolition of the existing Castle Day Centre and construction of a part 3, part 4 storey building providing a church (Crossway Church) and 6 flats (3x1 bedroom and 3x2 bedroom)  
 Decision date 04/08/2014 Decision: Withdrawn by applicant (WDN)

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

9. The main issues to be considered in respect of this application are:
- a) Principle in terms of land use
  - b) Impact of proposed development on amenity of adjoining occupiers and surrounding area
  - c) Traffic and Transportation
  - d) Design and Appearance
  - e) Sustainable development implications
  - f) Flood risk

### **Planning policy**

10. National Planning Policy Framework (the Framework)  
 Section 1 - Building a strong, competitive economy  
 Section 4 - Promoting sustainable transport  
 Section 7 - Requiring good design  
 Section 8 - Promoting healthy communities  
 Section 10 - Meeting the challenge of climate change, flooding and coastal change  
 Section 11 - Conserving and enhancing the natural environment  
 Section 12 - Conserving and enhancing the historic environment
- London Plan July 2011 consolidated with revised early minor alterations October 2013  
 Policy 3.16 Protection and enhancement of social infrastructure  
 Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision  
 Policy 5.7 Renewable energy  
 Policy 5.8 Innovative energy technologies  
 Policy 5.11 Green roofs and development site environs  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.13 Parking  
 Policy 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture  
 Policy 8.2 Planning obligations  
 Policy 8.3 Community infrastructure levy

### Core Strategy 2011

- Strategic policy 1 - Sustainable development  
 Strategic policy 2 - Sustainable transport  
 Strategic policy 3 - Shopping, leisure and entertainment

Strategic policy 4 - Places for learning, enjoyment and healthy lifestyles  
 Strategic policy 10 - Jobs and businesses  
 Strategic policy 11 - Open spaces and wildlife  
 Strategic policy 12 - Design and conservation  
 Strategic policy 13 - High environmental standards  
 Strategic policy 14 - Implementation and delivery

#### Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

2.1 - Enhancement of community facilities  
 2.2 - Provision of new community facilities  
 3.2 - Protection of amenity  
 3.3 - Sustainability assessment  
 3.4 - Energy efficiency  
 3.6 - Air quality  
 3.7 - Waste reduction  
 3.9 - Water  
 3.11 - Efficient use of land  
 3.12 - Quality in design  
 3.13 - Urban design  
 3.14 - Designing out crime  
 3.28 - Biodiversity  
 5.2 - Transport impacts  
 5.3 - Walking and cycling  
 5.6 - Car parking

#### Supplementary Planning Documents

Sustainable design and construction SPD (2009)  
 Sustainability assessments SPD (2009)  
 Sustainable Transport SPD (2010)  
 Residential Design Standards SPD (2011)  
 Elephant & Castle SPD/OAPF (2012)

### **Principle of development**

#### Opportunity Area

11. The site is within the Elephant and Castle Opportunity area where a mix of uses and intensification is encouraged. Policy 2.13 of the London Plan states that development within Opportunity Areas should:
- a) support the strategic policy directions for the opportunity areas and intensification areas set out in Annex 1, and where relevant, in adopted opportunity area planning frameworks;
  - b) seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses;
  - c) contribute towards meeting (or where appropriate, exceeding) the minimum

guidelines for housing and/or indicative estimates for employment capacity set out in Annex 1, tested as appropriate through opportunity area planning frameworks and/or local development frameworks;

- d) realise scope for intensification associated with existing or proposed improvements in public transport accessibility, such as Crossrail, making better use of existing infrastructure and promote inclusive access including cycling and walking;
  - e) support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.
12. Annex 1 of the London Plan provides the following vision for development in the Elephant and Castle Opportunity Area:

'The area is undergoing major transformation with significant investment in housing and potential for new retail provision integrated with a more efficient and attractive transport interchange. There is scope to create a series of connected public open spaces complimented by environmental and traffic management improvements. resolution of these and rail related issues are crucial to successful redevelopment of this southern gateway to central London.'

13. Based on the policy and guidance above, together with the Elephant and Castle SPD, it is considered that the proposed redevelopment of the site is supported in strategic planning terms.

#### Community D Class Use

14. Saved policies 2.1 and 2.2 of the Southwark Plan seek the protection and provision of D Class community facilities. The recently demolished building provided 309sqm of D1 floorspace, previously used as a day centre for people with mental health needs. The proposed development would see this replaced with a new church and community facility providing 709sqm of D1 floorspace.
15. Subject to the protection of amenity and transport matters, which are discussed below, the replacement D1 floorspace is considered acceptable in principle as long as provision is made to enable the facility to be used by all members of the community in accordance with saved policy 2.2. In effect the community use is retained on the site and therefore no in principle land use issue is raised.
16. The proposed D1 space makes provision for a variety of accessible worship spaces, all of which are flexible and can be used for other community activities. The intention of the building is that it will not only be a place of worship but that it will also be an active community centre and this is reflected in its design, layout and provision of flexible spaces and reflects the current use of the existing Crossways church in its existing location on New Kent Road.
17. Based on this analysis the principle of the reprovision and expansion of floor space in D Class use can be supported and would be acceptable in accordance with saved policy 2.1 and 2.2 of the Southwark Plan.

#### **Environmental impact assessment**

18. The site area is below the threshold that would normally trigger an Environmental Impact Assessment. Notwithstanding this, it is considered unlikely that the development would generate significant environmental effects by reason of its size and nature of the works proposed.

## Neighbour Residential Amenity

19. Strategic Policy 13 requires new development to be designed to avoid amenity and environmental problems that affect how we enjoy the environment in which we live and work. Saved policy 3.2 of the Southwark Plan states that planning permission for development will not be granted where it would cause the loss of amenity, including noise disturbance to existing and future occupiers in the surrounding area or on the application site. Saved policy 3.1 also states that new development should not cause material adverse effects on the environment and quality of life.

### Daylight and Sunlight

20. A technical daylight and sunlight report has been prepared by Mott MacDonald in line with guidance drafted by the Building Research Establishment (BRE). The BRE guidelines are a recognised mechanism within Southwark's Residential Design Standards SPD to establish the impact of development in terms of daylight and sunlight. It should be noted however, that the BRE criteria provide guidance only, and that it is important to consider the local context of the area within which the site is located. In such situations the BRE guidelines need to be applied more flexibly and the guidelines state that *"the advice given here is not mandatory and this document should not be seen as an instrument of planning policy...although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design."*
21. The report analyses the impact of the proposed development on the levels of daylight and sunlight reaching properties in close proximity to the site. It does this via two methods of analysis:
- Vertical sky component (VSC)
  - Average probably sunlight hours (APSH).
22. The VSC test considers the angle of unobstructed sky that is visible from the centre of each window in nearby properties. The BRE recommend a figure of 27% as indicating a good level of daylight. The test then models how this amount would be affected by the development. The BRE have determined that daylight can be reduced by 20% before the loss is noticeable.
23. The APSH method involves analysing the number of hours in which windows facing due south will receive sunlight at different points in the year. The BRE guidance sets out that a dwelling will appear reasonably sunlit if at least one main window falls within 90 degrees of due south and can receive 25% annual probable sunlight hours, including at least 5% during the winter months.
24. The report undertook testing on the basis of a part 3, part 4 storey building being proposed on the application site, the current proposal seeks permission for a building of a lower height and with a reduced depth. Accordingly an addendum to the report was prepared which considered the likely implications of this reduced scale.
25. The nearest residential properties which have the potential to be affected by the development would be Wollaston Close, which is a 7 storey residential block of flats located to the west of the development site. The daylight and sunlight report demonstrates that there would be minor daylighting impacts to those first and second floor windows to the northern end of the east facing facade, whilst elsewhere all impacts would be within BRE guidelines. In consideration of the reduced height and depth of the proposal these minor deviations from the BRE guidance would be further reduced.

26. In terms of sunlight all rooms within Wollaston Court would continue to enjoy good levels of both summer and winter sun within the BRE guidance. In consideration of the results of the report and the nature of the site context it is considered that any impact on light would not be detrimental to the amenity of existing properties.

#### Outlook and Privacy

27. The Residential Design Standards SPD advises that the design of new development should not have a negative impact on neighbouring properties. The SPD does not formally define what is meant by 'good' outlook. However it recognises that improvements to outlook can contribute to better internal living conditions. It also advises that new development should achieve a separation distance of 12m at the front of a building and any elevation that fronts on to a highway and a minimum distance of 21 metres between new development and existing properties at the rear.
28. 13.8m is provided between the existing eastern face of Wollaston Close and the closest point of the facing elevation of the proposed building, being a projecting bay window. To the north, at its closest point the southern elevation of the Strata Tower is 21.2m from the northern elevation of the proposed building. Both distances are in excess of the minimum separation distances outlined within the SPD and therefore are considered sufficient to ensure appropriate levels of outlook and privacy are maintained to existing neighbouring properties.
29. Concern has been raised by a resident of Strata that the large first floor window on the northern elevation would give views from the main worship area directly into the residential windows of Strata. To appreciate views out of this window towards Strata you would have to be standing in a small area towards the back of the main worship space, looking at a 45 degree angle upwards. The view you would appreciate would be a point on the Strata tower approximately 30m from ground level at a distance of approximately 44m. This is considered sufficient to ensure existing levels of privacy are maintained.

#### Noise

30. Objections have been received by neighbours concerned about the potential for the Class D1 use to generate noise and become a nuisance. These concerns were regarding:
- The nature of the Class D1 use and its proposed operating times.
  - The potential for people to make noise going to and from the site.
  - The hours of operation proposed, with particular regard to Friday nights.
31. The D1 Use Class includes any use, not including a residential use,
- a) for the provision of any medical or health services except use of premises attached to the residence of the consultant or practitioner;
  - b) as a creche, day nursery or day centre;
  - c) for the provision of education;
  - d) for the display of works of art;
  - e) as a museum;
  - f) as a public library or public reading room;
  - g) as a public hall or exhibition hall;
  - h) for, or in connection with, public worship or religious instruction.
  - i) as a law court.
32. Crossways Church, would fall under category (h) of the D1 use class, which, by virtue of singing and music during services, may result in noise disturbance.
33. The outbreak of noise from services, including music and signing, can be effectively

controlled through appropriate noise containment measures including efficient glazing and ventilation. This would ensure that the noise would not, at any time, increase the ambient equivalent noise level measured immediately outside any of the adjoining or nearby premises. The imposition of a condition requiring all external doors to remain closed during services and events will also ensure noise seep is not experienced.

#### Plant Noise

34. The sealed nature of the building will require the use of a mechanical ventilation strategy which it is recommended will require approval through the imposition of an appropriate condition. Noise emanating from such a ventilation scheme along with any other plant can be effectively controlled to ensure that it would not, at any time, increase the ambient equivalent noise level measured immediately outside any of the adjoining or nearby premises.

#### Hours of Operation

35. The proposed hours of operation have resulted in concerns being raised and objections made from local residents. This is with particular regard to the proposed Friday night extended opening until 2am and the special dispensation for Christian festivals.
36. It has already been established that internal noise generated can be controlled effectively through detailed design and the imposition of conditions. The operation of the use itself for worship, meetings and other community activities late into the night is therefore not of concern. Any potential for disturbance would arise from people exiting or entering the building and from those people making noise outside, waiting around etc.
37. The main worship area within the church has a maximum capacity of 200 people, whilst the secondary worship area has the potential to accommodate 60. The day to day occupancy however is predicted to be significantly less. The busiest period for the church would be the 9am Saturday morning service, which currently has a congregation attending of approximately 120 people. No other congregation exceeds 60, with most averaging only 20. The peak period of arriving and departing from services happens in the 15 minutes either side of a service. The busiest period of activity would therefore happen on a Saturday morning when it is considered that any noise generated by people coming and going would be adsorbed into the general activity and background noise of the area.
38. The surroundings of the site have been designed to reinforce and improve pedestrian links to and from the building. There is no external seating proposed and other than the official vehicle drop off point, no specific waiting area is provided. The church has a generous internal entrance/foyer which seeks to provide space for informal meeting before and after services within the building itself. The potential for the gathering of people outside the church is therefore limited and is positively discouraged through the design of the building.
39. At more sensitive times of day, such as late into the evening, the numbers of people attending would be significantly lower and this is demonstrated by the existing pattern experienced at the current Crossways church site. Of most concern to local residents however is the use of the church on Friday nights into Saturday mornings. Four different congregations are expected the use the church during these times for night vigils and night prayers. No more than two congregations are present at any one time and currently they are generally attended by only 6-10 worshipers each.
40. Given the nature of these late night activities being vigils and prayer groups, and the low number of people attending it is not anticipated that this would give rise to levels of noise which would cause disturbance to surrounding residents. It is recommended

however that this late night operation be restricted to church services and religious worship activities only, and that no community activities take place beyond the normal operating hours which would cease at 11pm at weekends and 10pm on weekdays.

41. The hours of use would allow for dispensations for major Christian festivals, which typically are as follows:
- Christmas Eve midnight communion - 2330-0045
  - Easter Daybreak service - 0600-0700
  - Easter Vigil - 2200-0600

Such operation is therefore likely to be undertaken only twice a year, the arrival and dispersal of people at such special events is not anticipated to result in undue disturbance to the amenity of the surrounding area.

#### Conclusion on Residential Amenity

42. The combination of conditions and relevant noise standards to be achieved are considered sufficient to protect neighbouring occupiers from any potential noise nuisance. Sufficient distances are maintained between the proposed building and adjacent properties to ensure that existing levels of outlook, privacy and light would be protected and maintained.
43. The applicant has demonstrated through its existing and proposed operation that there will not be a loss of amenity to surrounding residential occupiers, and that this can be effectively controlled through the imposition of a condition detailing the hours of operation. The use is an existing operation which is relocating and which has historically operated in a comparable location without cause for concern.
44. The proposal would therefore be in accordance with Saved policy 3.2 (Protection of Amenity) of the Southwark Plan 2007, Strategic Policy 13 (High Environmental Standards) of the Core Strategy (2011) and Planning Policy Guidance 24 Planning and Noise.

#### **Impact on adjoining Business Premises**

45. The application site is situated within close proximity to the railways arches located within the adjacent viaduct to the east. These arches are utilised by a variety of businesses which include storage and distribution, retail and food and drink uses. Objections have been raised that the proposed development would have a detrimental impact on the operation of these business resulting from the reduction in the gap between the built form on the application site and the increased height of the development.
46. Five of the existing arches, being 145-149 formally faced the Castle Day Centre which at its maximum point was 10m away, reducing to 5m, and was two storeys in height. At ground floor level there was no active frontage and the gap between the building and the arches imposing and uninviting. The gap would be reduced to between 7.5m and 4.5m with the church building being approximately 2.5m higher. A high quality facade would now face the arches with increased activity and natural surveillance provided through the proposed windows.
47. The development would provide a significantly improved aspect with increased footfall within the area which is considered to be of benefit to any existing adjacent businesses.

#### **Traffic and Transportation**

48. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards. The site has a PTAL (public transport accessibility level) of 6a (high) and is located in a controlled parking zone (CPZ).

#### Vehicular Access

49. There would be no vehicular access into the site with the exception of a drop-off zone on the Hampton Street frontage which would be provided for the use of official church vehicles such as wedding cars and hearses, and which would also be used as a disabled drop-off point. This area would have bollards set within a shared surface treatment allowing pedestrians to claim it as their own whilst not in use for vehicles. A one way in and out drop off path would safely negotiate the space which would be managed by the church.
50. A loading bay area would be provided to the north-east of the site providing designated space for the occupiers of the adjacent arches. This would be controlled through the use of removable bollards and at its furthest point would be approximately 24m from the furthest arch being no.149. An objection has been raised by the occupier of this arch who runs a data destruction company and who requires vehicle access as close as possible to the entrance of the arch to allow the safe transfer of materials which may be of a sensitive nature.
51. Currently there is unobstructed access in front of the arches which allows this operation to take place. Such access would not be restricted as a result of the proposed development. Removable bollards would be provided in the north west corner of the site and a clear minimum vehicular access of 3m would be maintained. Arguably the control of this area by the provision of removable bollards will improve access since any unauthorised access or parking will be precluded. The 3m distance is of sufficient width to allow access by a fire engine and as such would be wide enough to accommodate the vehicles required for the continued operation of all the arches. At its narrowest point the Castle Day Centre building was 5m from the face of the arches, with a widening wedge increasing to 10m. The proposed building would narrow this gap to 4.5m in front of arches 148 and 149, and then widening to 7.5m at the most northern end.
52. It is acknowledged that should a vehicle be parked within the loading bay this would block access, but this does not differ from the existing currently unregulated situation and the management of this area could now be more effectively controlled by the arches through the use of the bollards.
53. Objection has been raised about the inability to use the area in front of arch 145 which would now have removable bollards directly in front of it. On the opposite side of the bollards is the Strata service area which is privately managed. With the exception of the bollards, which would be in the control of the arches occupiers, the situation remains unchanged.

#### Cycle Parking

54. There are currently no cycle parking standards for Class D1 (h) class use. It is proposed to provide 8 spaces which are welcomed and considered sufficient given the site's close proximity to nearby cycle hire points. The spaces would be appropriately located to the church frontage adjacent to the main entrance.

#### Car Parking and Trip Generation

55. The proposed development is car free and therefore the majority of trips to the site are predicted to be undertaken by foot, cycle or public transport.



56. The existing Crossways Church serves 10 congregations and has had a presence in the Elephant and Castle area for more than 150 years. The largest attendance of around 120 people meets on Saturday mornings. Given the relative proximity of the new site to the old it is expected that visitor numbers will remain unaltered. The applicant has submitted trip generation information which suggests the following modal split:
- Car 20%
  - Public transport 40%
  - Sustainable transport 40%
57. Given the location and the PTAL score this is considered to be a robust representation based on existing patterns and evidence from other comparable faith sites.
58. The site is within a controlled parking zone, however at peak times of the Church's operation, being Saturdays and Sundays, the Walworth M1 CPZ is not operational. When parking stress in the area is at its greatest, being Monday to Friday, visitors to the site will not be able to park within the immediate vicinity unless they are in possession of parking permit.
59. As noted it is expected that no more than 20% of church visitors will arrive at the site by car with an average vehicle occupancy of 2 persons. This means that at most 12 cars are anticipated to arrive for its busiest regular event. It is considered that these vehicles could be easily accommodated within a 200m radius of the site with no impact on the existing residents parking amenity.
60. Objection has been received from the occupiers of the arches raising concern that the area between the church and the viaduct would be utilised by visitors to the church for unrestricted parking. This area however would be inaccessible to vehicles not used in connection with the arches due to the positioning of removable bollards which would be in the control of the arches occupiers. Parking within the Strata service area is privately managed.

#### Disabled Car Parking

61. Due to the constraints of the site it has not been possible to provide a designated off-street disabled parking space. Policy 5.7 details standards for disabled people and the mobility impaired. This requires that a minimum of one accessible car parking space be provided. However the policy does acknowledge that this is subject to site constraints.
62. The drop off point to the site frontage provides an accessible area for drop-off and pick up for people who are mobility impaired, but is not a parking space. This is considered an acceptable arrangement which meets the requirements of policy 5.7.

#### **Design and Appearance**

63. Several written representations have expressed concern that the height, form, scale and massing of the proposed development will be overbearing and will not relate well to the site and its surroundings. This section of the report focuses on the quality of the proposed design and its relationship to surrounding properties.

#### Height, Scale and Massing

64. The proposed building, whilst of a contemporary and striking design, is of a modest scale which relates well to the surrounding built form. At its maximum height of 11.2m the building steps down from the adjacent Wollaston Court and rises marginally above the line of the adjacent railway viaduct to the east. This creates a comfortable bridge

between the two forms and results in a well proportioned building. The parapet line of the long elevations is gently undulating which breaks up and softens the vertical emphasis of the building.

65. To the north, the height of the Strata Tower significantly contrasts with the lower form of development which typifies Hampton Street. The development appropriately responds to this lower scale of built form, providing a set-back from Hampton Street which reflects the southern building line of Wollaston Close.

#### Detailed Design and Materials

66. The southern prominent entrance and eastern elevation will be appreciated from not only from Hampton Street, but also from the trains on the adjacent railway line. The acknowledgement of this all round perception of the building has resulted in a building which positively presents itself on all frontages. The undulating parapet line, neat and function plant enclosure, integral high level signage and the utilisation of the cross form to the front full height entrance feature creates a contemporary, dynamic and welcoming building which clearly projects its internal use in the way a traditional church would, with features such as a spire or tower.
67. The linear form of the building results in extended frontages to the east and west elevations, which have formerly been totally inactive and blank. The proposed development would activate both these frontages with windows creating visual interest, security and natural surveillance. Views are snatched into the building through these openings, whilst the thoughtful internal arrangement allows for more private spaces to be well lit without being on prominent display to the outside.
68. Brick is proposed as the predominant material which is considered to be the most appropriate material within its context. The choice of brick needs to provide interest in its tone and texture, as well as in its bond-pattern and pointing style/colour.
69. The application details the use of a light brown brick arranged in a variety of styles across the face of the building. This includes in a plain arrangement with exposed window reveals for the main body of the church, a vertical brickwork pattern providing texture and depth to the north end of the building and in a panel on the west elevation, a further insert panel of hit and miss brickwork to the west elevation and a brick saw tooth pattern in a panel to the east elevation. In two areas the rich texture of brickwork is then broken by prominent inset crosses highlighting the proposed use of the building.
70. This variety of brickwork combined with dark copper cladding and shot-peened stainless steel creates a striking and rich envelope to the buildings simple and well balanced form.
71. To ensure an appropriate contextual response is achieved across the site a condition requiring sample panels of the brickwork/mortar/pointing and other materials be provided for approval on-site is recommended.

#### Public Realm

72. The main entrance to the building fronts Hampton Street, creating interest and activity in the most appropriate location. In acknowledgement of this civic entrance, the front line of the building has been set back providing a generous frontage. This provides a drop-off area for the use of official church vehicles such as wedding cars and hearses, and would also be used as a disabled drop-off point. This area would have bollards set within a shared surface treatment allowing pedestrians to claim it as their own whilst not in use for vehicles. A new tree provided on this frontage would soften the the surrounding built form.

73. Whilst the main entrance would be from Hampton Street it is acknowledged that visitors are also likely to use the routes along the west and east elevations of the building when coming from the Elephant and Castle. As such a new pavement would be established along the west elevation and the pedestrian route along the east maintained.

#### Access

74. Saved policy 3.13 requires development to incorporate suitable access for people with disabilities or those who are mobility impaired. The building has been designed to be fully inclusive and would provide accessible provision for disabled people throughout the site with level access and accessible lift.

#### Secure by Design

75. The development has been designed along the principles of "Safer Places: The Planning System and Crime Prevention" and the Secured by Design Principles initiative" by the Association of Police Officers. Important aspects of this include natural surveillance, lighting, and secure doors which are welcome and in accordance with saved Southwark Plan Policy 3.14 (Designing out Crime).

#### Heritage

76. The subject site is not situated within a Conservation Area and there are no Listed Buildings in the vicinity. There will therefore be no impact on any heritage assets as a result of the proposed development.

#### **Planning obligations (S.106 undertaking or agreement)**

77. Due to the scale of the development no standard planning obligations would be required for this proposal.

#### Mayoral Community Infrastructure Levy

78. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
79. The application site is vacant with the former Castle Day Centre and garages already demolished. The floorspace of these demolished structures cannot be off-set against the new floorspace proposed. The scheme is therefore liable for CIL on all proposed floorspace being 709sqm (Gross Internal Area). Based on this assessment, the CIL liability is estimated to be £24,815.

*Places of worship are not exempt from CIL, however if they are registered as a charity they can apply for exemption at the point of liability.*

#### **Sustainable development implications**

80. Southwark Plan saved policy 3.4 'Energy Efficiency' seeks energy efficient development whilst policy 3.9 'Water' seeks a reduction in water usage in schemes.

#### BREEAM

81. A BREEAM assessment has been submitted with the application, which demonstrates how the proposed development responds appropriately to local, regional and national policies. This development would be designed to achieve BREEAM 'Very Good' which is in compliance with the current requirements within the Southwark Core Strategy.

Flood Risk

82. The application site is located within Flood Zone 3 which is classified as more vulnerable. The Environment Agency has raised no objection to the proposed development on the grounds that the River Thames flood defences in this area defend the site to a 1 in 1000 year annual probability of river flooding and that the site lies outside the area of residual risk of flooding.
83. The site is within a Critical Drainage Area and officers within the council's Flooding and Drainage Team expect the development to incorporate measures to achieve an acceptable run-off rate, in accordance with guidance in the adopted Sustainable Design and Construction SPD. A condition requiring the submission of details to show the required standards would be achieved is recommended.

Air Quality

84. An Air Quality Assessment prepared by Mott MacDonald has been submitted in support of the application. The site is located within an Air Quality Management Area and the assessment has been reviewed by the Council's Environmental Protection Team who have raised no concerns about the impact of the development on air quality.

**Other matters**Wind

85. Objections have been received with regard to wind within the area surrounding the application site, with concerns raised that the proposed development would exacerbate the situation. The proposed building is a relatively modest intervention in the context of the site, it remains lower than the adjacent Wollaston Court, is comparable in height to the railway viaduct and is significantly dwarfed by the Strata tower. Any strong winds experienced in the vicinity are likely to result from Strata and it is not considered that the proposed development would worsen this existing situation especially taking into account the building it would replace.

Refuse

86. The former building provided refuse storage space for the adjacent arches. The proposal includes the provision of a designated refuse storage area for the use of these adjacent arches within the single storey service block to the northern elevation of the building. This is appropriately sited for convenience and collection purposes.

**Conclusion on planning issues**

87. The proposed scheme would introduce animation and vibrancy to Hampton Street through the provision of an accessible and attractive contemporary development for D1 purposes providing worship and community facilities.
88. The amenity of neighbouring residential properties and businesses would be maintained and protected. There would be no form of detrimental impact on the surrounding transport network as a result of the sites highly accessible location and the developments robust Travel Plan.
89. In conclusion, this scheme offers a significant opportunity to deliver a building of a high standard and with meaningful improvements to the public realm. Taking all matters into consideration, the development proposal is considered acceptable and it is recommended that planning permission be granted subject to conditions.

### **Community impact statement**

90. 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) The issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
  - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

91. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

92. Details of consultation responses received are set out in Appendix 2.

#### Summary of consultation responses

- Environmental Protection Team: Raise no objections to the proposed development subject to the imposition of conditions concerning noise from amplified music, plant noise, site contamination and the submission of a Construction Management Plan. They are satisfied with the proposed hours of operation however detailed information of likely events during the weekend will be required.
- Ecology Officer: Recommends a condition requiring details of the Biodiverse roof be submitted for approval.
- Flood and Drainage Team: Raise no objections and confirm that they are generally happy with the submitted FRA. Recommend the imposition of a condition requiring details of a surface water drainage strategy to be submitted.
- Environment Agency: The site lies outside the area of residual flooding and therefore no objection is raised.
- Network Rail: Raise no objections and note that any noise/vibration impacts resulting from the proximity of the railway line should be assessed and that at least 2m (3m for overhead lines and third rail) should be maintained between Network Rail's boundary and the proposed building for the purposes of construction and future maintenance. Also note that the proposal may impact on the availability of light to the adjacent railway arches which are used for commercial purposes.
- Thames Water: Raise no objections with regard to water infrastructure capacity or sewage infrastructure capacity.

#### Neighbour Consultation Responses

93. The Council has received 64 letters of objection from neighbouring and nearby residential properties and commercial premises. These include 44 individually signed standard letters and a representation from the Draper Residents Association. Those areas of concern are as follows:
- Noise and disturbance resulting from large numbers of people arriving and leaving

- the building late at night, in particular on Friday and Sunday nights.
- Unclear about the dispensation for 'Christian Festivals'. Limit should be applied.
  - On-site management is limited.
  - Detrimental impact on parking as the surrounding CPZ does not operate on a Sunday when the church is likely to experience the majority of its visitors.
  - The application does not consider the transport implications for large meetings such as Christian Festivals, and only looks at the average estimate.
  - Noise and vibration from the ventilation plant on the roof.
  - Concerns about rubbish and waste management.
  - The new church should be accommodated within the Heygate Estate from where it is being relocated.
  - The building is a solid block like structure which is overbearing on the surrounding space, in particular the footpath along the viaduct.
  - The large window in the main worship area will give direct lines of sight into the flats in Strata resulting in a loss of privacy.
  - Increased light pollution.
  - Another church in the area is not needed and will not serve the needs of the surrounding community.
  - Detrimental impact will result to the businesses which operate out of the adjacent arches through the removal of trade and storage space essential to their operation. These businesses form part of the Latin community who use the arches and the immediate surroundings as a meeting place.
  - The building will increase the wind problems which have resulted from the Strata buildings.
  - The development will remove the ability to access and service the adjacent arches with vehicles.

### Human rights implications

94. 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.
95. This application has the legitimate aim of providing a new building for D Class Use. The rights potentially engaged by this application, including the 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.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1058-12 Application file: 14/AP/4270 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5452 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Amy Lester, Planner	
<b>Version</b>	Final	
<b>Dated</b>	19 February 2015	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Strategic Director of Finance & Corporate Services	No	No
Strategic Director of Environment and Leisure	Yes	Yes
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	Yes	No
<b>Date final report sent to Constitutional Team</b>		<b>19 February 2015</b>

**APPENDIX 1****Consultation undertaken****Site notice date:** 20/12/2014**Press notice date:** n/a**Case officer site visit date:** 20/12/2014**Neighbour consultation letters sent:** 05/12/2014**Internal services consulted:**

Ecology Officer  
 Elephant and Castle Special Projects  
 Environmental Protection Team Formal Consultation [Noise / Air Quality / Land  
 Contamination / Ventilation]

**Statutory and non-statutory organisations consulted:**

Draper House Residents Association, 134 Draper House  
 Environment Agency  
 Network Rail (Planning)  
 Thames Water - Development Planning

**Neighbour and local groups consulted:**

Email	Apartment 2203 8 Walworth Road SE1 6EH
By Eform	Apartment 2204 8 Walworth Road SE1 6EH
By Email	Apartment 2205 8 Walworth Road SE1 6EH
Apartment 3407 8 Walworth Road SE1 6EJ	Apartment 2106 8 Walworth Road SE1 6EH
Apartment 3408 8 Walworth Road SE1 6EJ	Apartment 2007 8 Walworth Road SE1 6EH
Apartment 3409 8 Walworth Road SE1 6EJ	Apartment 2008 8 Walworth Road SE1 6EH
Apartment 3406 8 Walworth Road SE1 6EJ	Apartment 2009 8 Walworth Road SE1 6EH
Apartment 3403 8 Walworth Road SE1 6EJ	Apartment 2006 8 Walworth Road SE1 6EH
Apartment 3404 8 Walworth Road SE1 6EJ	Apartment 2003 8 Walworth Road SE1 6EH
Apartment 3405 8 Walworth Road SE1 6EJ	Apartment 2004 8 Walworth Road SE1 6EH
Apartment 506 8 Walworth Road SE1 6EE	Apartment 2005 8 Walworth Road SE1 6EH
Apartment 507 8 Walworth Road SE1 6EE	Apartment 2103 8 Walworth Road SE1 6EH
Apartment 508 8 Walworth Road SE1 6EE	Apartment 2104 8 Walworth Road SE1 6EH
Apartment 505 8 Walworth Road SE1 6EE	Apartment 2105 8 Walworth Road SE1 6EH
Apartment 502 8 Walworth Road SE1 6EE	Apartment 2102 8 Walworth Road SE1 6EH
Apartment 503 8 Walworth Road SE1 6EE	Apartment 2010 8 Walworth Road SE1 6EH
Apartment 504 8 Walworth Road SE1 6EE	Apartment 2011 8 Walworth Road SE1 6EH
Apartment 603 8 Walworth Road SE1 6EE	Apartment 2101 8 Walworth Road SE1 6EH
Apartment 604 8 Walworth Road SE1 6EE	Apartment 2407 8 Walworth Road SE1 6EH
Apartment 605 8 Walworth Road SE1 6EE	Apartment 2408 8 Walworth Road SE1 6EH
Apartment 602 8 Walworth Road SE1 6EE	Apartment 2409 8 Walworth Road SE1 6EH
Apartment 509 8 Walworth Road SE1 6EE	Apartment 2406 8 Walworth Road SE1 6EH
Apartment 510 8 Walworth Road SE1 6EE	Apartment 2403 8 Walworth Road SE1 6EH
Apartment 601 8 Walworth Road SE1 6EE	Apartment 2404 8 Walworth Road SE1 6EH
Apartment 501 8 Walworth Road SE1 6EE	Apartment 2405 8 Walworth Road SE1 6EH
Apartment 401 8 Walworth Road SE1 6EE	Apartment 2503 8 Walworth Road SE1 6EH
Apartment 402 8 Walworth Road SE1 6EE	Apartment 2504 8 Walworth Road SE1 6EH
Apartment 403 8 Walworth Road SE1 6EE	Apartment 2505 8 Walworth Road SE1 6EH
Apartment 310 8 Walworth Road SE1 6EE	Apartment 2502 8 Walworth Road SE1 6EH
Apartment 307 8 Walworth Road SE1 6EE	Apartment 2410 8 Walworth Road SE1 6EH
Apartment 308 8 Walworth Road SE1 6EE	Apartment 2411 8 Walworth Road SE1 6EH
Apartment 309 8 Walworth Road SE1 6EE	Apartment 2501 8 Walworth Road SE1 6EH
Apartment 408 8 Walworth Road SE1 6EE	Apartment 2402 8 Walworth Road SE1 6EH
Apartment 409 8 Walworth Road SE1 6EE	Apartment 2303 8 Walworth Road SE1 6EH









Apartment 2603 8 Walworth Road SE1 6EH  
 Apartment 2604 8 Walworth Road SE1 6EH  
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 Apartment 2904 8 Walworth Road SE1 6EJ  
 Apartment 2901 8 Walworth Road SE1 6EJ  
 Apartment 2809 8 Walworth Road SE1 6EJ  
 Apartment 2810 8 Walworth Road SE1 6EJ  
 Apartment 2811 8 Walworth Road SE1 6EJ  
 Apartment 2111 8 Walworth Road SE1 6EH  
 Apartment 2201 8 Walworth Road SE1 6EH  
 Apartment 2202 8 Walworth Road SE1 6EH  
 Apartment 2110 8 Walworth Road SE1 6EH  
 Apartment 2107 8 Walworth Road SE1 6EH  
 Apartment 2108 8 Walworth Road SE1 6EH  
 Apartment 2109 8 Walworth Road SE1 6EH  
 Apartment 2207 8 Walworth Road SE1 6EH  
 Apartment 2208 8 Walworth Road SE1 6EH  
 Apartment 2209 8 Walworth Road SE1 6EH  
 By Email  
 By Eform  
 By Eform  
 Apartment 2206 8 Walworth Road SE1 6EH

Apartment 301 2 Walworth Road SE1 6EB  
 Unit 1 Draper House SE1 6SX  
 Apartment 303 2 Walworth Road SE1 6EB  
 Flat 22 Draper House SE1 6SX  
 Flat 49 Draper House SE1 6SX  
 Flat 48 Draper House SE1 6SX  
 Flat 51 Draper House SE1 6SX  
 Flat 50 Draper House SE1 6SX  
 Flat 47 Draper House SE1 6SX  
 Flat 44 Draper House SE1 6SX  
 Flat 43 Draper House SE1 6SX  
 Flat 46 Draper House SE1 6SX  
 Flat 45 Draper House SE1 6SX  
 Flat 52 Draper House SE1 6SX  
 Flat 59 Draper House SE1 6SX  
 Flat 58 Draper House SE1 6SX  
 Flat 61 Draper House SE1 6SX  
 Flat 60 Draper House SE1 6SX  
 Flat 57 Draper House SE1 6SX  
 Flat 54 Draper House SE1 6SX  
 Flat 53 Draper House SE1 6SX  
 Flat 56 Draper House SE1 6SX  
 Flat 55 Draper House SE1 6SX  
 Flat 42 Draper House SE1 6SX  
 Flat 29 Draper House SE1 6SX  
 Flat 28 Draper House SE1 6SX  
 Flat 31 Draper House SE1 6SX  
 Flat 30 Draper House SE1 6SX  
 Flat 27 Draper House SE1 6SX  
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 Flat 26 Draper House SE1 6SX  
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 Flat 32 Draper House SE1 6SX  
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 Flat 38 Draper House SE1 6SX  
 Flat 41 Draper House SE1 6SX  
 Flat 40 Draper House SE1 6SX  
 Flat 37 Draper House SE1 6SX  
 Flat 34 Draper House SE1 6SX  
 Flat 33 Draper House SE1 6SX  
 Flat 36 Draper House SE1 6SX  
 Flat 35 Draper House SE1 6SX  
 134 Draper House Hampton Street SE1 6SY  
 By Email  
 By Email Strata 505 SE1 6EE

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

**Statutory and non-statutory organisations**

Network Rail (Planning)  
Thames Water - Development Planning

**Neighbours and local groups**

Apartment 1005 8 Walworth Road SE1 6EE  
Apartment 2602 8 Walworth Road SE1 6EH  
Apartment 308 8 Walworth Road SE1 6EE  
Apartment 3806 8 Walworth Road SE1 6EL  
Apartment 407 8 Walworth Road SE1 6EE  
Apt 1208 Strata 8 Walworth Road SE1 6EG  
Email representation  
Flat 10 Draper House SE1 6SX  
Flat 101 Draper House SE1 6SY  
Flat 106 Draper House SE1 6SY  
Flat 115 Draper House SE1 6SY  
Flat 118 Draper House SE1 6SY  
Flat 120 Draper House SE1 6SY  
Flat 130 Draper House SE1 6SY  
Flat 134 Draper House SE1 6SY  
Flat 139 Draper House SE1 6SY  
Flat 16 Draper House SE1 6SX  
Flat 26 Draper House SE1 6SX  
Flat 30 Draper House SE1 6SX  
Flat 31 Draper House SE1 6SX  
Flat 41 Draper House SE1 6SX  
Flat 44 Draper House SE1 6SX  
Flat 47 Draper House SE1 6SX  
Flat 53 Draper House SE1 6SX  
Flat 6 Draper House SE1 6SX  
Flat 60 Draper House SE1 6SX  
Flat 61 Draper House SE1 6SX  
Flat 68 Draper House SE1 6SX  
Flat 71 Draper House SE1 6SY  
Flat 77 Draper House SE1 6SY  
Flat 80 Draper House SE1 6SY  
Flat 87 Draper House SE1 6SY  
Flat 90 Draper House SE1 6SY  
Flat 94 Draper House SE1 6SY  
Flat 95 Draper House SE1 6SY  
1 Wollaston Close London SE1 6SL  
1 Wollaston Close Hampton Street SE1 6SL  
10 Wollaston Close Hampton Street SE1 6SL  
12 Wollaston Close Hampton Street SE1 6SL  
134 Draper House Hampton Street SE1 6SY  
16 Wollaston Close Hampton Street SE1 6SL

17 Wollaston Close Hampton Street SE1 6SL  
19 Wollaston Close Hampton Street SE1 6SL  
2 Wollaston Close Hampton Street SE1 6SL  
22 Wollaston Close Hampton Street SE1 6SL  
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27 Wollaston Close Hampton Street SE1 6SL  
28 Wollaston Close Hampton Street SE1 6SL  
29 Wollaston Close Hampton Street SE1 6SL  
4 Wollaston Close Hampton Street SE1 6SL  
5 Sherston Court SE1 6SG  
6 Marlborough Close Newington Estate SE17 3AP  
7 Wollaston Close Hampton Street SE1 6SL  
8 Wollaston Close Hampton Street SE1 6SL  
9 Wollaston Close Hampton Street SE1 6SL

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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 S Platts Southwark Council	<b>Reg. Number</b>	14/AP/4270
<b>Application Type</b>	Council's Own Development - Reg. 3	<b>Case Number</b>	TP/1058-12
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:**

Redevelopment of existing day care centre to provide new 2/3 storey church (Use Class D1), communal bin store, substation and associated public realm improvements

**At:** CASTLE DAY CENTRE, HAMPTON STREET, LONDON, SE1 6SN

**In accordance with application received on 10/11/2014**

**and Applicant's Drawing Nos.** Site Plans:  
517-L-1000 Rev A and 517-L-1001 Rev A

Existing Plans:  
517-L-1020 Rev A, 517-L-1030 Rev A and 517-L-1031 Rev A

Proposed Plans:  
517-L-005 Rev A, 517-L-1100 Rev A, 517-L-1110 Rev A, 517-L-1120 Rev A, 517-L-1200 Rev A, 517-L-1220 Rev A, 517-L-1300 Rev A, 517-L-1310 Rev A, 517-L-1320 Rev A and 517-L-1330 Rev A

Other Documents:  
Design and Access Statement October 2014, Planning Statement November 7, 2014, Transport Statement October 2014, Transport Statement Addendum October 2014, Framework Travel Plan October 2014, Daylight and Sunlight Impacts, External Building Fabric Report 19143/EBF1.9revA, 3D visualisations, Statement on Impact of Noise and Vibration 24 October 2014, Flood Risk Assessment October 2014, BREAM Pre-assessment Rev G and Air Quality Assessment October 2014

**Subject to the following twenty-one conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
  
517-L-005 Rev A, 517-L-1100 Rev A, 517-L-1110 Rev A, 517-L-1120 Rev A, 517-L-1200 Rev A, 517-L-1220 Rev A, 517-L-1300 Rev A, 517-L-1310 Rev A, 517-L-1320 Rev A and 517-L-1330 Rev A  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 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.

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Site Contamination
  - a) Prior to the commencement of any development, a site investigation and risk assessment shall 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.

i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.

ii) Any subsequent Phase 2 (site investigation and risk assessment) shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall 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. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

#### 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 off-site receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling / disposing of waste resulting from demolition and construction works

#### Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

5 Before any above grade work hereby authorised begins, detailed drawings [select scale 1:50, 1:100 or 1:500] of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of



the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

#### Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

#### 6 Ventilation

Prior to carrying out any above grade works hereby authorised, full particulars and details of any anticipated scheme for the ventilation of the D1 premises shall be submitted to the Local Planning Authority, including details of appropriate inlet and outlet levels, sound attenuation for any necessary plant and any dilution/filtration mechanisms. The development shall not be carried out otherwise than in accordance with any approval given.

#### Reason

In order to ensure that that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 7 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green/brown roof to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given, and the green/brown roof is to be retained for the duration of the use.

#### Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity; 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

- 8 Prior to above grade works commencing, material sample boards of all external facing materials to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

#### Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 9 Before any fit out works to the D1 premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'very good' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;  
Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

#### Reason

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby

permitted is commenced.

- 10 Before the first occupation of the building hereby permitted, works shall be undertaken to reinstate the pavements surrounding the application site, including the removal of the existing dropped kerbs to the west elevation and the provision of new pedestrian pavements to the west and north frontages. The works shall be provided to an adoptable standard.

Reason

To ensure the appropriate completion of the development with regard to the surrounding public realm and the provision of safe pedestrian routes around the application site in accordance with 3.12 Quality in design and 5.3 Walking and cycling of The Southwark Plan 2007

- 11 Sound Insulation

A scheme of sound insulation shall be installed to ensure that the LFmax sound from amplified and non-amplified music, singing and speech shall not exceed the lowest L90,5min 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8 kHz.

Prior to the commencement of use of the D1 premises a validation test shall be carried out following completion of the development. The results shall be submitted to the LPA for approval in writing.

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 associated with non residential premises in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 'High environmental standards' of the Core Strategy (2011) and saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 12 Before the first occupation of the building the cycle storage facilities as shown on the approved drawings shall be provided and thereafter such facilities shall be retained and the space used for no other purpose.

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 The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 13 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced 517-L-110 Rev A, shall be provided and made available for use by the occupiers of the premises and the adjacent arches, and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 14 Travel Plan

a) Before the first occupation of the D1 use hereby permitted commences the applicant shall submit in writing and obtain the written approval of the Local Planning Authority to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.

b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the use of non-car based travel is encouraged in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 15 At no point during services, community events or other activities shall any external door be left open.

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep in accordance with the National Planning Policy Framework 2012, .Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 16 Plant Noise

The rated noise level from any plant, together with any associated ducting shall be 10 dB (A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises.

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, .Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 17 The use hereby permitted for D1 purposes shall not be carried on outside of the following hours:

- Monday-Thursday 0800-2200 with clearance by 2200
- Friday-Sunday 0800-2300 with clearance by 2330
- Between the hours of 2300 on Friday nights and 0200 on Saturday mornings (clearance by 0230) the building hereby permitted shall be used for the purposes of religious worship in accordance with Class D1(h) only.
- Special dispensation to operate outside of the above mentioned hours shall be allowed for major Christian Festivals for the purposes of religious worship (class D1(h)) only.

**Reason:**

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 18 The external doors located in the east elevation of the building which serve the ground floor worship area and the central staircase, of there hereby approved D1 use, shall not be used other than for purposes as an exit in the case of emergency and shall not be used as a general means of access into and/or exit from the building by users of the building.

**Reason**

In order to safeguard the amenity of nearby residents from potential noise nuisance associated with persons using these doors as a general means of access to and exit from the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

- 19 The hereby approved vehicle access point on the Hampton Street frontage shall be used as a point of drop-off/pick up for official church vehicles (i.e. wedding and funeral cars), as a point of drop off/pick up for disabled persons, and for loading purposes only, and shall not be used a parking space or for general drop off/pick up purposes at any time.

**Reason**

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 20 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.

**Reason**

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

- 21 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled

persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

**Reason**

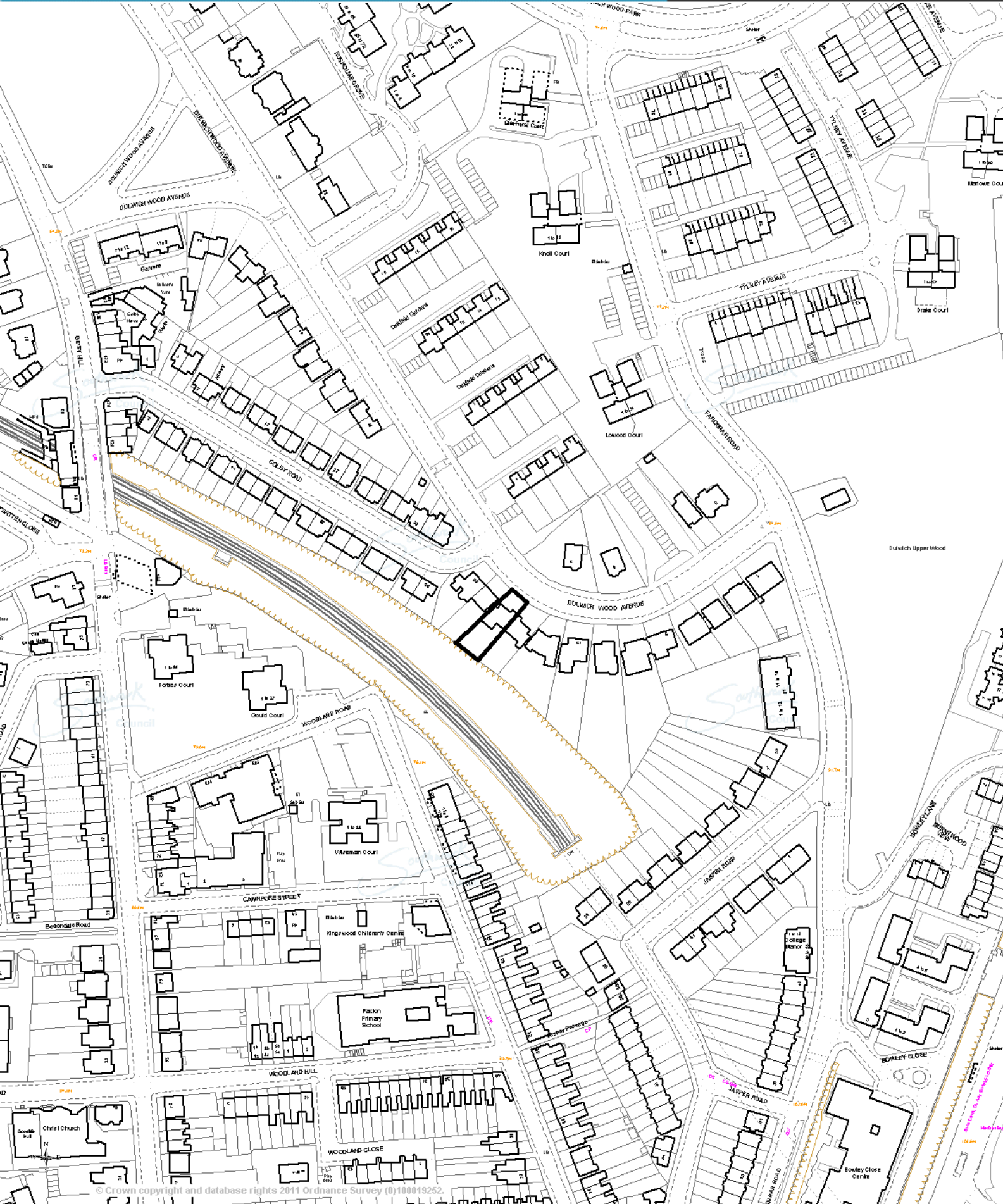
To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

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

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

The pre-application service was used for this application and the advice given was followed.

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<b>Item No.</b> 6.3	<b>Classification:</b> Open	<b>Date:</b> 3 March 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/4154 for Tree Preservation Order - works related		
	<b>Address:</b> 21 DULWICH WOOD AVENUE, LONDON, SE19 1HB		
	<b>Proposal:</b> T3 - Oak - Fell and replace T4 - Laurel - Fell		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 05/11/2014		<b>Application Expiry Date</b> 31/12/2014	
<b>Earliest Decision Date</b> 07/12/2014			

### RECOMMENDATION

1. That the application is referred to the Planning Committee for consideration; and that it grant TPO consent to fell T3 (Oak) and issue a Tree Replacement Notice securing suitable replacement planting; and to agree no intervention by the local authority in the removal of T4 (Laurel), a Tree within the Dulwich Wood Conservation Area.

### BACKGROUND INFORMATION

#### Site location and description

2. The site is a semi-detached two storey residential property adjacent to Gipsy Hill railway cutting. The Oak tree is protected by TPO ref. 449 confirmed 17/04/2014. The Bay tree is not protected but an application for the approval of tree works in a conservation area.

#### Details of proposed tree works

3. T3 - Oak (TPO ref 449) - Fell.  
T4 - Laurel - Fell.

The applicant states that:

- a) The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.
- b) Estimated costs of repair to the building are £25k if the influence of the tree(s) remain and £5k if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).
- c) It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).
- d) Further monitoring results may be submitted if these become available during the

course of this application. The installation of a root barrier has been discounted given the "site constraints" conditions at the rear of the property and in attempting a root barrier the costs would significantly outweigh those of repair costs, please also note that the distance between the tree and the property is not sufficient to prove safe working distance to the property without major root severance to the Oak tree.

- e) Suggestions for replacement planting would be Silver Birch as per the Dulwich Estates decision, however the distance to the property would need to increase to 8m-9m from the property.

### **Planning history**

4. 

14/AP/0178 Application type: Tree Preservation Order - works related (TPO) T3: Oak - Fell 1 to provide long term stability. Decision date 17/03/2014 Decision: TPO consent refused (TPOR)
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### **Planning history of adjoining sites**

5. None relevant.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

6. The main issues to be considered in respect of this application are:
- a) the impact of the proposed works on the tree(s); and
  - b) the impact of the proposed works on the amenity of the area.

### **Planning policy**

7. The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

#### National Planning Policy Framework (NPPF)

Section 11 Conserving and enhancing the natural environment  
Section 12 Conserving and enhancing the historic environment

#### London Plan 2011

Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and conservation  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodland

#### Core Strategy 2011

SP11 Open spaces and wildlife

SP12 Design and conservation  
 SP13 High environmental standards

Southwark Plan 2007 (July) - saved policies

Policy 3.2 Protection of amenity

Policy 3.13 Urban design

Policy 3.15 Conservation of the historic environment

Policy 3.16 Conservation areas

Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

Policy 3.28 Biodiversity

Other Guidance

Dulwich Wood Conservation Area Appraisal

**Arboricultural considerations**

Assessment of submitted arboricultural report

8. Positive tree root identification of the Oak protected by TPO has been provided together with level monitoring showing cyclical movement which indicates the location of damage as occurring to the rear, closest to the trees implicated.
9. Defective drainage has been confirmed as not being a relevant factor, whilst it has also been verified that insufficient space is available to install a root barrier. Damage can therefore be expected to continue being a problem and a source of liability in terms of cost and hazard.
10. Pruning is not considered a suitable alternative as this would require pollarding which would result in the crown being entirely removed, with the tree subsequently repollarded at two yearly intervals.
11. Such intensive intervention would be so severe that the amenity value of the Oak tree would be significantly reduced. The intensity of repeated pollarding is also likely to result in a decline in vigour and eventual death. This is because insufficient time would be available between pollarding for sufficient energy reserves to be stored in order to sustain growth.
12. On balance, removal and replacement with a long lived species at a suitable location which could be allowed to grow to maturity without repeated interventions is considered to be a more sustainable option.

Assessment of damage to property

13. Damage is confirmed as relating to the one storey rear extension. The category of damage is recorded as moderate (>5 and <15mm).

Assessment of amenity value

14. Although not fully visible from Dulwich Wood Avenue, the tree contributes to the character and historical interest of the area given its location near to Dulwich Wood and Borough Open Land. It is also important as screening to adjacent properties due to the recent clear felling and removal of vegetation along the railway cutting.

Conclusion of arboricultural considerations

15. Further level monitoring has been undertaken since 2011 and this is shown in addition to that submitted in the previous application (ref. 14-AP-0178). This confirms a strong seasonal variation of ground movement associated with subsidence caused by water uptake by vegetation.
16. The loss of the tree would result in adverse impacts upon the character of the area.



However, due to the probability of continued ground movement related to soil moisture deficits, it is reasonable to give consent. On balance, the loss of amenity is considered to be less harmful than ongoing exposure to liability for costs.

- Permission has been given by the Dulwich Estate.
- Although replacement planting is proposed this needs to specify an Oak or Beech of a suitable size to be acceptable. This can be controlled via condition.

### **Impact on biodiversity**

17. No nesting sites are apparent, however, the tree canopy provides potential habitat and forage to protected species which may be adversely affected if the tree were to be removed. It is the duty of the applicant to ensure no that protected species are present.

### **Community impact statement**

18. 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.

### **Consultations**

19. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

Details of consultation responses received are set out in Appendix 2.

### Summary of consultation responses

20. 23 Dulwich Wood Avenue - objection.

- The tree has high aesthetic, wildlife and historic value.
- It is older than the house and the modern extension cited in the application; the current owners bought the house aware of the tree's existence.
- The Laurel tree closest to the extension has not been removed nor trimmed and until it is removed it is not clear if this or the Oak is the main issue. Dulwich estate gave permission for the Bay to be removed in 2012.
- The Dulwich Estate license warns of the risk of heave. Other neighbours who have removed trees have said they have had heave problems.
- The current owners have not maintained the trees. The previous owners did and had no reportable problems for 20 + years. They trimmed the Oak and the Laurel regularly. None has since been done.

19 Dulwich Wood Avenue - an objection received 23/12/2014, reiterating concerns regarding heave, the need to remove the Bay tree and subsequent reassessment to

verify the necessity for felling of the Oak.

Officer response:

- 21.
- In order to satisfy the requirements for tree removal due to subsidence, positive root identification must be provided. The existence of Oak roots, which have been verified in the laboratory results provided in the supporting evidence, relates to the only tree of this species in the vicinity.
  - Although the adjacent Laurel tree is clearly implicated as a contributory factor, it is not possible to enforce its removal. The prevalent seasonal variation in ground movement, taken together with the Oak tree's proximity, size and its positive root identification, give a strong indication that it is implicated as a primary cause of soil desiccation.
  - The reasons for refusal given in relation to the previous application to remove the tree have subsequently been addressed.
  - Cracking has continued whilst drainage has been shown not to be contributing to ongoing damage. In addition, a root barrier is considered not to be technically feasible due to the close proximity of the tree to the rear extension.
  - Although the CAVAT value can help guide decisions on the relative merit of competing claims for damage and tree retention, trees protected by TPOs are not included within the Joint Mitigation Protocol which describes how CAVAT is used where trees are implicated in subsidence claims.
  - It is not possible to provide like for like replacement of stem girth on site. However, a semi-mature specimen can be planted as a condition to consent. The contribution of such replacement planting will eventually surpass the value of the claim once it is fully mature, thereby helping to mitigate the immediate loss in CAVAT value.
  - Although heave may become apparent as a result of tree removal, liability rests with the land owner and their insurers should damage to adjacent properties occur. The potential for heave is addressed within the engineer's report.
  - Finally, it is considered that an appeal by the applicants against a second refusal is likely to be upheld by the Planning Inspectorate Service (PINS).

**Human rights implications**

22. This application may engage 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.
23. This application has the legitimate aim of carrying out certain works to a tree or trees. The rights potentially engaged by this application, including the 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.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2088-19 Application file: 14/AP/4154 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone:: 020 7525 2090 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Oliver Stutter, Planner	
<b>Version</b>	Final	
<b>Dated</b>	5 February 2015	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	Yes	Yes
Strategic director, housing and community services	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	19 February 2015	

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 14/11/2014

**Press notice date:** n/a

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** 13/11/2014

**Internal services consulted:**

Ecology officer

**Statutory and non-statutory organisations consulted:**

n/a

**Neighbour and local groups consulted:**

23 Dulwich Wood Avenue London SE19 1HB  
19 Dulwich Wood Avenue London SE19 1HB  
25 Dulwich Wood Avenue London SE19 1HB  
8 Dulwich Wood Avenue London SE19 1HD  
6 Dulwich Wood Avenue London SE19 1HD

38 Colby Road London SE19 1HA  
36 Colby Road London SE19 1HA  
13 Dulwich Wood Avenue London SE19 1HB  
17 Dulwich Wood Avenue London SE19 1HB  
15 Dulwich Wood Avenue London SE19 1HB  
The Old College Gallery Road SE21 7AE

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

Summarised in main report

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

X  
19 Dulwich Wood Avenue London SE19 1HB

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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>	c/o agent Innovation Group	<b>Reg. Number</b>	14/AP/4154
<b>Application Type</b>	Tree Preservation Order - works related	<b>Case Number</b>	TP/2088-19
<b>Recommendation</b>	Grant TPO consent		

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### Draft of Decision Notice

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**Tree Preservation Order consent was GIVEN to carry out the following works:**

T3 - Oak - Fell; T4 - Laurel - Fell; Provide suitable replacement planting.

**At:** 21 DULWICH WOOD AVENUE, LONDON, SE19 1HB

**In accordance with application received on** 04/11/2014 08:02:25

**Subject to the following condition:**

Permission to fell is given on condition that a replacement tree is planted within the rear garden at a location to be agreed.

This must be a minimum of 14-16cm girth container grown Beech (*Fagus sylvatica*) or Oak (*Quercus robur*). Planting must be completed within the first suitable season, and in any case, not later than February 2015.

**Reason:**

In order that the Local Planning Authority may be satisfied as to the details of any replacement tree in accordance with National Planning Policy Framework parts 11 and 12, conserving and enhancing the natural and historic environment; Strategic Policy 11 – Open spaces and wildlife and Strategic Policy 12 – Design and conservation within the Core Strategy 2011 and Saved Policies 3.28 Biodiversity of The Southwark Plan 2007.

**Informative**

A location to the rear of the back garden is recommended up to 16m from the property.

This should include an irrigation bag such as Treegator to be fitted to ensure successful establishment.

<http://www.palmstead.co.uk/downloads/Treegator%2075%20MSH.pdf>

The replacement tree will continue to be afforded protection by way of the TPO which is to be amended accordingly.

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 3 March 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Application of the Vacant Building Credit in Southwark	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Planning	

## RECOMMENDATIONS

That Planning Committee:

1. Note the proposed approach to implement the vacant building credit.

## BACKGROUND INFORMATION

### Background to the Vacant Building Credit

2. In March 2014 the DCLG consulted on a set of proposals designed to incentivise development through the introduction of new concessions on affordable housing contributions. On 28 November 2014 the Minister of State for Planning and Housing, Brandon Lewis MP, revised national planning policy concerning the use of section 106 planning obligations through a written ministerial statement (WMS). The national Planning Practice Guidance (PPG) was simultaneously updated to set out detailed implementation guidance.
3. The amended guidance introduced the vacant building credit (VBC). This states the floorspace of any vacant building which is demolished or brought back into use, excepting when the building has been abandoned, will be discounted when calculating any required affordable housing contribution. Effectively, affordable housing contributions can only be sought on uplifts in floorspace. Southwark's adopted policy requires a minimum 35% affordable housing contribution based upon the entire development proposal, irrespective of any existing vacant floorspace. Southwark's policy also takes viability into account. However, viability is irrelevant in respect of the VBC.
4. The VBC came into effect in December 2014.

## KEY ISSUES FOR CONSIDERATION

5. Policy enacted through a WMS succeeds locally adopted policy where there is a conflict between national and local policy. As such, the council's adopted policy, which is to seek affordable housing contributions on the entirety of all new major residential development, can no longer be applied where a development is eligible for the VBC. Planning authorities may introduce local policy which departs from national policy enacted through the PPG. However, any amendments must be through the plan making process and will be subject to examination by the Planning Inspectorate. The VBC policy has the potential to significantly reduce the local affordable housing supply because most major residential developments in Southwark involve the demolition or refurbishment existing buildings.

6. The VCB guidance fails to provide a practical definition for 'vacancy' or 'building'. Therefore the council needs to adopt a local approach to implement the policy. The key issue is how a building should be assessed as being either vacant or in-use. It is also necessary to adopt a practical definition of 'building'. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2014) allow in-use buildings to benefit from CIL relief and provides useful guidance on these definitions. The Minister has explicitly referenced the CIL Regulations in explaining that the VBC is intended to mirror the CIL Regulations.
7. The CIL Regulations state a 'building' does not include buildings:
  - into which people do not normally go;
  - into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
  - for which planning permission was granted for a limited period.
8. An applicant for CIL relief must demonstrate that the building 'has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development'. Furthermore, the whole building must be 'in-use' rather than just a part of it. It is proposed the council apply the CIL in-use building test in determining eligibility to benefit from the VBC where the vacancy period pre-dates 28 November 2014<sup>1</sup>. To be eligible for the VBC the relevant building must be vacant in its entirety. This will enable the council to assess CIL and VBC claims consistently.
9. In order to ensure the VBC does not incentivise unsustainable development, such as the forceful eviction of businesses or neglect of viable commercial premises, a higher standard of evidence of vacancy must be provided by applicants on eligible buildings which became vacant following 28 November 2014. Applicants must demonstrate that the relevant vacant buildings have been actively marketed on realistic terms over a period of at least 24 months within the previous 36. In considering the adequacy of the marketing which has been undertaken, the council will take account of the methods used, the price at which it has been marketed, and the nature of the response. Appendix A sets out the relevant length of marketing which must be demonstrated according to when an application for VBC is received and when the relevant building became vacant.

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<sup>1</sup> The date on which the PPG VBC guidance was published



10. The following diagram demonstrates the proposed approach to determining whether a building is vacant or in-use for the purpose of determining eligibility for CIL relief and/or the VBC.

	CIL	VBC
<b>In-Use Test:</b> 'the building has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development'	Eligible for CIL relief	Not eligible for VCB
<b>Vacancy Test:</b> 'the building has been in lawful use for a continuous period of fewer than six months within the period of three years ending on the day planning permission first permits the chargeable development'	Not eligible for CIL relief	Eligible for VBC (requires evidence vacant building(s) actively marketed for existing use for relevant period)

11. This approach will ensure that no development is able to benefit CIL relief, on the basis that a building is in-use, whilst simultaneously benefitting from the VBC, on the basis that the building is vacant. Furthermore, it is considered that the approach will moderate any immediate impacts of the VBC on the borough's affordable housing supply because it is unusual for buildings in Southwark to be vacant for extended periods prior to seeking planning permission for redevelopment.
12. It is further proposed that the council seek to amend its Development Plan to establish a local VBC exemption policy. Counsel advice, provided to the City of London Corporation and shared with London boroughs, stated that such a policy may be approved by the Secretary of State if there is sufficient evidence to demonstrate the following:
- There is little small scale development of the type that the Minister of State for Housing and Planning seeks to encourage in his policy statement of November 2014;
  - In Southwark there are very few vacant sites which it is not viable to redevelop if Affordable Housing contributions were payable on the entirety of the floorspace.
  - There is no need for the VBC in Southwark as a mechanism to 'kick start' development, as the Minister is keen to encourage.

- The effect of the VBC in Southwark is to significantly reduce the obligation to make affordable housing contributions. This undermines the aims of the council's Development Plan in relation to the provision of affordable housing and will have a significant negative impact on future affordable housing supply.
13. Proposals to amend the Local Development Scheme (LDS) and prepare to amend the Local Development Plan (the Core Strategy) are being considered by Councillor Mark Williams, Cabinet Member for Regeneration, Planning, and Transport. The council will work to implement a local exemption policy as a minor amendment to the Core Strategy in the quickest time-frame achievable. Assuming the council can produce evidence which supports a local exemption policy the council must consult on the proposed minor amendment alongside the supporting evidence. Any representations received will be reviewed prior to submitting the minor amendment to the Planning Inspectorate for examination. Depending on the availability of an inspector and a positive recommendation the council expects to adopt a local VBC exemption policy from January 2016.

### **Consultation**

14. Amendments to the Core Strategy will be undertaken in accordance with the National Planning Practice Guidance and The Town and Country Planning (Local Planning) (England) Regulations 2012. The proposed amendments will be subject to a thorough consultation and all consultation responses will be reviewed by the council prior to examination by the Planning Inspectorate.

### **Community impact assessment**

15. The amendment to the local plan will be subject to a sustainability appraisal incorporating a strategic environmental assessment to ensure that principles of sustainable development are thoroughly considered. The council will also undertake an equalities analysis if the impacts of the amendment are shown to have an impact on any protected strand through and equalities analysis scoping report.

### **Director of Legal Services**

16. As the report outlines, the DCLG consulted in 2014 on the possibility of encouraging the development of brownfield sites. Following this, the Government announced in November 2014 the introduction of a scheme known as vacant building credit which requires local authorities to give developers a financial credit in the event that any vacant buildings are brought back into use.
17. The report refers to the possibility that vacant building credit might adversely affect affordable housing contributions. This is because the credit has been included within the Planning Practice Guidance issued on 28 November 2014 and, as such, is a material consideration which should be taken into account when determining any planning application.
18. The weight to be attached to these changes in national policy will be critical in dealing with future applications. It does seem that significant weight will need to be given to the vacant building credit policy and that existing development plan policies will as a result be undermined because they were adopted before the new policy came into force.

19. It is for this reason that the Council is proposing the approach to vacant building credit as set out in this report and this includes establishing a local exemption policy as explained at paragraphs 13 and 14 of the report
20. At this stage, Planning Committee is simply being asked to note the approach.

## BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Planning Performance and Planning Contributions (June 2014)	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295035/140320_Planning_Performance_and_Planning_Contributions_-_consultation.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295035/140320_Planning_Performance_and_Planning_Contributions_-_consultation.pdf</a>	philip.waters@southwark.gov.uk
Planning Contributions (Section 106 obligations) planning response to consultation (November 2014)	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381349/Planning_Contributions__Section106_planning_obligations_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381349/Planning_Contributions__Section106_planning_obligations_.pdf</a>	philip.waters@southwark.gov.uk
Written ministerial statement by Brandon Lewis on support for small-scale developers, custom and self-builders (November 2014)	<a href="https://www.gov.uk/government/speeches/small-scale-developers">https://www.gov.uk/government/speeches/small-scale-developers</a>	philip.waters@southwark.gov.uk
National Planning Practice Guidance - Planning obligations – Vacant Building Credit (December 2014)	<a href="http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/">http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/</a>	philip.waters@southwark.gov.uk
Amendment to the Planning Practice Guidance – Affordable Housing Contributions and the Vacant Building Credit - Advice	On request	philip.waters@southwark.gov.uk

## APPENDICES

No.	Title
Appendix A	Relevant length of marketing which must be demonstrated

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Philip Waters, Planning Policy Officer	
<b>Version</b>	Final	
<b>Dated</b>	19 February 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Departmental Finance Manager	No	No
Cabinet Member	No	No
<b>Date final report sent to Constitutional Team</b>		19 February 2015

APPENDIX A

Relevant length of marketing which must be demonstrated

Application for VBC	[Grey bar]												[Green bar]	[Black bar]														
Marketing period	[Grey bar]												[Green bar]	[Black bar]														
Vacancy test period	[Red bar]												[Green bar]	[Black bar]														
Year	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
	2011				2012				2013				2014				2015				2016				2017			

Application for VBC	[Grey bar]												[Green bar]	[Black bar]														
Marketing period	[Grey bar]												[Green bar]	[Black bar]														
Vacancy test period	[Red bar]												[Green bar]	[Black bar]														
Year	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
	2011				2012				2013				2014				2015				2016				2017			

Application for VBC	[Grey bar]												[Green bar]	[Black bar]														
Marketing period	[Grey bar]												[Green bar]	[Black bar]														
Vacancy test period	[Red bar]												[Green bar]	[Black bar]														
Year	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
	2011				2012				2013				2014				2015				2016				2017			

Application for VBC	[Grey bar]												[Green bar]	[Black bar]														
Marketing period	[Grey bar]												[Green bar]	[Black bar]														
Vacancy test period	[Red bar]												[Green bar]	[Black bar]														
Year	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
	2011				2012				2013				2014				2015				2016				2017			

Application for VBC	[Grey bar]												[Green bar]	[Black bar]														
Marketing period	[Grey bar]												[Green bar]	[Black bar]														
Vacancy test period	[Red bar]												[Green bar]	[Black bar]														
Year	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
	2011				2012				2013				2014				2015				2016				2017			

Application for VBC	[Grey bar]												[Green bar]	[Black bar]														
Marketing period	[Grey bar]												[Green bar]	[Black bar]														
Vacancy test period	[Red bar]												[Green bar]	[Black bar]														
Year	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
	2011				2012				2013				2014				2015				2016				2017			

**OPEN**

**MUNICIPAL YEAR 2014/15**

**COMMITTEE:**

**PLANNING COMMITTEE**

**NOTE:**

Original held in Constitutional Team; all amendments/queries to Sarah Koniarski, Constitutional Team,  
Tel: 020 7525 5824

**OPEN**

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		<b>TOTAL PRINT RUN</b>	<b><u>42</u></b>
		List Updated: 5 January 2015	