

Planning Sub-Committee A

Tuesday 19 November 2019

6.30 pm

Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

Membership

Councillor Kath Whittam (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Peter Babudu
Councillor Sunil Chopra
Councillor David Noakes
Councillor Martin Seaton
Councillor Leanne Werner

Reserves

Councillor Anood Al-Samerai
Councillor Renata Hamvas
Councillor Barrie Hargrove
Councillor Richard Leeming
Councillor Victoria Olisa

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

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

Access

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Contact: Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 11 November 2019



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Planning Sub-Committee A

Tuesday 19 November 2019

6.30 pm

Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

Order of Business

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3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 6
	To approve as a correct record the minutes of the meeting held on 1 October 2019.	
7.	DEVELOPMENT MANAGEMENT ITEMS	7 - 10
	7.1. DOUGLAS BENNETT HOUSE, MAUDSLEY HOSPITAL, WINDSOR WALK, LONDON, SE5 8AZ	11 - 40

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EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-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.”

Date: 11 November 2019

Planning Sub-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. The role of members 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**.

- | |
|---|
| <ol style="list-style-type: none">(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 the 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.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

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

Contacts: General Enquiries
Planning Section, Place and Wellbeing Department
Tel: 020 7525 5403

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 1 October 2019 at 6.30 pm at Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Kath Whittam (Chair)
 Councillor Jane Salmon (Vice-Chair)
 Councillor Peter Babudu
 Councillor Sunil Chopra
 Councillor David Noakes
 Councillor Martin Seaton

OTHER MEMBERS PRESENT: Councillor Maggie Browning

OFFICER SUPPORT: Dennis Sangweme (Development Management)
 Margaret Foley (Legal Officer)
 Martin McKay (Design and Conservation)
 Glenn Ruane (Development Management)
 Thomas Weaver (Development Management)
 Oliver Stutter (Urban Forester)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillor Leanne Werner.

3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as voting members for the meeting.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7 – development management items
- Members' pack.

The chair also announced that items 7.1 and 7.2 would be heard together as they related to the same address, and explained that the sub-committee had started hearing these two items at its meeting on 12 June 2019. At that meeting, they had been deferred to allow for a site visit. Councillor Sunil Chopra would not be taking part in the hearing and decision making on these two items, as he had not been present at the original meeting on 12 June 2019.

The chair also announced that the following items had been withdrawn to allow for further consideration by council officers:

- Item 7.3 - Burgess Park Community Sports Ground, Burgess Park Community Sport Pavilion, Cobourg Road, London SE5 0JB
- Item 8 – Tree Preservation Order - 156 Peckham Rye, London SE22 9QH

The chair also informed the meeting that the remaining items would be heard in the following sequence:

- 7.1 and 7.2 - The Circle, Queen Elizabeth Street, London SE1 2JU
- 9. – Tree Preservation Order - 113a Bushey Hill Road, London, SE5 8QQ
- 7.4 - Garages, Bassano Street, London SE22 8RU
- 7.5 - Garages, Henslowe Road, London SE22 0AS

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 10 July 2019 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

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.

ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during this time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

7.1 THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE

Planning application reference: 19/AP/0683

Report: see pages 8 to 28 of the agenda pack.

PROPOSAL

Construction of single-storey extension at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities.

At this point, Councillor Sunil Chopra left the top table and sat in the public gallery.

The chair reminded attendees that this item and item 7.2 would be considered together and that all contributions from objectors, the applicant, supporters and ward councillors had been heard at the meeting on 12 June 2019.

The sub-committee then heard an update presented by the officer including about the site visit conducted by members of the sub-committee and officers on 20 June 2019.

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning consent for application 19/AP/0683 be granted, subject to the conditions set out in the report.

7.2 THE CIRCLE QUEEN ELIZABETH STREET LONDON SE1 2JE

Planning application reference: 19/AP/0698

Report: see pages 29 to 48 of the agenda pack and page 1 of the addendum report.

PROPOSAL

Construction of single-storey extensions at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities

This application was heard together with item 7.1.

RESOLVED:

That listed building consent for application 19/AP/0698 be granted, subject to the conditions set out in the report.

At this point, Councillor Sunil Chopra rejoined the meeting.

9. TREE PRESERVATION ORDER - 113A BUSHEY HILL ROAD

Report: see pages 144 to 156 of the agenda pack.

The sub-committee heard the officer's introduction to the report. Councillors asked questions of the officer.

The sub-committee discussed the report and recommendation.

RESOLVED:

That the provisional tree preservation order reference 528 be confirmed unamended.

7.3 BURGESS PARK COMMUNITY SPORTS GROUND, BURGESS PARK COMMUNITY SPORT PAVILION, COBOURG ROAD, LONDON, SE5 0JB

Planning application reference: 19/AP/1275

Report: see pages 49 to 91 of the agenda pack and page 1 of the addendum report.

PROPOSAL

Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches.

This item was withdrawn to allow for further consideration by officers.

7.4 GARAGES, BASSANO STREET, LONDON, SE22 8RU

Planning application reference: 19/AP/1861

Report: see pages 92 to 111 of the agenda pack and pages 1 to 3 of the addendum report.

PROPOSAL

Demolition of existing garage site and construction of 4 new homes for social rent within a short terrace of 2-3 storeys.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

A representative for the objectors addressed the meeting and answered questions posed by the sub-committee.

The applicant and their agents addressed the sub-committee and answered questions posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site, or ward councillors, present and wishing to speak on the application.

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning consent for application 19/AP/1861 be granted, subject to the conditions set out in the report and addendum report; and that an informative be added regarding highway works to be carried out in order to mitigate the impact of the development.

7.5 GARAGES, HENSLOWE ROAD, LONDON, SE22 0AS**Planning application reference: 19/AP/1862**

Report: see pages 112 to 129 of the agenda pack and pages 3 to 5 of the addendum report.

PROPOSAL

Demolition of existing garage site and construction of 3 new houses for social rent within a short terrace of 2/3 storeys. Each individual house includes associated front and rear gardens, with dedicated bin and bike stores in the front garden areas.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

Representatives of the objectors addressed the meeting and answered questions posed by the sub-committee.

The applicant and their agents addressed the sub-committee and answered questions posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site who wished to speak.

Councillor Maggie Browning addressed the sub-committee in her capacity as a ward councillor and responded to questions posed by the sub-committee.

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning consent for application 19/AP/1862 be granted, subject to the conditions set out in the report and the addendum report; and that two informative be added regarding:

- The applicant continuing to work with the residents of 76 and 82 Henslowe Road to mitigate the impact of the development
- The highway works to be carried out in order to mitigate the impact of the development.

8. TREE PRESERVATION ORDER - 156 PECKHAM RYE

Report: see pages 130 to 143 of the agenda pack.

This item was withdrawn for further consideration by officers.

The meeting ended at 8.43 pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		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 of Southwark Council's constitution 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 Law and Democracy

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	Beverley Olamijulo 020 7525 7234
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer or the Planning Department 020 7525 5403

APPENDICES

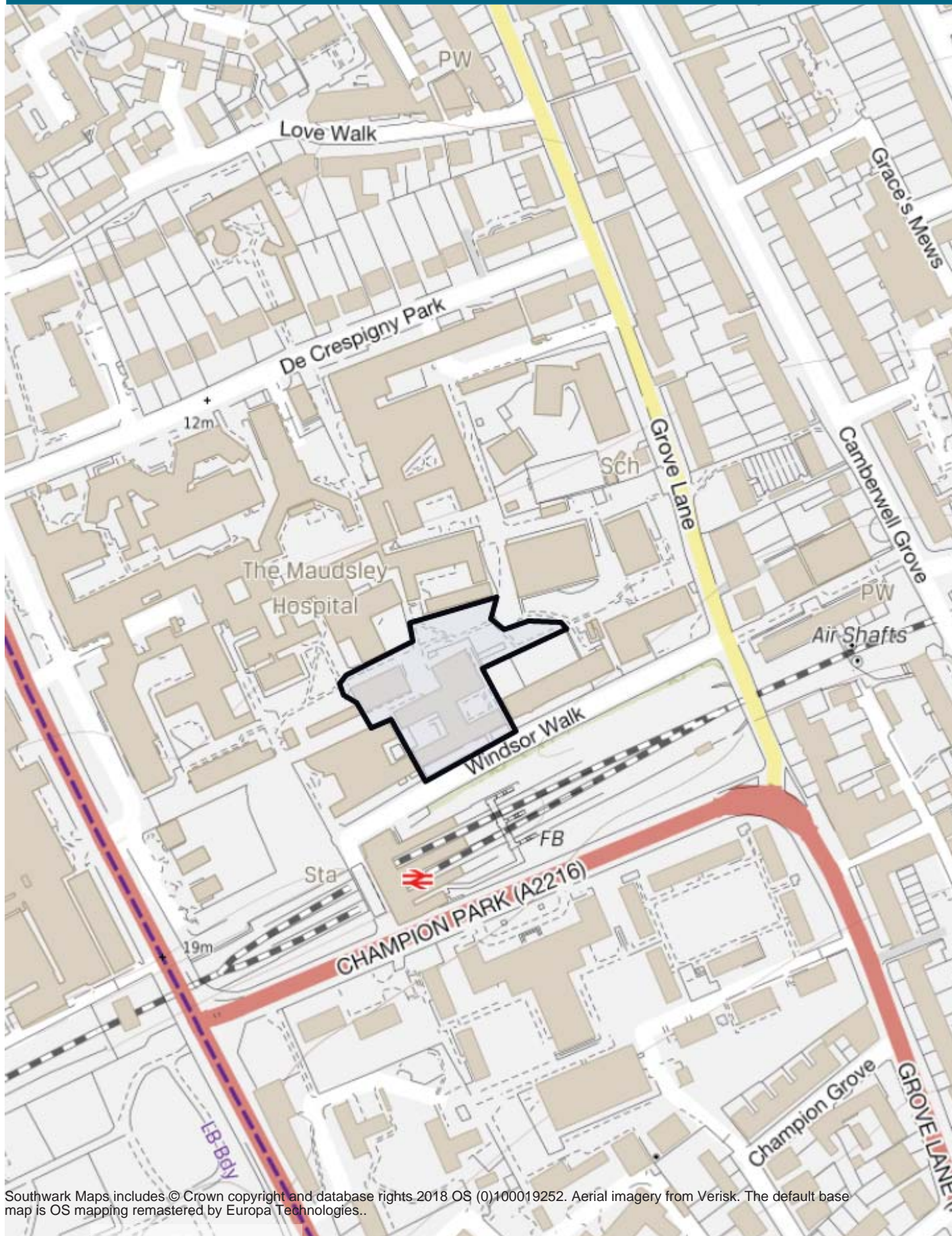
No.	Title
None	

AUDIT TRAIL

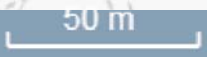
Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	8 November 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		8 November 2019



DOUGLAS BENNETT HOUSE, MAUDSLEY HOSPITAL, WINDSOR WALK, LONDON, SE5 8AZ



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Scale = 2500

5-Nov-2019

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Item No. 7.1	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/1150 for: Full Planning Application Address: DOUGLAS BENNETT HOUSE, MAUDSLEY HOSPITAL, WINDSOR WALK, LONDON, SE5 8AZ Proposal: Demolition of the existing building and erection of a new five storey building to accommodate a new in-patient mental health facility comprising 8 wards together with landscaping works		
Ward(s) or groups affected:	St Giles		
From:	Director of Planning		
Application Start Date 15/04/2019		Application Expiry Date 15/07/2019	
Earliest Decision Date 26/08/2019			

RECOMMENDATION

1. That the Planning Sub-Committee grant planning permission, subject to conditions and a unilateral undertaking being provided.
2. In the event that a unilateral undertaking is not provided by 31 January 2020, the Director of Planning be authorised to refuse planning permission for the reason detailed in paragraph 65 of this report.

BACKGROUND INFORMATION

Site location and description

3. The site is located on the northern side of Windsor Walk and comprises a H shaped brick built four storey building previously is use as a health care facility. The site forms part of the Maudsley Hospital campus.
4. Windsor Walk is a residential street of mid-late nineteenth century brick houses. The newly completed Fetal Institute lies to the west of the application site with a modern building set behind the original buildings at 16-20 Windsor Walk.
5. The site is within the Camberwell Grove Conservation Area. Denmark Hill Station, a Grade II listed building lies to the south of the site.

Details of proposal

6. Permission is sought to demolish the existing 4 storey building, known as Douglas Bennett House and some ancillary buildings within the hospital site at the rear and to replace it with a 5 storey building, including a lower ground floor level, with the fifth floor set back from the Windsor Walk façade.
7. The proposal is for a new in-patient block with six adult mental health wards, and two specialist wards. The ground floor would provide ancillary spaces associated with the unit including a reception and waiting area, a gym and staff facilities. The proposed new building would occupy a greater proportion of the site when compared with the existing building, as a result it extends almost to the boundaries of the site which would be filled with building with the exception of two lightwells that would extend upwards through the northern and southern corners of the proposed building.
8. The building is laid out over 5 storeys with the top floor set back from the Windsor Walk elevation. The existing building measures 14.5 m and increases to 16.5 m when taking account of the plant on the roof. The proposed building would measure 17.8 m with an additional 2.5 metres height where the building extends to accommodate the plant.
9. The application has been subject to two pre application enquiries prior to its submission, notwithstanding there were still concerns from officers about the elevation treatments on Windsor Walk. As a result the elevations were altered during the course of the application.
10. The proposal, whilst providing a new facility is a rationalisation of the Trust's existing buildings and six of the wards will be moved from existing buildings within the campus and two of the wards would be relocated from other locations. The increase to the site overall would be 35 new bed spaces. It is estimated that the addition of 35 beds will result in one medical professional will be employed for every two patients and 2 support staff would be employed per additional ward. This would equate to 17.5 nurses and 8 support staff for the proposed development (25.5 in total).

Relevant planning history

11. 10/EQ/0072 Application type: Pre-Application Enquiry (ENQ)
 Framework proposal for a comprehensive masterplan outlining the key principles of the phased redevelopment of the Maudsley Hospital site and position of the first phase building.
 Pre-application response issued: 24/01/2011
12. 10/EQ/0181 Application type: Pre-Application Enquiry (ENQ)
 Masterplan framework document for the Maudsley Hospital Site
 Pre-application response issued: 07/01/2014
13. 15/EQ/0246 Application type: Pre-Application Enquiry (ENQ)
 Refurbishment of Douglas Bennett House
 Pre-application response issued: 23/12/2015
14. 16/AP/0430 Application type: Full Planning
 Erection of two four storey extensions with enclosed balconies to internal courtyard areas;

alterations to the roof comprising an enlarged front parapet and mansard screen; alterations to windows; boundary treatment and landscaping

Decision: Granted Planning Permission 31/03/2016

Planning history of adjoining sites

15. 11/AP/2320 - Retention of existing buildings fronting Windsor Walk and erection of 4-storey plus basement building to rear to provide a new medical facility for Women's Services comprising Fetal Medicine Centre, Ante Natal Clinic, Assisted Conception Unit and Early Pregnancy Clinic for Kings College Hospital, with new access and servicing arrangements (Use Class D1). 13/01/2012.

Decision: Granted

Dated: 13/01/2012

KEY ISSUES FOR CONSIDERATION

Summary of main issues

16. The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies.
 - b) The impact on the amenity of neighbours.
 - c) Design Quality
 - d) Impact on the listed building and conservation area.
 - e) All other relevant material planning considerations

Adopted planning policy

National Planning Policy Framework (NPPF)

17. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
18. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
19. Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

London Plan 2016

20. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 3.1 Ensuring equal life chances for all
 Policy 3.2 Improving health and addressing health inequalities
 Policy 3.16 Protection and enhancement of social infrastructure
 Policy 5.13 Sustainable drainage
 Policy 6.9 Cycling
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.8 Heritage assets and archaeology
 Policy 7.21 Trees and woodland

Mayoral SPGs

21. Shaping Neighbourhoods: Play and informal recreation SPG 2012
 Sustainable Design and Construction SPG 2014 Carbon dioxide off-setting

Core Strategy 2011

22. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 1 Sustainable development
 Strategic Policy 2 Sustainable transport
 Strategic Policy 4 Places for learning, enjoyment and healthy lifestyles
 Strategic Policy 11 Open spaces and wildlife
 Strategic Policy 12 Design and conservation
 Strategic Policy 13 High environmental standards

Southwark Plan 2007 (saved policies)

23. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 2.1 - Enhancement of community facilities
 Policy 2.5 Planning obligations
 Policy 3.1 - Environmental effects
 Policy 3.2 - Protection of amenity
 Policy 3.11 - Efficient use of land
 Policy 3.12 - Quality in design

- 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 5.2 - Transport impacts
- Policy 5.3 - Walking and cycling

Southwark SPDs

24. Sustainable design and construction SPD February 2009
2015 Technical Update to Residential Design Standards SPD 2011
Waste management guidance notes for residential developments February 2014
Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD 2015

Emerging planning policy

Draft New London Plan

25. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. The Inspectors report was published on the 8th October 2019 and the final version of the plan is expected to be published in December 2019, given the stage of preparation it can only be attributed some weight to certain policies.

New Southwark Plan

26. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) in February 2018 and some Amended Policies were consulted on between January and May 2019. It is anticipated that the plan will be adopted in early 2020 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
27. As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
28. Policies considered in the context of this planning application include:
 - SP5: Healthy active lives
 - P12: Design quality
 - P15 Efficient use of land
 - P16 Listed buildings and structures
 - P17 Conservation areas
 - P18 Conservation of the historic environment and natural heritage

P42 Healthy developments

P46 Public transport

P47 Highway impacts

P48 Walking

P50 Cycling

P53 Parking standards for disabled people and mobility impaired people

Consultations

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

Summary of consultation responses from internal, statutory and non-statutory consultees

30. Transport for London – No objections but request an informative be applied to allow them to be consulted on the construction of the building.

Metropolitan Police - Have had discussions directly with the applicant and highlighted area suffers from high levels of violence/sexual offences and anti-social behaviour. Suggest that a condition is imposed to ensure security measures are incorporated to minimise the risk of crime.

London Fire Brigade – Comment raised relevant to Building Regulations.

Environment Agency – No objection to the proposed development. The Flood Risk Assessment submitted provides an accurate assessment of the tidal and fluvial flood risks associated with the proposed development.

Flood and Drainage Team – Satisfied that the proposal would not give rise to any flood risk. No objection.

Design and Conservation Team – Following revisions to the elevations, in particular that of Windsor Walk, overall the scheme would positively contribute to the conservation area and remove the unattractive building to replace it within a better fitting building.

Highways – No comments.

Environmental Protection Team - No objections subject to conditions.

Tree Services – The proposed development requires the loss of 9 trees. In order for there to be no net loss of canopy cover conditions should be recommended to ensure that there would be no net loss of canopy cover within the vicinity of the proposal.

Archaeology Officer – No further archaeological assessment, fieldwork or conditions are required in association with this application.

Summary of public consultation responses

31. One comment has been received in support of the application.

59 objections have been received in response to the application. Of these 57 of the objections received have come from staff based at the foetal unit adjoining the site, including the architect

of the fetal building. One has been received from a local resident and one from the Camberwell Society.

The scheme was revised during the course of the application and this resulted in a further 6 objections, these were attributed to the Fetal Unit.

32. <u>Objections from Fetal Unit</u>	<u>Response</u>
Undue sense of overbearing for the users of the Fetal Medicine Clinic building and the courtyard area adjacent to the western boundary	The two buildings will sit closer together, whilst it is acknowledged there would be an impact to this building, it is noted that they it is not in residential use and in that the impacts are to staff and users of the building who are not there over extended periods of time.
Loss of daylight to the Fetal Medicine Clinic building	This is discussed further under heading impact of the proposed development upon the amenity of adjoining occupiers and the surrounding area.
Increased overlooking and loss of privacy for the users of The Fetal Medicine Clinic	The windows facing directly towards the Fetal Clinic would be obscure glazed and fixed shut and this is recommended as a condition.
Plant should be put in the basement area.	The existing plant is currently located on the roof, and plant was previously approved in 2016 on the roof. The proposal would retain the existing situation.
Noise and air pollution during construction and drilling may all impact on the environment within the Foetal Unit.	A construction management plan has been provided setting out how work will be undertaken, it is not envisaged that there will be no significant impact to the foetal unit during construction phase but it will be kept to a minimum.
The proposal would result in the loss of openness within the site with the removal of the existing courtyard spaces.	Noted the proposal would enclose its site in order to maximise the development potential. The landscaping proposed is to contribute to the creation of a green spine that would run through the site benefitting all users.
If approved on entering the Foetal unit there would be a building adjoining double the height without any setback or interesting features.	The proposed building would not be double the height of the building. The focus of detail to the elevations has been to the improve the more public views of the building. The eastern and western elevations have been kept simpler and given their proximity to the boundary there is no objections to this approach.

Objections from neighbour	Response
Concern over the proximity of the building to the property boundary and potential for light and noise pollution.	It is noted that the building would be positioned closer to this property than currently exists but it is not considered that the impacts arising from this would be significantly harmful to the residential amenity to warrant refusal of the scheme.
Decorative treatments to the wall and windows discussed with the applicant have not been included within the plans.	The application has been assessed on the submission. It is not considered that
The design show pleached trees in our garden and we would like to consider an alternative solution.	This is a private matter to be resolved between the neighbour and the applicant, as the land is not part of the application site.
Number of trees being removed from land to the rear of site which are an important screen and should not be removed to accommodate site huts.	The number of trees removed is reduced from the original submission, in particular the trees proposed to be removed to accommodate huts would now remain.
Objections from Camberwell Society	
The building is unacceptable in terms of scale and design, the 5 storey building and plant on roof is out of scale with the Victorian terrace. The Windsor Walk elevation is not sympathetic to the existing buildings adjacent.	The scale of the building is noted, however it is considered that in its revised form the impact upon Windsor Walk is addressed.
Response to reconsultation 4/10/2019	
There are fewer materials but the design is still out of scale with adjacent buildings along Windsor Walk. The elements are repetitive and out of keeping along the eastern side, where the sloping glass construction spanning 3 storeys adjacent the Victorian terrace is half-heartedly hidden away by a "semi" temporary trellis construction. Suggest reverting back to previously approved scheme and removing additional height from the Fetal Institute building.	Noted, identical points were raised by 5 other objectors.
The building proposed with the current number of floors is far too imposing and not in keeping with the current aesthetics of the road and area. Light will be lost to those properties adjacent.	Noted identical points raised by 1 other objector
Demolishing the building will create enormous amount of dust and pollutants which will affect the air quality of our lab,	Noted, this is a matter that will have to be dealt with directly with the Trust.

detrimental to the growth and outcomes of the human embryos we culture.	
Impact on lab due to air handling unit being located on the side of the building adjacent DBH.	Noted, this is a matter that will have to be dealt with directly with the Trust.
Previous concerns exist regarding access for liquid nitrogen supplies to our building and vibrations and air quality during the building work.	Noted, this is a matter that will have to be dealt with directly with the Trust.
Close to adjoining properties. This building will cover the nice view of the building that I am working in.	Noted, the right to a view is not a planning consideration.

Principle of development

33. No change of use is proposed, the proposal would result in improvements to the existing D1 provision and the creation of additional D1 floorspace. The proposal would therefore accord with saved policy 2.1 of the Southwark Plan.

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

No.11 Windsor Walk

34. This property was until fairly recently within the applicant's ownership and during initial discussions officers were able to view the property. To the rear it shares a brick boundary wall with the application site. A daylight, sunlight and overshadowing study has been completed to assess the physical impact the proposed development would have on this property.
35. The study shows that there would be four habitable room windows on the rear elevation affected to the extent that they would have a loss in daylight with the Vertical Sky Component (VSC) falling to 0.67, 0.76, 0.69 and, 0.76. of their present values with the resultant VSCs being 14.2%, 17.9%, 17% and 21.2%
36. The rooms themselves are open plan and served by other windows, consequently the loss of light to these rooms is not be significantly harmful as suggested by the daylight distribution test which shows all rooms would retain good daylight distribution; none would be less than 0.8 times its present value.
37. All of the windows that face 90 degrees of due south were tested for impact upon sunlight. All habitable windows passed the BRE guide for both the annual sunlight hours and winter sunlight hours.
38. In terms of overshadowing to the garden of this property the results show that 35% of the garden area at 11 Windsor Walk will receive two hours of sunlight on 21 March after the proposed development. This is below the BRE recommendation which states that at least 50% of any garden or amenity area should receive at least two hours of sunlight on the 21st March. It is relevant however, that under the previously approved scheme, the garden at 11 Windsor Walk was also still below the BRE recommendation of 50%. Given the urban context of the site location where the BRE Guide is intended to be used flexibly, it should be considered as

acceptable especially as some sunlight will continue to be enjoyed by residents following implementation of the proposal.

39. The resulting building will sit almost on the boundary with this property with 5 storeys extending down the length of the garden and protruding opaque windows facing onto the garden elevation. Whilst there is visual dominance to the west from the existing building, this will be more obvious with the current application. The applicant has worked and continues to discuss the proposals with this neighbour to overcome some of their objections.

Impact upon the Fetal Clinic

40. The majority of objections to the scheme have come from staff at the Fetal Clinic, which lies to the west of the application site. Currently there is a symmetry between the two buildings with the courtyard spaces opening at the same point.
41. A daylight study has considered the impact of the proposal upon the Fetal Institute and found that in terms of Vertical Sky Component (VSC) whilst a number of windows fall short of the VSC test there are mitigating factors. The windows most affected are flank windows where any development would have an impact. A daylight distribution analysis was undertaken that showed only the embryologists offices and a scan room have their daylight reduced to less than 0.8 its present value. While there would be an impact on these rooms, there is less expectation of natural light for office and other non-residential spaces and it is likely that artificial light would be used for a good proportion of the time the rooms are in use.
42. The windows within the building have projecting wings on one or both sides of them or have overhangs directly above them. The BRE Guide recognises that a larger impact can occur as a result. It should be noted that there is no requirement for daylight in non residential buildings and the impact to this building does fall upon rooms serving hallways, bathrooms etc.
43. In terms of sunlight the tests undertaken demonstrate that the only rooms which do not meet the recommendations are a bathroom, a hallway and a scanning room, where there is no requirement for sunlight.
44. Another concern raised by objectors using this space is the overbearing nature of the building. Whilst it is acknowledged that the proposal would be more dominant when compared with the existing building its impact needs to be considered in a wider context and in this case weight is given to the wider benefits to the community resulting from the improvements to mental health care.

Land to the rear of the site

45. The hospital campus lies to the rear it is not thought that the proposal would result in significant harm affecting the continued use of these buildings.

Remaining terrace along Windsor Walk

46. Having assessed the impact upon no. 11 Windsor Walk, which immediately joins the application site it is considered that the impact from the proposed development to the remaining terrace further eastwards would be less. It is noted however that the garden area of no. 10 Windsor Walk would have reduced sunlight to their garden, being slightly under the 50% requirement for 2 hours of sunlight on 21 March. This slight breach, (around 10%) is not considered to diminish the enjoyment of the garden which is considered to still enjoy good levels of sunlight from the east.

Transport issues

Refuse storage

47. The proposal would include storage for refuse and recycling. The Maudsley Hospital campus has its own waste and recycling management facilities which currently serve the hospital. This arrangement will be continued for the new Douglas Bennett House. Waste and recyclable materials will be collected on the site and stored in a dedicated secure waste area, accessible to service vehicles via the servicing route.

Car parking

48. A Travel Plan is already in existence across the hospital campus, which encourages walking and cycling to the Maudsley Hospital as well as the use of public transport. This Travel Plan is also applicable to Douglas Bennett House, and has been submitted as part of this application. The Site is located within easy walking distance of several public transport nodes, including Denmark Hill Railway station, and multiple bus routes along Denmark Hill and Champion Park. The Travel Plan will set out a strategy to encourage further use of public transport.
49. There is currently no car parking on the site, and no car parking is proposed as part of the development. There is existing car parking provided for staff and visitors across the campus in separate barrier controlled car parks.

Cycle Parking

50. Cycle parking is provided for both staff and visitors across the Maudsley Hospital campus and managed on a site wide basis. A further 20 cycle spaces are provided within the proposed development (10 cycle stands). This would meet the quantity requirements as set out within Policy 6.9 of the London Plan.

Servicing and Deliveries

51. The servicing of the premises would be as currently arranged across the campus with access from Grove Lane, the building would be serviced in line with other buildings within this location. It is not considered given the former use of the building that this will give rise to any issues.

Design issues

52. The existing building on site is not particularly attractive. It has been unused for a number of years and as demand for mental health services grow the option for just extending the existing building fails to make the most of the site. In design terms there is no objection to the proposal for the demolition of the existing building on site and the redevelopment to provide a more accessible and complementary building for its setting.
53. The elevation on Windsor Walk is a highly significant and cohesive element of the conservation area for which the existing building detracts. This historic townscape extends from the recently completed Fetal Research Institute (which preserved the properties at 18-20 Windsor Walk) and extends to Grove Lane in the east. Across the way is the Grade II listed Denmark Hill Station. The properties on Windsor Walk form the backdrop to the listed station when viewed from Champion Hill and contribute positively to its setting. As a consequence this development will have an impact on both the setting of the conservation area and the listed station - both heritage assets.
54. Windsor Walk is a residential street of mid-late 19th century brick houses. The street elevation submitted with the application demonstrates that the historic character of the street is defined

by its strong parapet and vertical articulation set by the plot widths. The main disruptive element in this streetscape is the building on the site at the moment. The published conservation area appraisal highlights the opportunities for modern design in Sub-area 5 which is where this proposal is located. In particular it states: that: "In such locations the basic geometric disciplines that the classical designs followed should be observed, to assure a sympathetic reflection of the urban morphology, scale and proportion of the original surroundings. Such proposals need to demonstrate that there is no detrimental effect on the character of the Conservation Area."

55. Changes have been made to the elevations including changes to the ratio of window to brick and providing arch brick detailed panels and brick vertical columns to break up the elevation; the window areas at their largest due to constraints of safety and the location and design of the balcony area has been explained further. The addendum to the design and access statement demonstrates the reasoning behind the scale and location of the building, including assessing options for pushing the building back to the green way behind any detrimental impacts.
56. Concerns were initially raised by officers in relation to the elevations. However following further discussions the current proposal is considered to have responded positively to the conservation area, like the height of the parapet on Windsor Walk and the choice of a yellow-stock brick which matches that of the nearby houses. More importantly, the current design now reflects the proportions, articulation and rhythm of the historic street instead of having a monolithic singular expression. The projecting winter garden, and the perforated metal fins have been softened by aluminium stick curtain walling with single glazed fritted panels allowing climbing plants to grow upwards.
57. In conclusion, the proposal is acceptable in height and scale, its detailed design, and in particular the design of the south-facing elevation onto Windsor Walk is now sensitively articulated allowing for the conservation and enhancement of the character and appearance of the conservation area and the setting of the Grade II Listed Denmark Hill Station.

Impact on character and setting of a listed building

58. The application site is opposite Denmark Hill Station, a Grade II listed building, set on a higher level than the proposed building. The new building whilst larger, would retain an appropriate step down in height, respecting the scale of the station. It is considered that the proposed design by way of its materiality, positioning would enhance and respect the character of the listed building and would also be in keeping with the wider surrounding area.
59. It is considered that the proposed development would not adversely impact on the character and setting of the nearby listed station. Passing streetscape views and the immediate historic setting of the station would be improved when compared with the existing building.

Planning obligations (S.106 undertaking or agreement)

Construction phase jobs / skills and employment requirements

60. This development would be expected to deliver 20 sustained jobs to unemployed Southwark residents, 20 short courses, and take on 5 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution.

[As per: Section 106 Planning Obligations and Community Infrastructure Levy (CIL); Supplementary Planning Document (SPD); and the HCA employment densities guide].

61. The maximum Employment and Training Contribution is £96,500 (£86,000 against sustained jobs, £3,000 against short courses, and £7,500 against construction industry apprenticeships).
62. An employment, skills and business support plan should be included in the obligation. LET

would expect this plan to include:

1. Methodology for delivering the following:
 - a. Identified 'construction workplace coordinator' role(s) responsible for on-site job brokerage through the supply chain and coordination with local skills and employment agencies;
 - b. Pre-employment information advice and guidance;
 - c. Skills development, pre and post employment;
 - d. Flexible financial support for training, personal protective equipment, travel costs etc;
 - e. On-going support in the workplace;
 - f. Facilitation of wider benefits, including schools engagement, work experience etc.
2. Targets for construction skills and employment outputs, including apprenticeships, that meet the expected obligations;
3. A mechanism for delivery of apprenticeships to be offered in the construction of the development;
4. Local supply chain activity - we would expect methodologies with KPIs agreed to:
 - a. provide support to local SMEs to be fit to compete for supply chain opportunities;
 - b. develop links between lead contractors, sub-contractors and local SMEs;
 - c. work with lead contractors and sub-contractors to open up their supply chains, and exploration as to where contract packages can be broken up and promote suitable opportunities locally.

63. In addition to the employment contribution, an offset carbon contribution is calculated at £180,000 based on the shortfall as set out in paragraph 72 of this report.

64. Should the unilateral undertaking not be provided, it is proposed that the development be refused for the following reason:

The development would fail to provide mitigation in respect of carbon off-set in line with the London Plan Policy 5.2. Additionally the proposal would fail to make provision for employment training and experience contrary to the Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.

Impact on trees

65. A total of 23 trees were surveyed as part of the proposal, these have been categorised as 4 Grade B trees, (trees of moderate value, with a life expectancy of more than 20 years) and 19 Grade C trees, (trees of low quality and value, with a life expectancy of more than 10 years). The proposal originally required the loss of 7 trees, following comments made by the arboriculturist and Members of the Public it is now proposed to reduce the loss to a maximum of 5 trees, including 2 x category B trees, a common Lime and a Poplar and 3 x category C trees, a Sycamore, a Whitebeam and 1 unspecified.

66. Accordingly, the applicant would be required to replace the trees as part of the landscaping within the vicinity of the new centre or alternatively, elsewhere within the campus. This is to be

secured via condition, ensuring that a high quality landscaping scheme is incorporated into the proposal. A condition has also been recommended that the recommendations of the Arboricultural Method Statement submitted ensure that there would be no damage to existing trees both on the site and within the vicinity of the site

67. Subject to the imposition of the abovementioned conditions, the proposed development would be considered acceptable with regard to its impact on trees.

Sustainable development implications

68. The applicant has submitted an Energy Statement which sets out how the proposed development would meet the requirements of Policy 5.2 of the London Plan in terms of the energy hierarchy:
- Be lean: use less energy
 - Be clean: supply energy efficiently
 - Be green: use renewable energy
69. The statement sets out that the development has been designed to ensure that the building would be lean and use less energy. However, Due to the need to implement a high level of mechanical ventilation to the building to comply with the latest health care environmental criteria , a mixed mode ventilation system has been incorporated into the design which has had a significant impact on the lean performance of the building.
70. Whilst the proposal seeks to reduce energy demand and introduce low and zero carbon technologies, due to the specialist clinical nature of the building the required London Plan targets can not be achieved.
71. The proposed development would incorporate a Combined Heat and Power plant (CHP) for heating, hot water and some of the electrical demand, as well as solar photovoltaic panels for electricity.
72. As a result of the above measures, it is identified that the proposed development would result in a reduction of 14% in regulated Carbon Dioxide over Part L2A 2013 Building Regulations. The proposed shortfall of CO2 would represent 100 tonnes of CO2 per annum in accordance with the Section 106 SPD a financial contribution is sought to mitigate the shortfall at £1,800 per tonne of CO2. This would equate to a payment of £180,000. .
73. The proposed development, as a community facility, would however be expected to achieve a BREEAM rating of 'Very Good'; the BREEAM pre-assessment has been undertaken and demonstrates that this could be achieved. A condition has therefore been recommended to ensure that this is met.

Other matters

Flood Risk

74. The application site lies within flood risk zone 1. It is considered that the risk of the flooding at the application site from tidal/ coastal groundwater, sewer and drainage is very low. The risk proposed development exacerbating flood risk from coastal and tidal, groundwater, sewer and drainage infrastructure is very low. To mitigate the risk of the proposed development exacerbating flood risk to a neighbouring property a surface water drainage strategy utilising sustainable drainage infrastructure sources.

Contaminated land

75. A ground investigation assessment report has been submitted by the applicant. In line with this, a condition has been recommended to ensure that if, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted

Archaeology

76. The application site does not lie within a designated Archaeological Priority Area. Assessment but was the site of a church. The archaeologist attended site and was satisfied that it was unlikely that archaeological interest would be harmed as a result of the proposal. Accordingly, no further archaeological assessment, fieldwork or conditions are required to ensure that the proposed development would not give rise to any impacts upon archaeology.

CIL

77. Section 143 of the Localism Act states that any financial contribution received in terms of Community Infrastructure Levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration.
78. In Southwark the Mayoral CIL was established at a rate of £35 per sq. m. of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development and in this instance it would be £218 per sq. m. as the proposal is for residential floorspace within Zone 2, subject to the indexation.

Land contamination

79. The applicant has submitted a Phase 1 and Phase 2 Ground Condition Assessment which identifies that limited remediation is required in open landscape areas and in trenches for the purpose of receiving services. The report did not reveal any concentrations of contaminants that would represent a significant risk to Controlled Waters. Notwithstanding this, a condition has been recommended to ensure that in the event of contamination being present a detailed remediation strategy shall be submitted.

Air quality

80. The application site is located within an Air Quality Management Area. Accordingly, the applicant has submitted an Air Quality Assessment which identified that concentrations of all pollutants are below the air quality objectives, with the exception of NO₂. The report therefore identifies the use of filters to ensure compliance as a mitigation measure.

Construction management

81. A condition has been recommended to ensure that the applicant submits a Construction Management Plan.

Conclusion on planning issues

82. The proposed development would replace the existing vacant facility on site which is considered to no longer meet the needs of modern mental health care. The new building would be substantial however the key frontage along Windsor Walk has been designed to complement this attractive terrace and would be an improvement on the existing building.

83. There have been a number of objections to the scheme, notably from people adjoining the building, as well as the Camberwell Society. It is acknowledged that there are impacts to both the users of the Fetal institute and the residents at no. 11 Windsor Walk and whilst the applicant has endeavoured to address these concerns following the second consultation it is clear that many of those objections remain.
84. The impact of the building arises as a consequence of the need to increase capacity and provide better facilities for patients. In weighing up the impacts of the proposed development against the harm to amenity it is considered that the proposal, subject to conditions would provide wider benefits to the community and as such should be supported.
85. The proposal has been designed to respond more positively to its setting within the Camberwell Grove Conservation Area and the Grade II Listed Denmark Hill Station and would provide for future mental health care requirements within a modern legible building. The application is therefore recommended for approval.

Community impact statement / Equalities Assessment

86. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
87. a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
88. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
89. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
90. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. No matters pertaining to the impact of this development on people with protected characteristics have been raised through the consultation and no impact above in that detailed above in the ‘planning assessment’ is expected.
91. Throughout the consultation process no information was received to indicate that any members

of the public falling under the protected characteristics would be affected by the development, and thus no specific mitigation measures are required in this regard.

Human rights implications

92. 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.
93. This application has the legitimate aim of providing a new Athletics Centre. 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/2511-C Application file: 19/AP/1150 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Planning Officer	
Version	Final	
Dated	6 November 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		7 November 2019

Consultation undertaken**Site notice date:** 30/04/2019**Press notice date:** 02/05/2019**Case officer site visit date:** 30/04/2019**Neighbour consultation letters sent:** 08/05/2019**Internal services consulted:**

Ecology Officer

Environmental Protection Team Formal

Flood Risk Flood Risk Management & Urban Drainage

Highways Licensing

Transport

Archaeology

Design and Conservation Team [Formal]

Urban Forester Management & Urban Drainage

Statutory and non-statutory organisations consulted:

Environment Agency

Transport for London

Network Rail

Thames Water

Metropolitan Police Service

Historic England

Metropolitan Police Service (Designing out Crime)

Thames Water - Development Planning

Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

Camberwell Society

UNIT 3 93 GROVE LANE LONDON SE5 8SN

UNIT 4 93 GROVE LANE LONDON SE5 8SN

UNIT 1 93 GROVE LANE LONDON SE5 8SN

UNIT 2 93 GROVE LANE LONDON SE5 8SN

UNIT 7 93 GROVE LANE LONDON SE5 8SN

UNIT 8 93 GROVE LANE LONDON SE5 8SN

UNIT 5 93 GROVE LANE LONDON SE5 8SN

UNIT 6 93 GROVE LANE LONDON SE5 8SN

FLAT 4 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 5 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 2 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 3 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 8 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 9 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 6 HULL COURT GROVE LANE LONDON SE5 8SL

FLAT 7 HULL COURT GROVE LANE LONDON SE5 8SL
93 GROVE LANE LONDON SE5 8SN
FIRST FLOOR FLAT 91 GROVE LANE LONDON SE5 8SN
THE PHOENIX WINDSOR WALK LONDON SE5 8BB
5 WINDSOR WALK LONDON SE5 8BB
OFFICES ADJACENT DENMARK HILL RAILWAY STATION WINDSOR WALK LONDON SE5
8BB
GROUND FLOOR FLAT 91 GROVE LANE LONDON SE5 8SN
SECOND FLOOR FLAT 91 GROVE LANE LONDON SE5 8SN
DENMARK HILL RAILWAY STATION WINDSOR WALK LONDON SE5 8BB
83C GROVE LANE LONDON SE5 8SN
4 WINDSOR WALK LONDON SE5 8BB
16 WINDSOR WALK LONDON SE5 8BB
DOUGLAS BENNETT HOUSE 12-15 WINDSOR WALK LONDON SE5 8BB
RESEARCH CENTRE 1-3 WINDSOR WALK LONDON SE5 8BB
FETAL MEDICINE RESEARCH INSTITUTE 16-20 WINDSOR WALK LONDON SE5 8BB
ASSEMBLY HALL WINDSOR WALK LONDON SE5 8BB
UNIT 2B 93 GROVE LANE LONDON SE5 8SN
91D GROVE LANE LONDON SE5 8SN
111 DENMARK HILL LONDON SE5 8AQ
APARTMENT 1 91C GROVE LANE LONDON SE5 8SN
APARTMENT 2 91C GROVE LANE LONDON SE5 8SN
UNIT 12 93 GROVE LANE LONDON SE5 8SN
UNIT 13 93 GROVE LANE LONDON SE5 8SN
UNIT 10 93 GROVE LANE LONDON SE5 8SN
UNIT 11 93 GROVE LANE LONDON SE5 8SN
UNIT 9 93 GROVE LANE LONDON SE5 8SN
FLAT 1 HULL COURT GROVE LANE LONDON SE5 8SL
UNIT 14 93 GROVE LANE LONDON SE5 8SN
UNIT 15 93 GROVE LANE LONDON SE5 8SN
113 DENMARK HILL LONDON SE5 8AQ
FLAT 11 HULL COURT GROVE LANE LONDON SE5 8SL
FLAT 12 HULL COURT GROVE LANE LONDON SE5 8SL
FLAT 10 HULL COURT GROVE LANE LONDON SE5 8SL
FLAT 15 HULL COURT GROVE LANE LONDON SE5 8SL
FLAT 16 HULL COURT GROVE LANE LONDON SE5 8SL
FLAT 13 HULL COURT GROVE LANE LONDON SE5 8SL
FLAT 14 HULL COURT GROVE LANE LONDON SE5 8SL
RONALD MCDONALD HOUSE 6 WINDSOR WALK LONDON SE5 8BB
115 DENMARK HILL LONDON SE5 8AQ
11 WINDSOR WALK LONDON SE5 8BB
89 GROVE LANE LONDON SE5 8SN
85 GROVE LANE LONDON SE5 8SN
87 GROVE LANE LONDON SE5 8SN

Re-consultation: 04/10/2019

Consultation responses received

Internal services

Flood Risk Management & Urban Drainage
Highways Development and Management
Archaeology
Design and Conservation Team [Formal]
Urban Forester
Employment Team

Statutory and non-statutory organisations

Environment Agency
Metropolitan Police Service (Designing out Crime)
Thames Water - Development Planning
Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups

11 WINDSOR WALK LONDON SE5 8BB
9 Tyndale Terrace London N1 2AT
126 the whitehouse apartments london SE1 8YP
32 Holly Court Romford RM1 3AP
16-20 Windsor Walk Denmark Hill SE5 8BB
41 Sherriff Road London NW6 2AS
42 Perry avenue London XXXX
Flat 3, 27 De Crespigny Park London SE5 8AB
121 Camberwell Grove London SE5 8JH
De crespigny Road 27 London SE5 8AB
27 De Crespigny Park Flat 4 London SE5 8AB
360A London Road Isleworth TW7 5AJ
King's Fertility Windsor Walk London SE5 8BB
27 De Crespigny Park London SE5 8AB
1 De Crespigny Park London SE5 8AB
FLAT 1, 39 WHITEHALL LONDON SW1A 2BX
16-20 Windsor Walk London SE5 8BB
805, PINNACLE TOWER 23, FULTON ROAD LONDON HA9 0GB
Minchenden court London N14 6ED
16-20 Windsor walk London SE5 8BB
21 Loeden Road London London SE24 0BJ
11 Hammersmith Road London W14 8XJ
119 Camberwell Grove London SE5 8JH
161 Coldharbour Lane London SE5 9PA
235 Lordship Lane London SE22 8JF
SE5 8JH London SE5 8JH
121 Camberwell Grove London SE5 8JH
16-20 Windsor Walk London SE5 8BB
Lordship lane Gloucester court London SE22 8GB
133 Wigmore Road Gillingham ME8 0TH
17 Percy Road London SE20 7QJ
Kings college Hospital London SE5 9RS
20 St Margarets Rd Brockley London SE4 1YU
83 Lollard London SE11 6PX
Burrow Road London SE22 8EJ
121 Camberwell Grove London SE5 8JH

Flat 55, Sherston Court London SE1 6SG
12, Primrose court Hydethorpe road London SW12 0JQ
Congers house bronze street deptford, london SE8 3DT
1 Decrespigny park 2nd floor flat London SE5 8AB
THE FETAL MEDICINE FOUNDATION 16-20 Windsor Walk LONDON SE5 8BB
119 Camberwell grove London SE5 8JH
36 Lincoln St London N2 9DL
The Fetal Medicine Research Institute 16-20 Windsor Walk London SE5 8BB
57 Crawford Road Hatfield AL10 0PF
FIRST FLOOR 159 COLDHARBOUR LANE LONDON SE5 9PA
18 Beaulieu Close London SE5 8BA
97A Grosvenor Park London SE5 0NJ
10 Rathmell Drive London SW4 8JH
27 De Crespigny Park Flat 5 London SE5 8AB
Coldharbour Lane London SE5 9PA
159 Coldharbour Lane London SE5 9PA
161 coldharbour lane London SE5 9PA
121 Camberwell Grove 121 Camberwell Grove London SE5 8JH
42 Perry Avenue London W3 6YH
5B Burston Road London SW15 6AR
72 Grove Vale London SE22 8DT
235 Lordship Lane London SE22 8JF
190 Rock Avenue Gillingham ME7 5PR
81A Grove Park London SE5 8LE

DEVELOPMENT MANAGEMENT – 19.11.2019 – RECOMMENDATION

Permission is subject to the following Approved Plans Condition:

1 The development shall be carried out in accordance with the following approved plans:

Reference no.:	Plan/document name:	Rev.:	Received on:
007210-IBI-DBH-XX-DR-A-100-0001	Site location plan	P07	
007210-IBI-DBH-GF-DR-A-200-0000	Floor Plans - Proposed	P04	
007210-IBI-DBH-01-DR-A-200-0001	Floor Plans - Proposed	P04	
007210-IBI-DBH-02-DR-A-200-0002	Floor Plans - Proposed	P04	
007210-IBI-DBH-03-DR-A-200-0003	Floor Plans - Proposed	P04	
007210-IBI-DBH-04-DR-A-200-0004	Floor Plans - Proposed	P04	
007210-IBI-DBH-05-DR-A-200-0005	Floor Plans - Proposed	P04	
007210-IBI-DBH-RL-DR-A-200-0006	Floor Plans - Proposed	P02	
007210-IBI-DBH-XX-DR-A-200-0006	Cross Section	P03	

007210-IBI- DBH-XX- DR-A- 200- 0007	Cross Section	P03
007210-IBI- DBH-XX- DR-A- 200- 0008	Cross Section	P03
007210-IBI- DBH-XX- DR-A- 251- 0005	Elevations - Proposed	P05
007210-IBI- DBH-XX- DR-A- 251- 0006	Elevations - Proposed	P05
007210-IBI- DBH-XX- DR-A- 251- 0007	Elevations - Proposed	P05
007210-IBI- DBH-XX- DR-A- 251- 0009	Elevations - Proposed	P01
007210-IBI- DBH-XX- DR-A- 251- 0101	Cross Section	P04
007210-IBI- DBH-XX- DR-A- 251- 0102	Cross Section	P04
007210-IBI- DBH-XX- DR-A- 251- 0103	Cross Section	P04
007210-IBI- DBH-XX- DR-A- 251- 0104	Cross Section	P05
007210-IBI- DBH-XX- DR-A- 251- 0105	Cross Section	P03
007210-IBI- DBH-XX-	Elevations - Proposed	P02

DR-A- 251- 0106		
007210-IBI- DBH-XX- DR-A- 251- 0107	Elevations - Proposed	P03
007210-IBI- DBH-XX- DR-A- 251- 0108	Cross Section	P03
007210-IBI- DBH-XX- DR-A- 251- 0401	Elevations - Proposed	P04
007210-IBI- DBH-XX- DR-A- 251- 0402	Elevations - Proposed	P04
007210-IBI- DBH-XX- DR-L- 700- 0001	Landscaping and open space statement	P07
007210-IBI- DBH-XX- DR-L- 700- 0002	Landscaping and open space statement	P03
007210-IBI- DBH-XX- DR-A- 100- 0005	Plans - Proposed	P02

Reason:

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

Time limit condition

- 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.

Above grade condition

- SAMPLE MATERIALS/PANELS/BOARDS

Prior to above grade works commencing, material samples/sample-panels/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 2019, 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

4.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, 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.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with 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 2019."

Compliance condition

5. All tree planting shall be carried out in accordance with the Landscaping Report from (growth industry) and Plan ref 007210-IBI-DBH-XX-DR-L-700-001. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

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 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.

Compliance condition

6. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Method Statement from Chalice Consulting REF CC/2037/AR3892. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2019 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.

Special condition

7. "The landscaping and planting shown on the drawings hereby approved shall be carried out in the first appropriate planting season following the completion of the building works.

Reason:

To ensure that the details of the scheme are in accordance with Strategic Policy 11 Open spaces and wildlife and Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007"

Compliance condition

8. OBSCURE GLAZING TO BE PROVIDED

The windows directly opposite the eastern and western elevations marked as obscure glazed on planning drawing reference no. 007210-IBI-DBH-XX-DR-A-251-0006 of the proposed building shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing.

Reason:

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 11 Windsor Walk and The Fetal Institute from undue overlooking in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

Compliance condition

9. All plant noise mitigation detailed in the submitted report by Clement Acoustics, reference 14324-NIA-01 Rev C, March 2019, shall be implemented in the development.

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).

Pre-Occupation condition

10. Before the first use of the hospital 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 'Very Good' standard within the submitted BREEAM Pre Assessment report have been met.

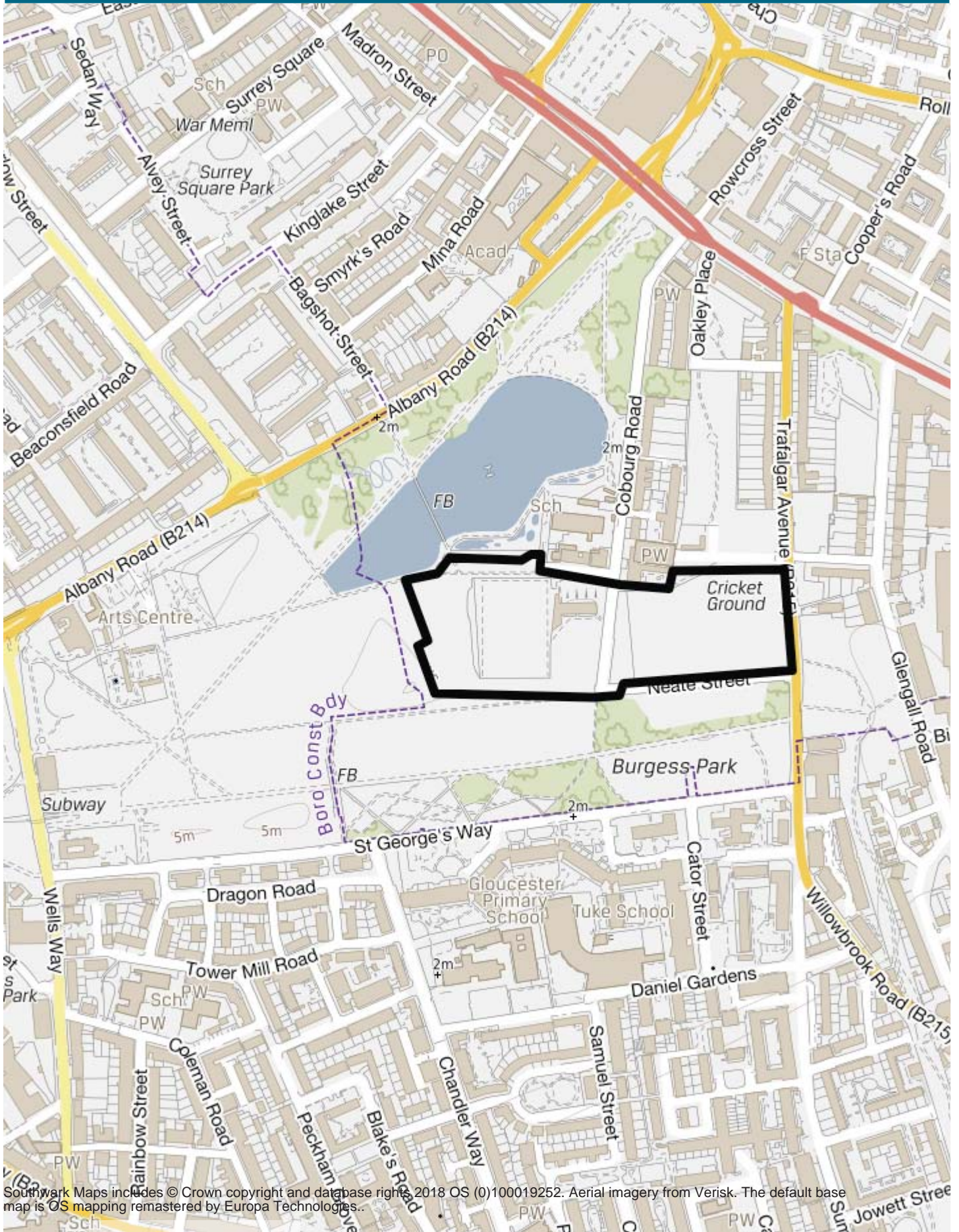
Reason

To ensure the proposal complies with The National Planning Policy Framework 2019, 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.

Informative notes to the applicant relating to the proposed development



ITEM 2 - BURGESS PARK COMMUNITY SPORTS GROUND,
BURGESS PARK COMMUNITY SPORT PAVILION, COBOURG ROAD,
SE5



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Scale =
5000000000

19-Sep-2019

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Item No. 7.2	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/1275 for: Full Planning Application Address: Burgess Park Community Sports Ground, Burgess Park Community Sport Pavilion, Cobourg Road, London SE5 0JB Proposal: Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches		
Ward(s) or groups affected:	Faraday, Old Kent Road		
From:	Director of Planning		
Application Start Date	13/06/2019	Application Expiry Date	15/10/2019
Earliest Decision Date	24/09/2019		

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

2. This planning application was due to be presented at planning Sub-Committee A on 1 October 2019. The item was withdrawn from that committee meeting's agenda due to late representations from Sport England as a statutory consultee, who provided comments that amounted to an outstanding objection to the proposed development. These issues have since been resolved and the application is put before committee with support from Sport England, subject to any grant of planning permission being appended with the conditions set out in this recommendation.

Site location and description

3. The site comprises approximately 4.68ha located in eastern portion of Burgess Park. The site as existing hosts a fenced artificial grass football pitch (AGP) located in the western part surrounded by ancillary park land and footpaths to the north, west and south. To the immediate east adjoining the AGP is the existing Burgess Park community sports centre. To the east of the sports centre is Cobourg Road running north/south through the site, to the east of which further are the existing community cricket and ruby pitches, also within the application site.
4. The existing sports centre is an irregularly shaped single storey building. It is partially obscured by a grass verge facing terraced residential properties located to the north on Loncroft Road. Nearby beyond this is a Victorian school and former church, now a mosque, and which are all situated within the Cobourg Road Conservation Area. The mosque is Grade II listed and approximately 37m north west of the site albeit set back

from the established building line of the surrounding houses.

5. To the east behind the mosque and to the north of the cricket and rugby community sports pitches is Waite Street which meets the eastern site boundary road in Trafalgar Avenue. This returns west as the southern boundary to the site as Neate Street to meet the bottom of Cobourg Road in the centre of the site, with parkland footpaths continuing west.
6. The site is located in:
 - a) Metropolitan Open Land (MOL)
 - b) Site of Importance for Nature Conservation (SINC)
 - c) The setting of a conservation area and Grade II listed building
 - d) An area of PTAL 2 and 3 and in small portions 1b
 - e) Flood zone 3
7. The site borders the Old Kent Road Opportunity Area to the immediate north which the Cobourg Road Conservation Area is located within, and whose boundary runs along Waite Street and Loncroft Road.
8. The area surrounding the site comprises the wider setting of Burgess Park, most extensively to the west. Areas of Peckham of a primarily dense, mixed and urban character are located east and south beyond the park, with the modest Cobourg Road Conservation Area to the north noted above.

Details of the proposal

9. The proposal would see the redevelopment of the existing single AGP, sports centre building and surrounding ancillary grassland located west of Cobourg Road for the provision of:
 - A new sports centre facility fronting Cobourg Road comprising six team changing rooms, lockers, a 'club room/café space and kitchen, ancillary offices and sports equipment storage facilities in the centre of the site
 - Two new artificial grass pitches (AGPs) with fence boundary treatment and flood lights to the west of the sports facility
 - Three new spectator mounds on the perimeter of the site around the western-most AGP
 - Re-landscaping across the site and highway works, including removal of existing on street parking bays, to Cobourg Road
10. The new sports centre building would be located on a north-south orientation. It would be located in broadly the same location as the existing building between new public realm fronting Cobourg Road to the immediate east with the AGPs located on and accessed from the adjoining western side.
11. The building's club café would be located to the north overlooking the corner of Cobourg and Loncroft Road with the building entrance and reception near this. Refuse store and sports equipment storage would be located at the southern end of the building. The changing rooms and lockers would run the length of the building in between.
12. The building would be single storey of a broadly rectangular floor plan and profile, at a maximum height of 4.5m and approximately 70m long. The height and width of the floor plan would be 'pushed in' from the extremities to give the impression of an extending 'wing span' from the public entrance point as the focus of the new public realm in Cobourg Road, where the lowest point in the elevation would be approximately 3.5m high.

13. It would be clad in perforated metal cladding with window reveals within solid walls behind. The cladding would be pleated along the Cobourg road elevation. Facing the AGPs on the western elevation the cladding would have a concertina effect to create alcoves affording depth for sculptured concrete benches for pitch side users of the facilities.
14. Large glazing panels would be utilised behind the metal screening in the northern elevation to provide outlook, access to daylight and a semi-public-facing aspect of the club room/café space behind at the junction of the site with local roads. The southern elevation would be relieved of the retaining walls behind to provide a level of openness and transparency to the equipment store through the perforations.
15. The proposal also includes 'Ballstop' perimeter fences around the pair of AGPs and community cricket/rugby sports pitches. The former would stand 4.5m high while the latter would be 3.6m as existing. The two AGPs would be afforded dedicated, permanently installed floodlights. An acoustic barrier would be installed between the fencing along the northern boundary of the AGPs and a run of trees opposite and with a view to protecting the amenity of the occupiers of the facing houses on Loncroft Road.
16. There would be alteration to existing boundary fence arrangement of and other minor changes to the community cricket and rugby pitches located to the east of Cobourg Road and further landscaping and lighting of the surrounds, most notably near Waite Street to the north and with the interim footpath to Cobourg Road between.
17. Amendments to the proposal since submission
The proposals were initially submitted with provision of full Multi-Use Games Area ('MUGA') located to the immediate east of Cobourg Road. Following objections from the England and Wales Cricket Board (ECB) and, by extension, Sport England, the provision of the MUGA was subsequently removed.
18. The initially submitted design and access indicated fencing heights for the community cricket and rugby pitches were to be increased to 4.5m from 3.6m as existing. This was an error, with the fencing for these pitches intended to remain at 3.6m high. The heights were corrected in a subsequently published revision to the Design and Access Statement to state 3.6m high.
19. Revisions were also submitted for the approach to the treatment of the highway along Cobourg Road in front of the proposed sports centre building and the associated number of parking spaces to be removed.
20. The changes underwent a 14 day re-consultation following the publication of the revised plans.

Planning history

21. 02/CO/2111 Application type: Full planning permission (FUL)
BURGESS PARK CORNER OF COBOURG ROAD & LONGCROFT ROAD SE5
Extension of existing artificial pitch to north, replacement of existing 2.5m high fencing around pitch with 4.6m high sections behind goals together with new gated vehicular access.
Decision: Granted (GRA) Decision issue date: 23/06/2003

03/AP/1115 Application type: Full planning permission (FUL)
YOUTH PITCH BUILDING BURGESS PARK SE5
Erection of a single storey building to provide changing and community facilities at the east end of Burgess Park close to Longcroft Road

Decision: Granted (GRA) Decision issue date: 12/08/2003

07/CO/0160 Application type: Full planning permission (FUL)
SPORT GROUND BETWEEN WAITE STREET & NEATE STREET LONDON SE15
6AX

Removal of old chainlink fence and replace with stronger twin wire mesh sports fence to maximum height of 3.68m. Installation of double and single gates

Decision: Granted (GRA) Decision issue date: 29/01/2008

08/CO/0023 Application type: Full planning permission (FUL)
BURGESS PARK CORNER OF COBOURG ROAD & LONCROFT ROAD SE5
Details for proposed vehicular access as required by Condition 3 of planning application dated 23/06/03 - LBS Registration No 02-CO-2111 for extension of existing artificial pitch to north, replacement of existing 2.5m high fencing around pitch with 4.6m high sections behind goals together with new gated vehicular access.

Decision: Granted (GRA) Decision issue date: 24/06/2008

17/EQ/0346 Application type: Pre-application enquiry (EQ)
BURGESS PARK SPORTS CENTRE BURGESS PARK, ALBANY ROAD, LONDON
SE5

Relocation of existing Burgess Park Sports Centre in to a new, larger single storey building along Cobourg Road with the addition of 2x new all weather pitches to the west.

Decision: Pre-application Enquiry enclosed (ENQ) Decision issue date: 13/10/2017

Planning history of adjoining sites

22. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

23. The main issues to be considered in respect of this application are:
- a) Principle of development
 - b) Environmental Impact Assessment
 - c) Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - d) Design issues
 - e) Transport and servicing issues
 - f) Landscaping and trees
 - g) Impact on trees
 - h) Ecology and biodiversity
 - i) Energy and sustainability
 - j) Ground contamination
 - k) Flood risk
 - l) Planning obligations
 - m) Community infrastructure levy (CIL)
 - n) Community involvement and engagement
 - o) Other matters

Adopted planning policy

National Planning Policy Framework (NPPF)

24. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied.

The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

25. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Chapter 2 Achieving sustainable development

Chapter 5 Delivering a sufficient supply of homes

Chapter 6 Building a strong, competitive economy

Chapter 7 Ensuring the vitality of town centres

Chapter 8 Promoting healthy and safe communities

Chapter 9 Promoting sustainable transport

Chapter 10 Supporting high quality communications

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

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

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

London Plan 2016

26. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 3.1 – Ensuring equal life chances for all

Policy 3.2 – Improving health and addressing health inequalities

Policy 3.16 - Protection and enhancement of social infrastructure

Policy 5.12 - Flood risk management

Policy 5.13 - Sustainable drainage

Policy 5.21 - Contaminated land

Policy 6.9 - Cycling

Policy 7.3 - Designing out crime

Policy 7.6 - Architecture

Policy 7.8 - Heritage assets and archaeology

Policy 7.17 - Metropolitan open land

Policy 7.19 - Biodiversity and access to nature

Policy 7.21 - Trees and woodland

Core Strategy 2011

27. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic policy 1 - Sustainable development

Strategic policy 2 - Sustainable transport

Strategic policy 4 - Places for learning, enjoyment and healthy lifestyles

Strategic policy 11 - Open spaces and wildlife

Strategic policy 12 - Design and conservation

Strategic policy 13 - High environmental standards

Southwark Plan 2007 (saved policies)

28. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to

them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

- 3.2 - Protection of amenity
- 3.4 - Energy efficiency
- 3.7 - Waste reduction
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the historic environment
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.25 - Metropolitan open land
- 3.28 - Biodiversity
- 5.2 - Transport impacts
- 5.3 - Walking and cycling

Emerging development plan policy

Draft New London Plan

29. The draft New London Plan was published in November 2017 and the first and only stage of consultation closed in March 2018. Minor suggested changes to the plan were published in August 2018 and an Examination in Public (EIP) took place between January and May 2019. Further suggested changes to the Plan have been proposed by the Mayor and published in response to the EIP Panel of Inspector's matters at the examination sessions. The Inspector's report was published on 8 October 2019. Where there are no substantial objections, a draft policy within the plan could be afforded significant weight in planning decisions.

New Southwark Plan: Proposed Submission Version

30. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the initial draft of the Proposed Submission version ('PSV') (Regulation 19) on 27 February 2018. Consultation on a selected number of 'amended' (relative to the initially published PSV) policies concluded in May 2019. It is anticipated that the plan will be submitted for Examination in Public (EIP) in Autumn 2019.
31. As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
32. Policies considered in the context of this planning application include:

- SP2: 'Regeneration that works for all'
- SP5: 'Healthy active lives'
- SP6: 'Cleaner, greener, safer'

P56: Open space

Old Kent Road Area Action Plan

33. The council is preparing an Area Action Plan/Opportunity Area Planning Framework for Old Kent Road (AAP/OAPF) which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line

with new stations along the Old Kent Road towards New Cross and Lewisham. Consultation has been underway for four years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21 March 2018.

34. As the document is still in draft form, it can only be attributed limited weight. The site of the planning application subject to this report is not located within the Old Kent Road Opportunity Area. The northern boundary of the site does abut the Opportunity Area boundary, however.

Consultation

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

Summary of consultation responses

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

Summary of consultation responses from members of the public

- 46 Supported
 - 22 Objected
 - 2 Neutral
 - One objecting petition from representatives of the Southwark Tigers and Lancers Rugby Club, undersigned by 101 members and supporters agreeing with their objections and points raised
37. Note: Some responders formally registered objections while clarifying general support but objected to or raised concerns regarding specific parts of the proposals. Similarly several responses registered as being supportive of the proposals were supplemented by cautious concerns and/or specific objections. The above figures reflect the totals of the overarching tone of each response in addition to what the responder directly registered their comments as. Where responses registered as support but supplemented by strong concerns/objections, these were counted as objections for the avoidance of doubt.
38. A number of supplementary comments from consultees who had provided responses prior to the publication of the previous report were received after publication of that report. The issues raised in these comments have been addressed in this updated report but by virtue of being from the same groups that had previously responded, have not altered the above headline figures.
39. In addition to general indications of support, objection or otherwise to the principle of the development, more detailed comments, substantially comprising objections and/or concerns, regarding the following issues were raised by members of the public in response to the public consultation on the application:
- Principle of development against conformity with Metropolitan Open Land policy
Issues are addressed in detail in paragraphs 41 - 46.
 - Neighbour amenity impacts
Issues are addressed in detail in paragraphs 51 - 57.
 - Design quality and site layout and impact on heritage assets
Issues are addressed in detail in paragraphs 58 - 75.

- Transport, parking, highways, deliveries and servicing matters
Issues are addressed in detail in paragraphs 76 - 85.
- Environmental impact during the construction phase (noise, dust and dirt etc.)
Issues are addressed in detail in paragraphs 133 – 135.
- Ecology and biodiversity
Issues are addressed in detail in paragraphs 98 – 105.
- Environmental impact of demolition of the existing, 15 year old building and green credentials of the proposed building
Issues are addressed in detail in paragraphs 106 – 119.
- Security and prevention of crime and anti-social behaviour
Issues are addressed in detail in paragraphs 54 – 55, 91, 94 and 128.
- Concerns of the cost of use (and by extension accessibility) of new facilities as a result of improvement
Issue is addressed in detail in paragraphs 129 – 133.

Summary of consultation responses from internal, statutory and non-statutory consultees

40. The following internal, statutory and non-statutory consultees also provided responses to the consultation confirming that the proposed development would be acceptable subject to conditions:
- Sport England
 - Environment Agency
 - Metropolitan Police
 - Environmental Protection Team
 - Design and Conservation Team
 - Ecologist
 - Highways: Development Management
 - Parking team
 - Transport Planning Team

Principle of development

41. There is no objection to the principle of the development in land use terms. The use of the land in the site would remain as existing, falling under Use Class D2 (outdoor sports facilities). The council's adopted development plan, comprised of the saved Southwark Plan policies, the Core Strategy and the London Plan, has specific criterion for development on Metropolitan Open Land (MOL) to adhere to. Additionally, the draft New Southwark Plan and draft new London Plan (2019) also have their equivalent strategic and detailed policies regarding development on MOL.
42. As MOL, Burgess Park is afforded protection under policy 7.17 of the London Plan. This policy advises that the strongest protection should be given to MOL and inappropriate development refused, unless in very special circumstances. With regard to Southwark's policies, saved policy 3.25 states that within MOL planning permission will only be permitted for appropriate development which is considered to be for the following purposes:
43. *i) Agriculture and forestry; or*
ii) Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for

other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or

iii) Extension of or alteration to an existing dwelling, provided that it does not result in disproportionate additions over and above the size of the original building; or

iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.

44. The equivalent draft New Southwark Plan policy P56 ('Open space') has similar wording to the effect of the above quoted saved Southwark Plan policy (3.25), albeit is substantially strengthened in one respect whereby criterion iii) of saved policy 3.25 noted above applies to all buildings rather than dwellings only. This is considered in further detail in paras 58 - 64 below.
45. The proposed development would provide the sports centre facility, two new AGPs and landscaping summarised in para 8 of this report above. This would support the use of the park for outdoor sport and recreation, and as such is considered to comply with part ii) of the policy. The design of the proposal is such that it would preserve the openness of the MOL. This is considered further below in the design section of this report (paras 58 - 64).
46. MOL is afforded the same protection as green belt thus the guidance on green belt in the National Planning Policy Framework is a material consideration. The Framework states that new buildings providing appropriate facilities for outdoor sport and recreation are acceptable. The principle of the proposed development is therefore considered to be acceptable in land use terms.

Environmental Impact Assessment

47. A screening assessment to establish whether a full environmental impact assessment (EIA) is required providing the proposed development falls within any of the following categories:
48. *(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;*
(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
(ii) the development includes more than 150 dwellings; or
(iii) the overall area of the development exceeds 5 hectares.
49. and is a type of development set out in either Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The schedules cover development types such as heavy infrastructure, heavy industry and large scale leisure and tourism uses (such as ski slopes, marinas and theme parks) that should be subject to an EIA screening assessment where the development meets either criterion (b) (i), (ii) or (iii) noted above.
50. The development falls within category b)(i) noted above however it does not fall under any of the development types in either Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The requirement for a screening assessment to establish whether an EIA is required is therefore not applicable.

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

51. The proposed sports centre building is set on a north-south axis which affords it a relatively modest profile viewed from these directions. The northern end of the building is located opposite a blank flank elevation of an end-of-terraced house which

fronts Cobourg Road with a view to minimising the visual impact on the Loncroft Road neighbour's daylight sunlight and open outlook. As a result of this arrangement the view of the park from the perspective of these residents will retain the sense of openness to their southerly primary aspect that they currently enjoy.

52. The proposed floodlights would not incur any harm to the amenity of these facing occupiers as confirmed through technical lux (light intensity) analysis while still enabling the required levels for play on the pitches. The lux level from the perspective of neighbouring windows on Loncroft Road would be 2 lux. The Institution of Lighting Professionals 'Guidance Note for the Reduction of Obtrusive Light GN01:2011' stipulates that a level of 5 lux would be acceptable for this location. A condition limiting the light levels emitted from the floodlights is recommended to this effect.
53. The acoustic barrier running 2.5m high between the perimeter fence and a row of trees would be installed alongside the northern boundary edge to ensure noise from the use of the pitches will not harm the amenity of these adjoining neighbours. The 3db increase in noise from the development, from the perspective of these neighbours, minimised as a result of the noise barrier, will therefore have no observed effect. The barrier would largely be obscured by the trees that would run in front along Loncroft Road. Details of this barrier are recommended to be secured by condition in the absence of the submission of detailed plans submitted with the full application.
54. Responses submitted to the consultation on the application raised concerns about the impact of the increased provision of the facilities on the occupiers of the nearby residential properties. This included noise of crowds dispersing from matches through the local streets, use of resident's bins, increase in perception/fear of crime and increase in crime in the immediate vicinity due to the increase in people.
55. While these concerns are legitimate, it is not considered that the proposed development would incur any greater risk of noise and disturbance and crime than the existing facility on the site to the extent that would warrant refusal when these concerns are considered as planning issues. Refuse and 'secured by design' are addressed as planning issues and as they relate to the proposed development for the purposes of this planning application elsewhere in this report.
56. The proposed spectator mounds to the west and north of the proposed new western-most AGP would go some way to mitigate noise impacts arising as a result of the play conducted on the pitches and therefore help to minimise the impact of the development on the amenity of the users of the other nearby portions of the park.
57. Concerns were raised by the England and Wales Cricket Board (ECB), through Sport England, regarding the revised fence layout to the community cricket and rugby pitch on the western and northern boundaries due to risk of ball strike to the nearby properties. A condition requiring submission of an updated ball strike assessment to confirm that the revised fence layout is safe is recommended to be appended to any grant of planning permission to the satisfaction of ECB and Sport England.

Design issues

Scale, height, massing, layout and urban and detailed design

58. The proposed sports centre building would cover approximately 570sqm Gross Internal Area (GIA). This is smaller than the existing sports facility which comprises a total GIA area of approximately 643sqm. The existing facility as comprises two wings, perpendicular to each other, one of which is a maximum height of 5m, orientated on an east-west axis and with the northern elevation hidden by a grass verge (facing residents on Loncroft Road). The remaining wing lies next to the existing AGP on a north-south axis and is approximately 3.5m high on the eastern elevation in front of

the main entrance to the facility while is approximately 3m high on the AGP (western) side.

59. The proposed new building relative to the existing would be in a more prominent location within the park and the site. This design has been developed partially with a view to improve way finding, with the entrance to the existing bunker-like facility tucked away in a corner where the two wings meet following a footpath off Cobourg Road.
60. The proposed replacement building would be more noticeable within the park because of its location, orientation, shape and dimensions of the building and indeed architectural treatment with regard to façade articulation and materials. It would not be hidden by a grass verge as per the current facility on the site and would by contrast provide a strong axis on which to focus the clustering of the sports offer in Burgess park located either side of Cobourg Road. This is considered to be appropriate for the proposed facility in a park of this stature and a design improvement on the existing facility in this regard.
61. Despite the stronger presence within this part of the park's landscape, the reduction in maximum height and GIA, combined with the approach to reducing the maximum heights and widths to the overall building volume means that the proposed approach would meet the updated draft New Southwark Plan version of saved Southwark Plan policy 3.25 which requires that any replacement building within MOL 'is no larger than the building it replaces.' The approach to cladding and retaining materials behind at the northern and southern ends of the building would additionally contribute to a reduction of any perceived increase in massing within the park's landscape.
62. The cladding would otherwise be an interesting and robust material intended to be almost continuous with adjacent enclosing fences, with what could nevertheless form quite a hard edge to this part of the park. This would be mitigated by the creation of a 'plaza' between the building and the public highway of Cobourg Road and by the wedged shaped footprint of the building itself which will funnel visitors towards its entrance. This will allow for an element of street activity with the relatively neutral cladding of the building behind. The light reflective colour of the cladding will vary according to light conditions. Shadows cast on the perforated, pleated panels by nearby trees will also add some interest.
63. The increase in fencing to cover two AGPs pitches with flood lighting would be noticeable on this part of the park and impact its existing relatively quiet character, which is currently afforded by the low key entrance and set back position of the existing sports centre facility and single AGP behind this.
64. However, given the existing uses and arrangement of these uses on the site the impact is overall considered to be additional rather than new. As viewed from the across the park from the west and south the additional impact will not be significantly more noticeable. As viewed from the south along Cobourg Road the additional fencing will be partially screened by the proposed small scale sports centre.

Impact on heritage assets

65. The complex is next to the Cobourg Road Conservation Area which has a picturesque park side setting. The new complex would have some harm on this setting and, with the increase in provision of fencing and floodlighting, affect this picturesque quality. However, and as pointed out above, the additional harm, over and above that caused by the existing AGP would be relatively limited.
66. The nearby properties on Loncroft and Cobourg Roads are of generous proportions, with the flank elevation of the property facing the proposed sports centre building

having a 9.5m roof ridge height. In this context the maximum 4.5m height of the proposed sports centre building opposite is not considered to be inappropriate and would be subservient addition in the context of the conservation area.

67. The harm to the setting of the conservation area by provision of a new, contemporary building with a stronger street presence along with increased provision of boundary fencing would affect the relatively green and quiet setting for the conservation area. This will have to be balanced against the public benefit accruing from the proposals.
68. Taking the location and stature of the park as noted above into account, it is not unreasonable to expect the park to be used for active recreation and for it to take on whatever characteristic accrues from this. Providing it is done in a carefully considered way to comply with the requirements of development plan policy for development on MOL (as it does here, noted above) it is on balance acceptable.

Consultation response - objections received on design grounds

69. It should be noted that a number of objections to the proposal were submitted the council objecting to the proposed design of the scheme including overall layout and detailed design specification of the proposed sports centre building.
70. These included comments that the overall layout is poor and would create barriers across the park. There would be an increase in the extent of fencing around the perimeter of the site, necessitated by the two new AGPs which replace the existing single AGP located in the same part of the site. It is acknowledged that the additional land take of the new AGP and associate fencing would impede on what is currently open outlying grassed areas of the park. However the provision of a net uplift of one AGP in this location is in accordance with the 2015 Burgess Park Masterplan and is required to meet the demand for facilities identified in the council's Playing Pitch Strategy (2017).
71. Additionally, it should be noted that the proposals as a whole would not (with the exception of the footpath into, and terminating at, the entrance of the existing sports centre building) cut off or impede any formally established routes of either footway or highway within or around the site. The proposals would, as noted above, aid way finding and legibility of this part of the park. This objection has therefore been given limited weight in the consideration of the application.
72. Objections were also received on the basis of the encroaching of the sports facilities, including the AGPs, into what is, the outlying grassed areas of the park, including the impact of the reduction of this space on their use and potential to accommodate for non-sporting and self-organised activities by users of the park. However, as noted in para 114 below, the proposed layout is a logical one minimising the impact on the park and is in accordance with the principles of the expansion of the sports facilities, including an additional AGP, established in the council's Burgess Park Masterplan and Playing Pitch Strategy. In addition to this there is no shortage of spaces for non-sporting or self-organised activities to take place elsewhere in the park including in the immediate vicinity of the site.
73. Finally, a number of objections were received that related to the detailed design of the proposed sports centre building itself, specifically relating to the functionality of the building and whether the proposed design would adequately meet user requirements. These are noted in appendix 2.
74. A key concern raised as part of feedback on the design include the reduction in the number of changing rooms in the proposed sports centre building relative to those within the existing building (from 8 to 6). However following review and discussion of these points with the applicant, it can be confirmed that the way in which the access to

the changing rooms will managed will be through a substantially more efficient operating model than that employed at the current facility.

75. A number of detailed comments were received, including within the petition from the local Southwark Lancers and Tigers Rugby Club, on other aspects of the detailed design and layout of the proposed sports centre building. As above these were reviewed carefully in consultation with the applicant and, in light of acceptance of proposed design from the Rugby Football Union (RFU) through Sport England, officers are satisfied that the design decisions taken by the applicant are fully justified and the proposal, including in terms of detailed design of the facilities, would meet anticipated user needs and is therefore acceptable.

Transport and servicing

General

76. The site is within a CPZ and a 20 MPH Zone with a school and mosque located in the immediate area to the north, generating footfall and motorised traffic during peak times. Traffic can approach from Old Kent Road and Trafalgar Avenue. The site is PTAL primarily 3 in this area and is a short walk to bus services on Trafalgar Road and the Old Kent Road.

Car parking, access and road safety

77. The application proposes changes to the public highway, including a reduction in car parking spaces along Cobourg Road by approximately 30 spaces, of a total 107 spaces along the length of the road, and a total of 196 in the immediate area when counting Loncroft Road and Neate Street. This 30 space reduction in spaces was changed from the initially proposed reduction of approximately 45 spaces in this part of the site.
78. A parking survey confirmed that the removal of the existing parking spaces would mean demand would still be able to be accommodated with the reduced number at the initially proposed 45 space reduction. The applicant and highways officers have agreed that as part of the works to the highway the retained parking bays on Cobourg Road will be reviewed for uses to include Blue Badge parking, secure cycle parking and some pay and display bays that could be used by visitors to the facilities.
79. The approach to parking has been proposed in the forward-looking context of strategic policies set out in the draft New Southwark Plan: Proposed Submission Version and Old Kent Road Area Action Plan (in addition to adopted development plan policies). The reduction of the parking spaces to the level approximately now proposed will both adequately fulfil demand generated by the facility in the interim, while ensuring where possible users of the facilities are encouraged to travel by more sustainable modes of transport including walking, cycling and public transport accessible from nearby Old Kent Road and Trafalgar Avenue.
80. Highways works that the site would be subject to as part of the scheme would include:
- Construct a vehicle crossover on Loncroft Road
 - Reinstate the redundant vehicle crossover on Loncroft Road as footway.
 - Construct the raised link table on Cobourg Road with associated drainage.
 - Construct a raised intersection table at the junction of Loncroft Road and Cobourg Road with associated drainage.
 - Remove existing sinusoidal humps on the southern end of Cobourg Road.
 - Promote a Traffic Management Order (TMO) to amend the parking arrangements on Loncroft Road and Cobourg Road.
 - Repair any damages to the highway within the vicinity of the site due to

construction activities.

81. The exact location and materials will be confirmed outside of the planning process as the project progresses in collaboration with several council teams and external stakeholders, subject to planning permission being granted. The works specified above are recommended to be included in an informative appended to any grant of planning permission issued.
82. Transport planning, parking and highways officers acknowledged that outside of the proposals put forward in this planning application, provision of and changes to parking would continue to be reviewed and rationalised, including under the CPZ process, with a view to making the borough a greener and safer place for residents workers and visitors.

Cycle parking

83. The applicant has identified locations for sufficient cycle parking to exceed both draft and adopted London Plan standards and draft New Southwark Plan standards for visitor spaces. The number proposed comprises 28 spaces indicated as being located on the plaza area in front of the sports centre building.
84. The applicant, in consultation with transport planning and highways officers, has confirmed that further cycle parking spaces in the site to increase the provision can be identified and that their exact location of will be subject to confirmation outside of the planning process as the project progresses.

Servicing and delivery

85. The servicing requirements would be minimal and will take place from Coburg Road. Submission of a delivery and service management plan to ensure timings of deliveries avoid conflict during times of high activity in the area is recommended to be secured by condition.
86. **Landscaping and trees**

Trees

87. 22 trees within the site were identified as requiring removal to facilitate the development. These comprised 4 category B trees and 18 category C trees. The trees proposed to be removed are all located on the western portion of the site where the two AGPs, spectator mounds and sports centre building would be located.
88. New tree planting would take place across the site to ensure that canopy lost is replaced with at least equivalent than that being removed. The total loss of canopy cover from the removal of the identified 22 trees is approximately 700sqm which will be adequately offset by replanting of 40 trees on site on recommendation of the council's urban forester.
89. A run of mature lime trees located along the eastern side of Cobourg Road adjacent to the community cricket pitch would be retained and remain unaffected by the proposal.

Landscaping

90. The 'spectator mounds' would be located along the west (being 38m and 47m wide respectively) and north (63m wide) of the western-most AGP. They would be approximately 2m high with gently sloping front and rear aspects as well sloping 'sides' to provide access. The rear aspect faces away from the AGPs and would be

planted with native shrub planting to provide habitat for biodiversity. The slope facing the AGPs providing the opportunity for additional tiered make-shift 'seating.'

91. Objections were raised as part of public consultation to the provision of the mounds on the basis of impact on way finding and crime prevention and perception of opportunity for crime with routes located between either existing and proposed mounds or the proposed fencing and the proposed mounds. No objection was received from the Metropolitan Police on this aspect of the proposal. The mounds are low and of a gentle enough gradient that it is not considered they will either impact visibility across or through routes, obscure wayfinding or increase the opportunity or perception of opportunity for crime. The sides of the slopes intended as informal spectator seating would be lit by the reach of the pitch flood lights when in use.
92. The mounds would fit into the landscaping of the park and would increase the utility by providing dedicated places from which to spectate on games activities within the new AGPs. The demarcation of areas of Burgess Park by raised mounds has precedent elsewhere and is established in the Masterplan for Burgess Park.' As well as offering a space for spectators, the provision of the mounds would have several other benefits identified elsewhere in this report (see para 102 re: ecology, para 56 re: noise and para 136 re: soil and HGV movements).
93. An additional area of raised land would be located to the north of the existing cricket pitch at the junction of Cobourg Road in the centre of the site and which would also accommodate a Sustainable Urban Drainage scheme (SUDs) including planting. This corner space forms an intermediary link with the footpath between Waite Street to the north east and Cobourg Road to the west.
94. New lighting would be introduced along this route that, combined with the new, more open corner area and re-located entrance of the community/cricket pitches at this meeting point of routes, would improve safety and reduce the perception of and opportunity for crime. The lighting would continue along the hard landscaped plaza in front of the new sports centre along Cobourg Road.
95. As noted above, both the area of the combined two AGPs would be bounded by 4.5m high 'ballstop' perimeter fencing. The pitches of the AGPs themselves would be bounded internally by additional 3.5m pitch perimeter fencing separating the two from each other and the outlying hard landscaped area adjacent to the sports centre building.
96. Given the presence of the fencing accommodating the existing single AGP (and the same 3.6m high fencing around the community cricket/rugby pitches) there is no objection to the principle or the impact of the proportionate increase in fencing bounding the facilities within the setting of the park in landscaping terms.
97. The plaza area between the new sports centre building and public highway of Cobourg Road would accommodate basic provisions for the street including benches, cycle parking, bollards, bins and a 'Legible London' style way finding monolith sign. Materials have been indicatively confirmed as meeting the requirements of the Southwark Streetscape Design Manual, and include improved paving/raised junctions to provide better east/west links across the two halves of the site. Details of the public realm outside of the highway can be secured by the landscaping condition.
98. As part of wider project works to Burgess Park, formal paving along a footpath that runs from the south of the park, partially through the south west corner of the site, to the barbeque area to the west of the site, would be implemented, including in the portion which lies within the site boundary.

Ecology and biodiversity

99. Burgess Park is designated a Site of Importance for Nature Conservation (SINC). The site itself has limited habitat comprising ancillary amenity grassed area surrounding the existing AGP in addition to the numerous trees interspersed across the site. A small section of planted shrubbery is in front of the sports centre. The council's ecology officer confirmed that this habitat is of negligible biodiversity value.
100. A report by the London Wildlife Trust was submitted to support the application. The report comprises a survey of the site as existing, including habitats within the site, their importance/significance and identified species within them. No protected species were identified during the survey. The report noted that the development would potentially impact on the boundary of the SINC designation in parts of the site such as where, for example, an area is taken up by the AGPs, which do not provide habitat value.
101. The report concluded that 'apart from a very small proportion of semi-improved neutral grassland and two mature wild cherries and the three sycamores the proposed development does not impact important habitats that have led to Burgess Park being granted the non-statutory designation of Borough Grade II Site of Importance for Nature Conservation.' The report recommended ecological enhancements, such as planting, which have been taken forward as part of the proposed development to the satisfaction of the council's ecology officer and urban forester.
102. A range of new planting, including native shrubbery would be implemented across the site in relevant locations such as the rear facing slopes of the spectator mounts and in the new opened corner in the north of the site located to the east of Cobourg Road, hosting the SUDs scheme planting.
103. The applicant has additionally proposed to incorporate a green roof into the proposed sports centre building. The council's ecology officer is satisfied that, relative to the existing ecological value on the site, an enhancement in biodiversity will be delivered as a result of the scheme. Details of these aspects of the proposals are recommended to be secured through the landscaping condition.
104. A survey confirmed the site is used by bats as habitat. The updated bat survey (Sept' 2019) confirmed that light-sensitive species were not observed as habiting the area and therefore the impact of the proposed artificial lighting on bats would be negligible.
105. Further recommendations were set out in the survey to minimise the anticipated impact on bats (assessed as being either negligible or low, with the exception of the potential impact of the construction impacts which could be moderate). These are recommended to be secured by condition.
106. Concern has been raised through a consultation response regarding implementation of the proposed spectator mounds and their construction, planting and maintenance based on the reportedly poor performance of similar structures previously implemented in the park. Following these issues being raised with the applicant, officers are satisfied that securing details of the mounds and planting through the relevant landscaping conditions will ensure quality for this aspect of the development can be delivered in the implemented scheme.

Energy and sustainability

107. As a community facility (Use Class D2) the new sports centre building would be required to achieve BREEAM level Very Good according to Core Strategy Strategic Policy 13 'High environmental standards.' An indicative BREEAM approach analysis was undertaken which confirmed the proposed sports centre facility would be able to

achieve Good rather than Very Good.

108. This is due to the proposal's impact on a relatively low value aspect of park ecology and habitat where the proposed AGPs will replace what is currently grassed areas adjacent to the single existing AGP. Maintaining or enhancing the existing ecological value of a site is a condition of achieving BREEAM 'Very Good' which, by virtue of the loss of grassed areas, the proposed development will not be able to achieve under BREEAM assessment criteria. The analysis notes however that the scheme has the potential to achieve Very Good equivalent scores in many other categories outside of ecology. A compliance condition requiring the anticipated maximum feasible percentage score of 58% is achieved.
109. Outside of the BREEAM assessment process, the council's ecology officer is satisfied that there will be an enhancement of habitat and biodiversity on the site with the proposed measures mentioned above. Taking this, in conjunction the wider social and community benefits that accrue as a result of the scheme into account, this is acceptable.
110. The new building would be constructed of materials which would see U-values (insulation), G-values (solar transmittance in glazing) and airtightness supersede those required under Part L of the 2013 Building Regulations. The proposed façade treatment with the perforated cladding will provide solar shading to what would otherwise be large openings in the elevations, minimising the impact of solar gain in summer months.
111. The applicant has committed to providing a green roof for the proposed sports centre building in light of objections received regarding the omission of one from the initial design. Options have been explored with a view to implementing one which would not impact on the overall height of the building too dramatically. The green roof would be visible on the building when viewed within its' setting of the street and parkscape. Sketches have been submitted by the applicant to present an indication of the impact of the green roof on these views. Details of the roof are recommended to be secured by condition.
112. The development is of too small a scale to be required to achieve minimum 35% on site savings on Part L of the 2013 Building Regulations. Nonetheless by virtue of the above noted design specification the proposed building is considered to otherwise fulfil the requirement to maximising carbon emissions savings through the application of the Mayor's Energy hierarchy, including prioritisation of passive design measures to improve energy efficiency of the building.

Consultation responses – objection to principle of redevelopment of site on sustainability grounds

113. Consultation responders objected to the scheme on the grounds of the sustainability of the approach to both replacement of the existing building which was constructed in 2005/06 and the lack of any proposed new renewable or clean energy supply as was incorporated into the existing facility on the site.
114. Part of the justification for the redevelopment of the existing building for a new one is on design and functional grounds. This includes improving way finding and ensuring the presence of the overall facility is appropriate for and makes the most of the opportunities afforded by the location and context of the site. The new building form with a single, clear public entrance will go some way to ensure longevity of the facility. Additionally, a primary reason for relocation (and by extension, redevelopment) of the existing facility is that the scheme would enable the provision of an net addition of one APG (an established aim set out in both the council's Burgess Park Masterplan (2015) and the Playing Pitch Strategy (2017) in a logical arrangement with the two AGPs

proposed located side by side one another.

115. A structural report concluded that while the building was in overall sound structural condition, due to the age of parts of it continual and costly maintenance would be required to address and upkeep the parts noted as requiring immediate attention. In addition, one of the reasons the existing facility is not considered to be fit for purpose is partly on the basis of the ambitious but now failed low carbon emissions strategy with PV panels and the installed Ground Source Heat Pumps (GSHP) that the current building was designed and built out with.
116. A building inspection report submitted to support the application confirmed that the original automated 'Building Management System' (BMS) responsible for controlling and distributing heat supplied by the GSHP within the existing facility was over-engineered, being too complicated and fighting with the supplementary, 'top-up' electric immersion heaters. This was the result of a number of design flaws and poor construction resulting in an inefficient, difficult-to-manage and costly building to run.
117. The applicant has confirmed that longevity of the proposed building has been considered in a number of ways with a view to ensuring that the mistakes of the previous facility are not repeated. This includes designing a new building that has the potential to be adaptable.
118. The existing building, due to its location on the site, grass banking and overall layout and geometry make it difficult to successfully extend or improve. The proposed building's linear footprint by contrast would allow for such an option. Structurally, within the proposed building there are additionally no loadbearing partitions which similarly would make extensions harder to implement in the future.
119. The proposed building materials, primarily comprising steel and masonry would provide a robust, durable facility with minimal maintenance requirements and a design life of 50 years. Finally, the proposed mechanical and servicing and related energy supply elements of the new facility would not see utilisation of any particularly ambitious or innovate green technologies, as is appropriate for a scheme of this scale and which was part of the reason for a poor performing facility currently on the site, noted above.
120. As noted above in paras 107 - 112, the proposed sports centre building would be able to achieve sustainability and energy efficiency standards to a limit that is reasonable given the constraints imposed by the site. The wholesale redevelopment of the existing facility, which would bring a number of wider benefits noted above and elsewhere in this report, is therefore accepted as having reasonable justification.

Ground conditions and contamination

121. An unexploded bomb survey and ground contamination report was submitted with the application which officers from environmental protection team reviewed. Due to the area's recent history as a heavily bombed industrial area during WWII, risk of unexploded bombs and ground contamination was concluded to be high. Conditions securing further details on these aspects of the site and impacts on the development will be able to satisfactorily manage and mitigate any risk imposed by the redevelopment of the site.

Flood risk

122. The site is located in Flood Zone 3 but in an area that benefits from the defences of the Thames Barrier and therefore is subject to a low risk of tidal and fluvial flooding. Similarly due to the basin-like nature of much of the parkland, while pockets of the site (such as the highway of Cobourg Road) are at low lying levels, the overall probability

of surface water flooding is low.

123. Technical calculations were submitted as part of a flood risk assessment confirming that the site overall would achieve greenfield run off rates to the council's Flood and Drainage team's satisfaction. A small area of SUDs planting has been indicated in the corner of the site to the immediate north east of Cobourg Road. Details of this will be secured as part of the landscaping condition.

Planning obligations (S.106 undertaking or agreement)

124. There are no obligations to secure by legal agreement.

Mayoral and borough community infrastructure levy (CIL)

125. There is no Southwark CIL payment to make to the council as the charging authority should planning permission be granted and the development implemented.
126. Under MCIL2 the Mayor of London charges £60 per sqm for all development in Southwark. The Mayoral CIL charge can be indicatively reported to be in the region of £34,000. A final figure will be able to be confirmed following any grant of planning permission and would be subject to the relevant technical calculation and indexation.

Community involvement and engagement

127. An engagement summary was provided by the applicant confirming the community engagement and formal consultation undertaken prior to the submission of the planning application according to the council's 'engagement summary' template as required by the council's development consultation charter.

Other matters

Secured by design

128. The Metropolitan Police's Secure by Design officer reviewed the application and confirmed that the development would be able to achieve Secure by Design certification providing details of the building specification is confirmed to the appropriate standards. Details of these are therefore recommended to be secured by condition.

Cost for users facilities and facility management and governance

129. Responses to the public consultation raised concerns and objected to the proposals on the basis of the potential increase in costs to the users of the facilities, including the established local clubs. The number and strength of the objections indicated strong opposition to the scheme on the basis of fear of the development of the facilities would be to the exclusion of established local community groups.
130. One consultation response comprising a petition of 101 signatories from Southwark Tigers and Lancers Rugby Club members and supporters cited several development plan policies (noted above, including London Plan 3.1, 3.2 and 3.16) to indicate that the redevelopment and re-provision of the existing facilities potentially amounted to 'loss' of facilities by virtue of a change in management/operation regime of the proposed sports centre. Several other development plan policies were cited regarding access to community facilities, citing concerns that no information regarding management arrangements of the proposed facility were included in the application.
131. Subsequent to this analysis the petition requested a condition be appended to any grant of planning permission for submission and approval of a management plan to be

prepared in consultation with the local community and which should be bought back for discharge by planning committee, in addition to a legal agreement to set affordable rent levels for the existing community groups.

132. The development as proposed conforms to the specific requirements of the cited development plan policies regarding access to community and healthy facilities. However the detailed operational and management arrangements of the facilities are not considered to be material consideration for this planning application. Such arrangements would be an agreement between the relevant parties outside of a planning application.
133. Nonetheless it can be brought to the planning committee's attention that the operation and management arrangements of the proposed facility have been considered in detail and in principle approved by the deputy leader of the council and cabinet member for culture, leisure, equalities and communities on 08/05/2019, including the community involvement and access arrangements. This report and record of the decision can be found on the 'council and democracy' section of the council's website.

Construction impacts

134. Some consultation responses raised concerns about construction impacts including the requirement for the closure of the community cricket pitch for up to two years as a result of the build out of the project. The applicant has confirmed that the building programme would not disrupt the use of the community cricket pitch.
135. A condition requiring appropriate management of the impact of the build out of the scheme to either ensure continued access to the facilities and/or provision of alternative facilities for affected user groups is recommended to be appended to any grant of planning permission.
136. It should be noted that the proposed spectator mounds will be constructed from the removed soil excavated to facilitate construction of the project. This will minimise the impact of the construction of the project on the local area by reducing the necessary HGV trips to and from the site that would otherwise be required to shift the material offsite.

Pitch specification for the Rugby-designated AGP

137. The applicant has confirmed, to the satisfaction of the Rugby Football Union (RFU) and by extension Sport England that the western-most pitch which has been designed for rugby use will be of adequate specification for rugby use. This is on the basis of taking site constraints and the circumstances of the scheme into account.
138. Two informatives regarding the pitch specification for the rugby AGP and community rugby grass pitch are recommended to be appended to any grant of planning permission, including adhering to the specification within 'RFU guidance note 7: Artificial Rugby Turf' in order to achieve and maintain World Rugby Regulation 22.

Conclusion on planning issues

139. A grant of planning permission is recommended on the basis of the proposed development conforming to the strategic and detailed development management policies cited in paras 24 – 34 above, including: being acceptable principle of development by virtue of the proposed land use, acceptable impact on the amenity of the adjoining and nearby occupiers, acceptable design including landscape impact of park setting and on nearby heritage assets, acceptable transport and highways impacts, acceptable impact on ecology, biodiversity and trees, acceptable with regards to sustainability and other matters detailed further in this report above.

Community impact statement / Equalities Assessment

140. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
141. f) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- g) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- h) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
142. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
143. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
144. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. No matters pertaining to the impact of this development on people with protected characteristics have been raised through the consultation and no impact above in that detailed above in the ‘planning assessment’ is expected.
145. Throughout the consultation process no information was received to indicate that any members of the public falling under the protected characteristics would be negatively affected by the development, and thus no specific mitigation measures are required in this regard. The areas of the borough around the site are home to a large proportion of residents from a BAME background. As a result of this, it is anticipated that the proposed scheme would disproportionately affect members of this group in a positive manner by improving access to enhanced sports facilities within the borough.

Human rights implications

146. 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.
147. This application has the legitimate aim of providing new affordable housing. 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/M2022 Application file: 19/AP/1275 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Tom Weaver, Planning Officer	
Version	Final	
Dated	4 November 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		7 November 2019

APPENDIX 1**Consultation undertaken****Site notice date:** 20/06/2019**Press notice date:** 27/06/2019**Case officer site visit date:** 20/06/2019**Neighbour consultation letters sent:** 24/06/2019**Internal services consulted:**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
 Highway Development Management
 Design and Conservation Team
 Flood and drainage team
 Urban Forester
 Ecology Officer
 Parking Team
 Transport Planning Team

Statutory and non-statutory organisations consulted:

Sport England
 Historic England
 Thames Water
 Environment Agency
 Metropolitan Police
 Friends of Burgess Park
 UKPN

Neighbour and local groups consulted:

- Flat 15, 85 Cobourg Road, London
- Flat 14, 85 Cobourg Road, London
- Flat 17, 85 Cobourg Road, London
- Flat 16, 85 Cobourg Road, London
- Flat 11, 85 Cobourg Road, London
- Flat 10, 85 Cobourg Road, London
- Flat 13, 85 Cobourg Road, London
- Flat 12, 85 Cobourg Road, London
- 91 Cobourg Road, London, SE5 0HU
- 89 Cobourg Road, London, SE5 0HU
- 65 Cobourg Road, London, SE5 0HU
- 93 Cobourg Road, London, SE5 0HU
- Flat 19, 85 Cobourg Road, London
- Flat 18, 85 Cobourg Road, London
- 87 Cobourg Road, London, SE5 0HU
- Flat 20, 85 Cobourg Road, London

- Flat 9, 85 Cobourg Road, London
- 79 Cobourg Road, London, SE5 0HU
- 77 Cobourg Road, London, SE5 0HU
- 83 Cobourg Road, London, SE5 0HU
- 81 Cobourg Road, London, SE5 0HU
- Flat 14, 103 Cobourg Road, London
- Flat 13, 103 Cobourg Road, London
- New Peckham Mosque, 99 Cobourg Road, London
- Flat 15, 103 Cobourg Road, London
- Flat 6, 85 Cobourg Road, London
- Flat 5, 85 Cobourg Road, London
- Flat 8, 85 Cobourg Road, London
- Flat 7, 85 Cobourg Road, London
- Flat 2, 85 Cobourg Road, London
- Flat 1, 85 Cobourg Road, London
- Flat 4, 85 Cobourg Road, London
- Flat 3, 85 Cobourg Road, London
- 67 Cobourg Road, London, SE5 0HU
- Flat B, 47 Trafalgar Avenue, London
- First Floor Flat, 34 Glengall Road, London
- Garden Flat, 47 Trafalgar Avenue, London
- Flat 10, 77 Trafalgar Avenue, London
- Flat 1, 77 Trafalgar Avenue, London
- Cobourg School House, Cobourg Road, London
- Main Block, Cobourg Primary School, Cobourg Road
- Flat C, 52 Trafalgar Avenue, London
- Flat A, 52 Trafalgar Avenue, London
- 36A Bird In Bush Road, Peckham, SE15 6RW
- Top Floor Flat,, 261 Liverpool Road, London
- 256 Gainsborough Court, 14 Stubbs Drive, London
- Flat 59 Oslo Tower, Naomi Street, London
- 146 Seely Road, London, SW17 9QY
- Flat 5, 220 Blackfriars Road, London
- 128 Church Lane, Top Floor Flat, London
- 324 South City Court, London, SE15 6AU
- 43 Peregrine House, Hall Street, London
- 77A, Dunton Road, London
- Flat 22, Ian Court, Dacres Road, London
- 83 Hatcham Park Road, London, SE14 5QF
- 25 Aylesbury Road, London, SE17 2EQ
- Flat 5, 77 Trafalgar Avenue, London
- Flat 4, 77 Trafalgar Avenue, London
- Flat 7, 77 Trafalgar Avenue, London
- Flat 6, 77 Trafalgar Avenue, London
- Flat 12, 77 Trafalgar Avenue, London
- Flat 11, 77 Trafalgar Avenue, London
- Flat 3, 77 Trafalgar Avenue, London
- Flat 2, 77 Trafalgar Avenue, London
- 26 Glengall Road, London, SE15 6NN

- Flat 1, 103 Cobourg Road, London
- 9 Glengall Terrace, London, SE15 6NW
- Flat 3, 103 Cobourg Road, London
- Flat 2, 103 Cobourg Road, London
- 6 Glengall Terrace, London, SE15 6NW
- 5 Glengall Terrace, London, SE15 6NW
- 8 Glengall Terrace, London, SE15 6NW
- 7 Glengall Terrace, London, SE15 6NW
- Flat 9, 103 Cobourg Road, London
- Flat 8, 103 Cobourg Road, London
- Flat 11, 103 Cobourg Road, London
- Flat 10, 103 Cobourg Road, London
- Flat 5, 103 Cobourg Road, London
- Flat 4, 103 Cobourg Road, London
- Flat 7, 103 Cobourg Road, London
- Flat 6, 103 Cobourg Road, London
- 4 Glengall Terrace, London, SE15 6NW
- 49 Trafalgar Avenue, London, SE15 6NP
- 38 Glengall Road, London, SE15 6NN
- 52 Trafalgar Avenue, London, SE15 6NR
- 51B Trafalgar Avenue, London, SE15 6NP
- 30 Glengall Road, London, SE15 6NN
- 28 Glengall Road, London, SE15 6NN
- 36 Glengall Road, London, SE15 6NN
- 32 Glengall Road, London, SE15 6NN
- 64 Trafalgar Avenue, London, SE15 6NR
- 62 Trafalgar Avenue, London, SE15 6NR
- 3 Glengall Terrace, London, SE15 6NW
- 1 Glengall Terrace, London, SE15 6NW
- 56 Trafalgar Avenue, London, SE15 6NR
- 54 Trafalgar Avenue, London, SE15 6NR
- 60 Trafalgar Avenue, London, SE15 6NR
- 58 Trafalgar Avenue, London, SE15 6NR
- 14 Addington Square, London, SE5 7JZ
- 11 Leydon Close, London, SE16 5PF
- 31 Councillor Street, London, SE5 0LY
- 9B Vicarage Grove, London, SE5 7LW
- Flat 44, Leysdown House, London
- Casa Sul Monte, Tysea Hill, Stapleford Abbotts
- 128 New Cross Road, London, SE14 5BA
- Flat 26, Macclesfield House, Central Street, London
- 9 Black Horse Mews, Borough Green, Sevenoaks
- 67 South Way, Croydon, CR0 8RH
- 54 Underhill Rd, London, SE22 0QT
- Flat 15, 43 Searles Road, London
- 1 Merrick Square, London, SE1 4JB
- 163 Athenlay Road, London, XXXX
- 30 Pepys Road, Newcross, London
- 806 Baldwin Point, London, SE17 1FH

- Flat 351 Imperial Court, 225 Kennington Lane, London
- Flat 23 151-153 Bermondsey St, London, SE1 3HA
- 70 Ivydale Road, London, SE15 3BS
- 59D Richborne Terrace, London, SW8 1AT
- Garden Flat, 37 Fenwick Road, London
- 28 Evelyn Street, London, SE8 5DG
- 23 Ravenstone Street, London, SW12 9ST
- Flat 9 Daisy Dormer Court, Brixton, SW9 8DW
- Flat 2, 22 Leam Terrace, Leamington Spa
- 37 Chapter Road, London, SE17 3ES
- Flat 28, Beaconsfield Close, London
- 201 Cold Harbour Lane, Flat 4, London
- 2B Ethel Street, Elephant And Castle, SE17 1NH
- 68 Riverpark Gardens, Bromley, BR2 0BH
- 3 Somerton Rd, London, SE15 3UG
- 49 Wakefield House, Goldsmith Road, London
- 99A Glenarm Road, London, E5 0LY
- 99A Glenarm Road, London, E5 0LY
- 122 Casino Avenue, London, SE24 9PP
- 13 Camberwell Green, London, SE5 7AF
- 10 Kelmores Grove, London, SE22 9BH
- 210 Merrow Street, London, SE17 2NX
- Flat 5 , Capitol Aprtments., 5 Bolingbrooke Walk, London
- Flat 69, 64 St George's Way, London
- 184 New Cross Road, London, SE14 5AA
- 113B Grove Vale, East Dulwich, London
- 30 Myrdle St, London, E1 1EU
- 1, Sterry Street, Borough, SE1 4NE
- Flat 8 - Chamberlain Court, Silwood Street, London
- 118 Stockwell Road, Brixton, SW9 9HR
- Flat 21, Bath House, Bath Terrace, London, SE1 6PU
- 22 Lloyd Villas, London, SE4 1US
- Shumleigh Gardens, Burgess Park, London
- Flat 2 114 Camberwell Road, London, SE5 0EE
- 100 Claverdale Road, London, SW2 2DL
- 6 Maple Leaf Square, London, SE16 6SB
- 76 Brookdale Road, London, SE6 4JP
- 33 Trafalgar Avenue, London, SE15 6NP
- Flat 1, Littlebourne House, Upnor Way, London
- 78 Tower Mill Road, London, SE15 6BP
- Basement Flat, 34 Glengall Road, London
- Flat A, 50 Trafalgar Avenue, London
- 2 Glengall Terrace, London, SE15 6NW
- Flat C, 50 Trafalgar Avenue, London
- Flat B, 50 Trafalgar Avenue, London
- 66 Trafalgar Avenue, London, SE15 6NR
- The Annexe, Cobourg Primary School, Cobourg Road
- 48B Glengall Road, London, SE15 6NH
- 48A Glengall Road, London, SE15 6NH

- Upper Ground Floor Flat, 34 Glengall Road, London
- Ground Floor Flat, 40A Glengall Road, London
- Flat C, 47 Trafalgar Avenue, London
- Flat A, 47 Trafalgar Avenue, London
- 5 Pepler Mews, London, SE5 0HX
- 104 Cobourg Road, London, SE5 0JB
- 102 Cobourg Road, London, SE5 0JB
- 41 Loncroft Road, London, SE5 0JE
- 39 Loncroft Road, London, SE5 0JE
- 71 Cobourg Road, London, SE5 0HU
- 69 Cobourg Road, London, SE5 0HU
- 100 Cobourg Road, London, SE5 0JB
- 73 Cobourg Road, London, SE5 0HU
- 2 Pepler Mews, London, SE5 0HX
- 1 Pepler Mews, London, SE5 0HX
- 4 Pepler Mews, London, SE5 0HX
- 3 Pepler Mews, London, SE5 0HX
- 45 Loncroft Road, London, SE5 0JE
- 43 Loncroft Road, London, SE5 0JE
- 49 Loncroft Road, London, SE5 0JE
- 47 Loncroft Road, London, SE5 0JE
- Flat 12, 103 Cobourg Road, London
- First Floor Flat, 50 Glengall Road, London
- Flat C, 44 Glengall Road, London
- Ground Floor Flat, 50 Glengall Road, London
- Second Floor Flat, 50 Glengall Road, London
- Flat 9, 77 Trafalgar Avenue, London
- Flat B, 44 Glengall Road, London
- Flat A, 44 Glengall Road, London
- 42 Glengall Road, London, SE15 6NH
- 40 Glengall Road, London, SE15 6NH
- 24 Glengall Road, London, SE15 6NN
- 46 Glengall Road, London, SE15 6NH
- First Floor Flat, 40A Glengall Road, London
- 75A Cobourg Road, London, SE5 0HU
- Christ Apostolic Church Mount Zion International, 1A Sumner Road, London
- Burgess Park Community Sports Pavilion, Burgess Park Community Sport Ground, 106 Cobourg Road
- Flat 8, 77 Trafalgar Avenue, London
- 75 Cobourg Road, London, SE5 0HU
- 51A Trafalgar Avenue, London, SE15 6NP

Re-consultation:

- Flat 15, 85 Cobourg Road, London
- Flat 14, 85 Cobourg Road, London
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- 28 Glengall Road, London, SE15 6NN
- 36 Glengall Road, London, SE15 6NN
- 32 Glengall Road, London, SE15 6NN
- 64 Trafalgar Avenue, London, SE15 6NR
- 62 Trafalgar Avenue, London, SE15 6NR
- 3 Glengall Terrace, London, SE15 6NW
- 1 Glengall Terrace, London, SE15 6NW
- 56 Trafalgar Avenue, London, SE15 6NR
- 54 Trafalgar Avenue, London, SE15 6NR
- 60 Trafalgar Avenue, London, SE15 6NR
- 58 Trafalgar Avenue, London, SE15 6NR
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- 11 Leydon Close, London, SE16 5PF
- 31 Councillor Street, London, SE5 0LY
- 9B Vicarage Grove, London, SE5 7LW
- Flat 44, Leysdown House, London
- Casa Sul Monte, Tysea Hill, Stapleford Abbotts

- 128 New Cross Road, London, SE14 5BA
- Flat 26, Macclesfield House, Central Street, London
- 9 Black Horse Mews, Borough Green, Sevenoaks
- 67 South Way, Croydon, CR0 8RH
- 54 Underhill Rd, London, SE22 0QT
- Flat 15, 43 Searles Road, London
- 1 Merrick Square, London, SE1 4JB
- 163 Athenlay Road, London, XXXX
- 30 Pepys Road, Newcross, London
- 806 Baldwin Point, London, SE17 1FH
- Flat 351 Imperial Court, 225 Kennington Lane, London
- Flat 23 151-153 Bermondsey St, London, SE1 3HA
- 70 Ivydale Road, London, SE15 3BS
- 59D Richborne Terrace, London, SW8 1AT
- Garden Flat, 37 Fenwick Road, London
- 28 Evelyn Street, London, SE8 5DG
- 23 Ravenstone Street, London, SW12 9ST
- Flat 9 Daisy Dormer Court, Brixton, SW9 8DW
- Flat 2, 22 Leam Terrace, Leamington Spa
- 37 Chapter Road, London, SE17 3ES
- Flat 28, Beaconsfield Close, London
- 201 Cold Harbour Lane, Flat 4, London
- 2B Ethel Street, Elephant And Castle, SE17 1NH
- 68 Riverpark Gardens, Bromley, BR2 0BH
- 3 Somerton Rd, London, SE15 3UG
- 49 Wakefield House, Goldsmith Road, London
- 99A Glenarm Road, London, E5 0LY
- 122 Casino Avenue, London, SE24 9PP
- 13 Camberwell Green, London, SE5 7AF
- 10 Kelmore Grove, London, SE22 9BH
- 210 Meroo Street, London, SE17 2NX
- Flat 5 , Capitol Aprtments., 5 Bolingbrooke Walk, London
- Flat 69, 64 St George's Way, London
- 184 New Cross Road, London, SE14 5AA
- 113B Grove Vale, East Dulwich, London
- 30 Myrdle St, London, E1 1EU
- 1, Sterry Street, Borough, SE1 4NE
- Flat 8 - Chamberlain Court, Silwood Street, London
- 118 Stockwell Road, Brixton, SW9 9HR
- Flat 21, Bath House, Bath Terrace, London, SE1 6PU
- 22 Lloyd Villas, London, SE4 1US
- Shumleigh Gardens, Burgess Park, London
- Flat 2 114 Camberwell Road, London, SE5 0EE
- 100 Claverdale Road, London, SW2 2DL
- 6 Maple Leaf Square, London, SE16 6SB
- 76 Brookdale Road, London, SE6 4JP
- 33 Trafalgar Avenue, London, SE15 6NP
- Flat 1, Littlebourne House, Upnor Way, London
- 78 Tower Mill Road, London, SE15 6BP

- Basement Flat, 34 Glengall Road, London
- Flat A, 50 Trafalgar Avenue, London
- 2 Glengall Terrace, London, SE15 6NW
- Flat C, 50 Trafalgar Avenue, London
- Flat B, 50 Trafalgar Avenue, London
- 66 Trafalgar Avenue, London, SE15 6NR
- The Annexe, Cobourg Primary School, Cobourg Road
- 48B Glengall Road, London, SE15 6NH
- 48A Glengall Road, London, SE15 6NH
- Upper Ground Floor Flat, 34 Glengall Road, London
- Ground Floor Flat, 40A Glengall Road, London
- Flat C, 47 Trafalgar Avenue, London
- Flat A, 47 Trafalgar Avenue, London
- 5 Pepler Mews, London, SE5 0HX
- 104 Cobourg Road, London, SE5 0JB
- 102 Cobourg Road, London, SE5 0JB
- 41 Loncroft Road, London, SE5 0JE
- 39 Loncroft Road, London, SE5 0JE
- 71 Cobourg Road, London, SE5 0HU
- 69 Cobourg Road, London, SE5 0HU
- 100 Cobourg Road, London, SE5 0JB
- 73 Cobourg Road, London, SE5 0HU
- 2 Pepler Mews, London, SE5 0HX
- 1 Pepler Mews, London, SE5 0HX
- 4 Pepler Mews, London, SE5 0HX
- 3 Pepler Mews, London, SE5 0HX
- 45 Loncroft Road, London, SE5 0JE
- 43 Loncroft Road, London, SE5 0JE
- 49 Loncroft Road, London, SE5 0JE
- 47 Loncroft Road, London, SE5 0JE
- Flat 12, 103 Cobourg Road, London
- First Floor Flat, 50 Glengall Road, London
- Flat C, 44 Glengall Road, London
- Ground Floor Flat, 50 Glengall Road, London
- Second Floor Flat, 50 Glengall Road, London
- Flat 9, 77 Trafalgar Avenue, London
- Flat B, 44 Glengall Road, London
- Flat A, 44 Glengall Road, London
- 42 Glengall Road, London, SE15 6NH
- 40 Glengall Road, London, SE15 6NH
- 24 Glengall Road, London, SE15 6NN
- 46 Glengall Road, London, SE15 6NH
- First Floor Flat, 40A Glengall Road, London
- 75A Cobourg Road, London, SE5 0HU
- Christ Apostolic Church Mount Zion International, 1A Sumner Road, London
- Burgess Park Community Sports Pavilion, Burgess Park Community Sport Ground, 106 Cobourg Road
- Flat 8, 77 Trafalgar Avenue, London
- 75 Cobourg Road, London, SE5 0HU
- 51A Trafalgar Avenue, London, SE15 6NP

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

Environmental Protection Team:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission.

Design and Conservation Team:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Flood Risk Management Team:

- Acceptable

Officer response to issue(s) raised: N/A

Ecologist:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Transport Planning:

- Acceptable subject to conditions/informatives

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Highways: Development Management

- Acceptable subject to conditions/informatives

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Parking

- Acceptable subject to conditions/informatives

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Statutory and non-statutory organisations

Environment Agency:

- Acceptable subject to conditions.

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission.

Thames Water:

- No objection.

Officer response to issue(s) raised: N/A

Historic England:

- No comment

Officer response to issue(s) raised: N/A

Metropolitan Police:

- Acceptable subject to conditions

Officer response to issue(s) raised: Relevant conditions noted in the report recommended to be appended to any grant of planning permission

Neighbours and local groups

Members of the public provided comments provided on the specific following issues as part of the consultation.

Design quality and site layout:

- Poor layout including
 - Interruption of use of ancillary park grasslands for non-sport or self-organised activities
 - MUGA poorly sited, would take away from training space for junior rugby club, would take away from outfield area of community cricket pitch
- Demolition and redevelopment of existing facility is unsustainable
- Misleading visualisations
- Proposals are barely improved [relative to existing facilities]
- Spectator mounds too far away from pitches
- Proposals create barriers across the park
- Justification for the project is not clear
- Should propose flood lights for the community rugby pitch
- Noise barrier located along Loncroft Road will be ugly
- Poor design of the proposed sports centre building including:
 - No green roof
 - No renewable/low carbon energy proposed
 - Unattractive and is not in keeping with the surrounding area
 - Poorly located refuse store
 - Kitchen and club room is too small
 - Storage should not open out onto club room
 - Roof should be an accessible, hireable space
 - Lockers should be located in the least desirable area
 - West façade should have greater extent of glazing that is openable and accessible overlooking the pitches
 - Not enough storage
 - Reduction in changing rooms will deter female participation in club sport

- Purpose of the ancillary offices is not clear
- Design should be amended to allow for greater pitch-side spectator and spill out aspect from within the building

Neighbour amenity impacts:

- No evidence that the noise of football matches will be reduced by wall
- Harm to resident's views

Transport, parking, highways, deliveries and servicing matters:

- Reduction in parking will harm resident's access to parking
- Reduction in parking will impact the users of the facilities who arrive by car

Environmental impact during the construction phase (noise, dust and dirt etc.):

- Concerns regarding the closure of the community cricket pitch for 2 years necessitated by construction programme

Ecology and biodiversity:

- Concern regarding harm to bats and wetland habitat
- Destruction of mature trees

Security and prevention of anti-social behaviour:

- Concern regarding impact on antisocial behaviour, increase in crime, opportunity for crime and perception/fear of crime particularly in the adjoining residential area to the north when streets used as through routes to access and egress the site

Other matters:

- Concerns regarding the cost of facilities as a result of improvement

RECOMMENDATION LDD MONITORING FORM REQUIRED

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.

Applicant	Ms Pippa Krishnan London Borough of Southwark	Reg. Number	19/AP/1275
Application Type	Full Planning Application	Case Number	TP/M2022
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches

At: BURGESS PARK COMMUNITY SPORTS GROUND, BURGESS PARK COMMUNITY SPORT PAVILION,
COBOURG ROAD, LONDON SE5 0JB

In accordance with application received on 01/05/2019

and Applicant's Drawing Nos.

5193_152 REV A Site Location Plan

P001 REV A EXISTING LOCATION PLAN
P002 REV A EXISTING SITE PLAN

5193_150 REV F Proposed Site and Context Plan
5193_151 REV F Existing Aerial Site Plan with Proposals Overlaid

5193_201 REV E Proposed Hard Landscaping 1 of 2 (West)
5193_202 REV E Proposed Hard Landscaping 2 of 2 (East)
5193_301 REV E Proposed Soft Landscaping 1 of 2 (West)
5193_302 REV E Proposed Soft Landscaping 2 of 2 (East)
5193_401 REV A Proposed Spectator Mound Sections

18-0822 00 REV 03 Proposed AGPs Layout
18-0822 01 REV 02 Artificial Grass Pitch Elevations
18-0822 03 REV 02 AGPs Above Ground Elevations
18-0822 04 REV 02 AGPs Floodlights

P 005 Proposed Ground Floor Plan (Sports Centre Building)
P 006 Proposed Roof Plan (Sports Centre Building)
P 007 REV A Proposed Elevations (Sports Centre Building)
P 008 Proposed Sections (Sports Centre Building)

25052-HM-SK-MS-1000 REV 01 PROPOSED MECHANICAL SERVICES - HVAC DISTRIBUTION - DRAFT
25052-HM-SK-MS-1001 REV SK MECHANICAL SERVICES - VENTILATION LAYOUT DRAFT
25052-HM-SK-MS-1002 REV SK MECHANICAL SERVICES - HEATING, COOLING AND HOT WATER

Design and Access Statement Rev B

BREEAM Approach Report REF.: 24071-RP-SU-001 DATED 13/02/2018

Bat Survey REF.: SE1920-791 VERSION V.01 DATED Sept' 2019

Bat Survey REF.: ASW/LBSW/045/20/2016 DATED AUGUST 2016

Arboricultural Impact Assessment and Appendices I, II & III 138535/PRO/REV 2 DATED 12/03/2019

A Ground Soil Investigation Report ref STQ434-GO1 by Soiltechnics Limited

Noise Impact Assessment REF.: 7022/ALM/DO DATED FEBRUARY 2018

Flood Risk Assessment REF.: 320/02 DATED OCT' 2018

Building Inspection Report - Heating and Hot Service Review REV 02 DATED SEPT' 2015

Preliminary Unexploded Ordnance REF: P2067
 Structural Survey REF: CH/2414 D ATED 18/03/2016
 Utilities Statement REF. 4000585 DATED 25/09/2017

Subject to the following eight 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:

5193_150 REV F Proposed Site and Context Plan
 5193_151 REV F Existing Aerial Site Plan with Proposals Overlaid

5193_201 REV E Proposed Hard Landscaping 1 of 2 (West)
 5193_202 REV E Proposed Hard Landscaping 2 of 2 (East)
 5193_301 REV E Proposed Soft Landscaping 1 of 2 (West)
 5193_302 REV E Proposed Soft Landscaping 2 of 2 (East)
 5193_401 REV A Proposed Spectator Mound Sections

18-0822 00 REV 03 Proposed AGPs Layout
 18-0822 01 REV 02 Artificial Grass Pitch Elevations
 18-0822 03 REV 02 AGPs Above Ground Elevations
 18-0822 04 REV 02 AGPs Floodlights

P 005 Proposed Ground Floor Plan (Sports Centre Building)
 P 006 Proposed Roof Plan (Sports Centre Building)
 P 007 REV A Proposed Elevations (Sports Centre Building)
 P 008 Proposed Sections (Sports Centre Building)

25052-HM-SK-MS-1000 REV 01 PROPOSED MECHANICAL SERVICES - HVAC DISTRIBUTION - DRAFT
 25052-HM-SK-MS-1001 REV SK MECHANICAL SERVICES - VENTILATION LAYOUT DRAFT
 25052-HM-SK-MS-1002 REV SK MECHANICAL SERVICES - HEATING, COOLING AND HOT WATER

BREEAM Approach Report REF.: 24071-RP-SU-001 DATED 13/02/2018
 Bat Survey REF.: SE1920-791 VERSION V.01 DATED Sept' 2019

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. Prior to works commencing, including any demolition, an Arboricultural Method Statement including an Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority.
 - a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
 - b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
 - c) Cross sections shall be provided to show surface and other changes to levels, special engineering or

construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2019 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.

4. a) Prior to the commencement of any development, further site investigations shall be carried out as recommended by A Ground Soil Investigation Report ref STQ434-GO1 by Soiltechnics Limited, dated May 2018. This investigation shall help to inform the requirement of 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 that 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.

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

c) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, 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 offsite 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 2019.

5. No development shall commence until a scheme prepared by the applicant has been approved in writing by the local planning authority, in consultation with Sport England, to ensure, as far as is reasonably practicable, that:
 - a) the continuity of the existing sports use of the playing fields/sports facilities shown within the red line boundary of drawing No. P001 REV A 'Existing location plan' is maintained during the site preparation, demolition and construction period of the development; and/ or
 - b) the provision of alternative facilities are secured during the site preparation, demolition and construction of the development

The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason

To ensure there is no or as minimal as is feasible impact on availability of community sports facilities for the users of the existing facilities on the site in accordance with saved Southwark Plan policy 2.1 'Enhancement of community facilities' Core Strategy Strategic Policy 3 'Shopping, leisure and entertainment' and 4 'Places for learning, enjoyment and healthy lifestyles' and the National Planning Policy Framework 2019.

6. Before any above grade work hereby authorised begins, details of a biodiversity green/ roof shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity green roof shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);
 - laid out in accordance with agreed plans; and
 - planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the green and Southwark Council agreeing the submitted plans, and once the green roof are completed in full in accordance to the agreed plans.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 2.18, 5.3, 5.10, and 5.11 of the London Plan 2016, saved policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

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.

7. Prior to above grade works commencing, full details of planting of 40 trees shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times and take the recommendations of the approved document 'Bat Activity Assessment' prepared by Simlaw Ecology (project ref.: SE1920-791 Version 01 dated 3/09/2019). Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

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 in accordance with The National Planning Policy Framework 2019 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.

8. Prior to above grade works commencing, material samples 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 2019, 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 above grade work hereby authorised begins, detailed drawings 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 which shall have been informed by the recommendations set out in section 5 of the approved document 'Bat Activity Assessment' prepared by Simlaw Ecology (project ref.: SE1920-791 Version 01 dated 3/09/2019), including a detailed lighting specification and strategy, 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: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2019; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and conservation) and 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.

10. Before any above grade work hereby authorised begins, details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention in accordance with The National Planning Policy Framework 2019, Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.14 Designing out crime of the Southwark plan 2007.

11. Prior to above grade works the applicant shall submit details, including to-scale elevations, of the acoustic barrier located along Loncroft Road that has been approved in principle by this planning permission.

Reason

In the interests of the protection of the amenity of the nearby occupiers on Loncroft Road in accordance with saved Southwark Plan policy 3.2 'Protection of amenity' and Core Strategy Strategic Policy 12 'Design and conservation' and 13 'High environmental standards' and the National Planning Policy Framework 2019.

12. Prior to commencement of above grade works, an updated ballstrike assessment shall be submitted to the local planning authority to determine, in consultation with Sport England, that the hereby approved measures and mitigation, including fencing heights, are in line with those recommended by the updated ballstrike assessment, and adequately reduce the risk of ballstrike to a low level which will enable the cricket pitch to continue to operate.

Reason

To protect the amenity of neighbours in accordance with the National Planning Policy Framework 2019, 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.

Pre-occupation condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with prior to occupation of the development.

13. Before the first occupation of the building hereby permitted a Service Management Plan detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with The National Planning Policy Framework 2019, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts 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.

14. The floodlights hereby approved shall not be used before 08:00am or after 22:00 on any day and the lighting spill from them shall be no more than 5 lux on any neighbouring property.

Reason

To protect the amenity of neighbours in accordance with the National Planning Policy Framework 2019, 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 and 3.14 Designing out crime of the Southwark Plan 2007.

15. The development hereby approved shall implement measures to achieve a minimum level of BREEAM 'Good' rating (by way of an overall score of at least 58% and achieving credits to a level equivalent to 'Very Good' in categories except 'ecology,' as detailed as being achievable in the approved 'Proposed BREEAM Approach' dated 13/02/2018 ref.:24071-RP-SU-001).

Reason

To ensure the proposal complies with The National Planning Policy Framework 2019, 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.

16. Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the approved drawing P005 of planning application 19/AP/1275 and made available for use by the occupiers of the dwellings/premises 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 2019, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

17. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014

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 2019, 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 use hereby permitted for the artificial grass pitches shall not be carried on outside of the hours 08:00 to 22.00 on Monday to Friday or 09:00 to 20:00 on Saturdays, Sundays and Bank Holidays.

Reason

To safeguard the amenity of neighbouring residents in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity 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.

Informatives

Prior to the occupation of the development, the developer shall, in consultation with the Highway Authority, complete the following works:

- Construct a vehicle crossover on Loncroft Road
- Reinstate the redundant vehicle crossover on Loncroft Road as footway.

- Construct the raised link table on Cobourg Road with associated drainage.
- Construct a raised intersection table at the junction of Loncroft Road and Cobourg Road with associated drainage.
- Remove existing sinusoidal humps on the southern end of Cobourg Road.
- Promote a Traffic Management Order (TMO) to amend the parking arrangements on Loncroft Road and Cobourg Road.
- Repair any damages to the highway within the vicinity of the site due to construction activities.

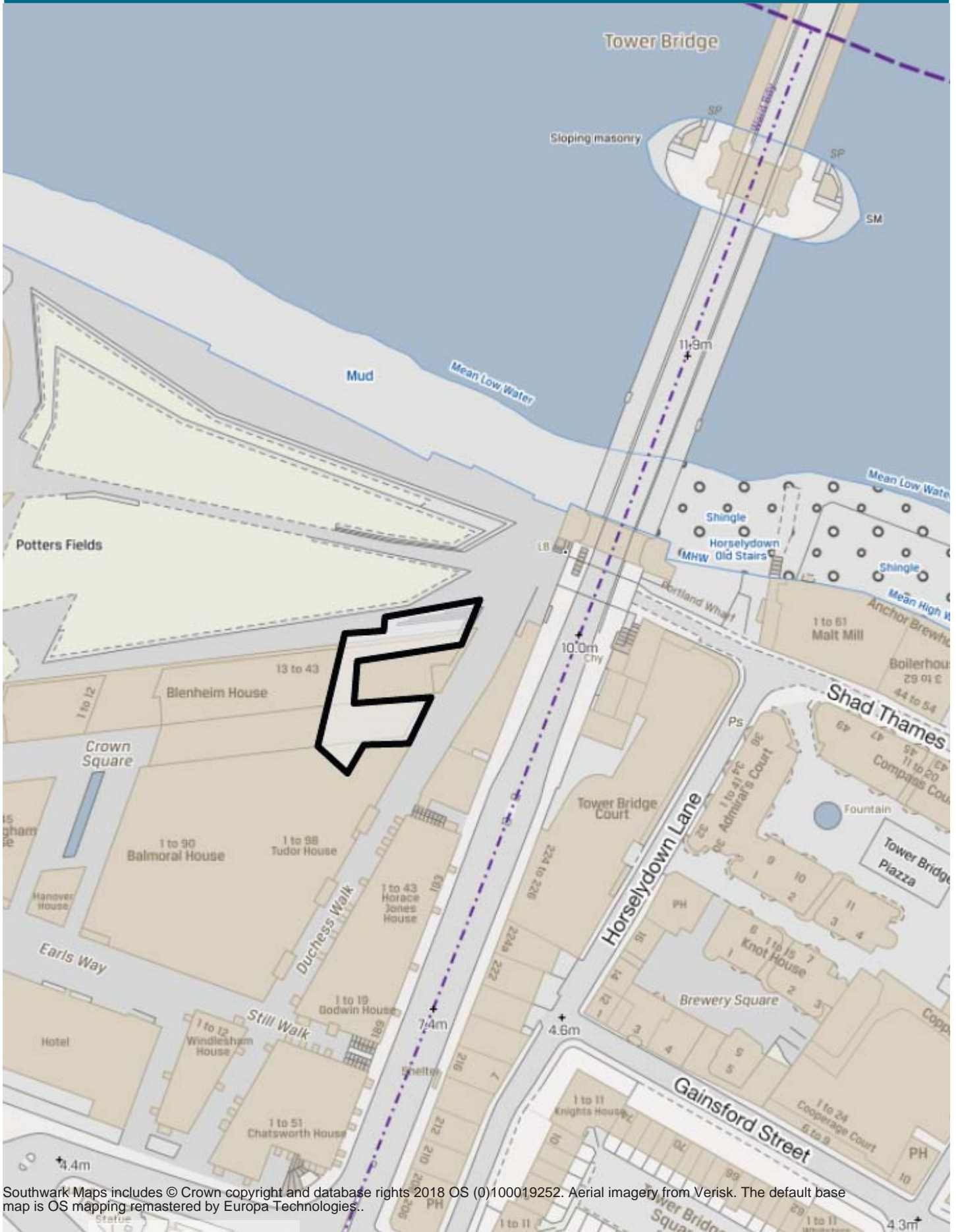
The applicant is to note that surface water from private areas is not permitted to flow onto public highway in accordance with Section 163 of the Highways Act 1980.

Artificial grass pitches – football only: The applicant is advised that the pitch should be tested in accordance with The FA standard code of rules and be registered on the FA Register for 3G Football Turf Pitches.

Artificial grass pitches – football only: The applicant is advised that for any football match play to take place the pitch should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality or International Match Standard (IMS) as a minimum.

Natural turf and artificial grass pitches – rugby only: The applicant is advised that the pitch/es should be built in accordance with World Rugby Law 1. Where this is found to be impracticable, an ongoing risk assessment should be conducted by the facility owner / operator in respect of safety issues and the standard and nature of rugby activities.

Artificial grass pitches – rugby only: The applicant is advised that the pitch should be built in accordance with RFU guidance note 7: Artificial Rugby Turf and tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.



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50 m

Scale = 1250

5-Nov-2019

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Item No. 7.3	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/1197 for: Full Planning Application Address: THE IVY CAFÉ, POTTERS FIELD PARK, LONDON SE1 2SG Proposal: The retention of 3x 'Jumbrellas' over the external seating area and an awning above the main entrance		
Ward(s) or groups affected:	London Bridge & West Bermondsey		
From:	Michele Sterry		
Application Start Date 10/05/2019		Application Expiry Date 05/07/2019	
Earliest Decision Date 07/06/2019			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site forms part of a large-scale mixed use development known as One Tower Bridge Development. More specifically, the proposed extension would relate to one of the commercial units (Unit 1.1) within Block 1 (now known as Blenheim House) which is one of the most prominent blocks within the development with its frontage facing onto Potters Field Park and the River Thames beyond. The commercial unit is occupied by the Ivy Cafe and extends over basement, ground and mezzanine floors. It is a key commercial unit within the block being positioned adjacent to the entrance to the new theatre with its return onto the pedestrian retail street (Duchess Walk) which runs north to south through the development, linking Potters Field Park and Tooley Street / Queen Elizabeth Street.
3. The application site currently comprises an outdoor seating area for the Ivy Cafe and is occupied by tables, chairs, and 'jumbrellas' with mobile planters to delineate the space.
4. The following policy designations apply to the site:
 - Central Activities Zone
 - Bankside, Borough and London Bridge Opportunity Area
 - Strategic Cultural Area
 - London Bridge District Town Centre
 - Thames Policy Area
 - Air Quality Management Area

- Archaeological Priority Zone
- Flood Zone 3
- Public Transport Accessibility Rating (PTAL) 6a
- Metropolitan Open Land (part in the saved Southwark Plan Proposals Map) and fully included in the Draft New Southwark Plan Proposals Map

5. Adjacent to and within proximity of the site are the following:

- Potters Field Park - Metropolitan Open Land
- River Thames - Site of Importance for Nature Conservation
- Tower Bridge - Grade I listed
- Former Lambeth College (now Lalit Hotel) - Grade II listed
- Bridgemaster's House - Grade II listed
- Tower Bridge Conservation Area
- Tooley Street Conservation Area

Details of proposal

6. The furniture and planting containers are capable of being moved and are not development and therefore not part of this application. The proposal is for retrospective permission for three 'jumbrellas' which are mounted on posts and cover the external seating area and the retention of a canvas awning over the door. The 'jumbrellas' have a width of 6 metres and finished in Weiror 3-505 fabric. The awning above the entrance is curved. The awning structure is .9 metre from bottom to the top with a width of 1.3 metres and a depth of .4 metres and is in Weiror 3-505 fabric.
7. It should be noted that the jumbrellas were in place when the construction of the extension over this outside terrace area was considered in 2016 but it appears that they have not been in place for four years in order to be immune from enforcement action.

Planning history

8. 10/AP/1935 Application type: Full Planning Application (FUL)
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'

Decision date 21/04/2011 Decision: Granted with Legal Agreement (GWLA).

9. A separate agreement dated 19 July 2011 was agreed between the Council, the developer (Berkeley Homes Ltd) and the Potters Fields Park Management Trust to allow the surrender and exchange of land to the north and west of the above development site to allow former Council land to become part of the development and the other land to become part of the park. One of these parcels of the land involved the application site which the Council exchanged for another parcel of land. It would appear that the applicant considered that the application site should be taken out of the Metropolitan Land designation but there appears to have been no clause to this

effect in the agreement and remains designated as Metropolitan Land in the draft New Southwark Plan.

10. Planning refusal dated (16/AP/5054) for a single storey glazed front extension for restaurant (Class A3) on the following grounds

Due to its scale, form and prominent location at the front of the established building line of the One Tower Bridge Development, the proposed extension would introduce an incongruous, disruptive and visually harmful addition to the development and cause harm to the setting of Potters Field Park Metropolitan Open Land and to the setting of the Grade I listed Tower Bridge. It is therefore contrary to Part 12 of the NPPF (2012), Policy 7.8 'Heritage Assets and Archaeology' of The London Plan (2016), Strategic Policy 12 'Design and Conservation' of The Core Strategy (2011) and Saved Policies 3.12 'Quality of Design', 3.13 'Urban Design' and 3.18 'Setting of Listed Buildings, Conservation Areas, and World Heritage Sites' of The Southwark Plan (2007).

11. Details of the Ivy Cafe outdoor seating area have already been approved under permission reference 17/AP/1152.
12. There is currently an application to retain signage which will be considered at the same time as this application, reference number 19/AP/1198.

Planning history of adjoining sites

13. ONE TOWER BRIDGE, LAND ADJACENT TO LAMBETH COLLEGE & POTTERS FIELDS, LONDON SE1

Non Material Amendment to the hard landscape proposals on the One Tower Bridge site as already approved under planning application reference 10-AP-1935 and subsequently approved via discharge of condition details for Condition 31 and 32 (landscaping) application references 14-AP-0173 and 14-AP-0202. These amendments comprise alterations to the steps on the north side of Block 1. Granted permission on 23 April 2018.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

14. The main issues to be considered in respect of this application are:
 - Principle of the development in terms of conformity with strategic land use policies
 - Impact of the development on the amenities of adjoining occupiers
 - Design issues
 - Impact on heritage assets
 - Impact on Metropolitan Open Land
 - Transport and highway matters

Adopted planning policy

National Planning Policy Framework (NPPF)

15. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

Chapter 2 Achieving sustainable development
 Chapter 6 Building a strong, competitive economy
 Chapter 8 Promoting healthy and safe communities
 Chapter 11 Making effective use of land
 Chapter 12 Achieving well-designed places
 Chapter 13 Protecting Green Belt land

London Plan 2019

16. Policy G3 Metropolitan Open Land
17. Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt
- 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.
 - 2) boroughs should work with partners to enhance the quality and range of uses of MOL.

Core Strategy 2011

18. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southward Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 1 Sustainable development
 Strategic Policy 3 Shopping, leisure and entertainment
 Strategic Policy 11 Open spaces and wildlife
 Strategic Policy 12 Design and conservation
 Strategic Policy 13 High environmental standards

Southwark Plan 2007 (saved policies)

19. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are

Policy 1.7 Development within town and local centres
 Policy 3.2 Protection of amenity
 Policy 3.6 Air quality
 Policy 3.12 Quality in design
 Policy 3.13 Urban design
 Policy 3.15 Conservation of the historic environment
 Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
 Policy 3.25 Metropolitan Open Land
 Policy 3.29 Development within the Thames Policy Area

New Southwark Plan

20. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. It is anticipated that the plan will be adopted in 2019 following an Examination in Public (EIP). Similarly with the OKR AAP, as the

NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

Summary of consultation responses

21. Objection on grounds that the entrance awning, adjacent planters and associated advertising (as per the attached photographs), are on Potters Fields Park and therefore encroach on the MOL. This is in contravention of Policy 3.25 of the Saved Southwark Plan Policies (2007) and Policy 7.17 of the London Plan.
22. That the applicant's statement is not correct as the proposal is not adjacent to but situated in MOL and is contrary to policies within the draft New Southwark Plan and the London Plan.

Officers comments

23. The terrace is not part of the Park but does have a MOL designation. While the proposal is not fully policy compliant, justification for this is contained in the report below.

Planning considerations

24. Representations have been received objecting to the proposal on the basis that it would result in a loss of MOL and public amenity space.
25. The proposed extension would project into the MOL based on the MOL boundary shown on the current adopted policies map (2015) and is shown as MOL in the draft New Southwark Plan policies map. As such, the proposal is considered to represent a departure to the local plan and has been advertised as such.

Land swap

26. The Potters Field Park Management Trust has commented that 'While it is the case that the land swap was formalised as proposed and the stepped seating area is within the proposed developments demise, the awning area (which is not mentioned above) sits within Potters Fields MOL.' The land swap occurred to create a more appropriate boundary between the park and the new development. The land swap is not fundamental to the consideration of this application as the application property still sits within Metropolitan Land. The main consideration is whether the proposal is an appropriate development on MOL.

Metropolitan Land Issues

27. The Mayor strongly supports the current extent of Metropolitan Open Land (MOL), its extension in appropriate circumstances and its protection from development having an adverse impact on the openness of MOL. While the proposal is not considered to be an appropriate development within the Southwark Plan, saved policy 3.25 or Policy P56 of the draft New Southwark plan, in that it is not essential facilities for outdoor sports etc it does provide an amenity for visitors to the park as discussed in the paragraph below. NPPF 2019 indicates that on Green Belt Land (guidance that is applicable for MOL) alterations to buildings that do not result in disproportionate additions can be acceptable. While this is not an alteration to a building, it has resulted in an addition that is not disproportionate.

28. In considering the impact of the proposal on Metropolitan Open Land it needs to be considered if the proposal will reduce the openness of the area, having regard to the fact that its use as a restaurant terrace is already permitted by an earlier permission. The additional provision of umbrellas and an awning which could be easily removed are not considered to cause an impact. The terrace is used by visitors to the park and is considered to contribute to its setting allowing visitors views out over the park while being protected from the elements. The proposal would not impact on the character of the terrace and relates to ancillary structures which enhance the space for users.

Land use

29. The existing Class A3 restaurant extension, in land use terms, supports the function of the Central Activities Zone (CAZ), the District Town Centre and London's Strategic Cultural Area. Furthermore, it complies with the land use allocation for the main One Tower Bridge Development Site - 5P designation where a mixed scheme, including Class A uses, was sought. As such, no in principle issues are raised in terms of land use.

Environmental impact assessment

30. Not required for this scale of development

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

31. Saved Policy 3.2 of the Southwark Plan seeks to protect neighbouring amenities, including disturbance from noise. The commitment to avoiding amenity and environmental problems is reaffirmed in Strategic Policy 13 of the Core Strategy.
32. The terrace has been in use for many years without any objections relating to noise and disturbance from the use of the terrace. The property is located in an area characterised by a wide range of commercial and leisure uses, including restaurant and cafes with outdoor spill out space sitting alongside residential development. Indeed, a key feature of the One Tower Bridge Development is its mixed use nature comprising a variety of retail, cultural and commercial uses occupying the ground floor of the blocks with residential above. The Ivy cafe is prominently located adjacent to the main public entrance to the new theatre. In this urban context, the provision of furniture on this terrace is not likely to result in a loss of amenity to adjoining occupiers. Furthermore, the hours of operation for the restaurant (08:00 - 0:00 Monday to Saturday and 08:00 - 23:00 on Sunday) have already been approved pursuant to Condition 41 (reference 17/AP/0960) of the One Tower Bridge permission.

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

33. No issues are raised given the site's location and urban context. The adjoining uses would be compatible with the use of the proposed extension. As such, they'd be no conflict with neighbouring occupiers in terms of land use.

Transport issues

34. The site is within a highly sustainable location in terms of proximity to all modes of public transport (PTAL 6a). If the furniture were not present there would be less covers however, it has been shown that the increased patrons to the restaurant have been easily accommodated in the local pedestrian / highway network. There are cycle stands within the vicinity of the restaurant unit. The proposal would not alter access arrangements to the restaurant which would continue to be via the main entrance which provides step-free access.

35. The proposal would have no impact on the servicing arrangements already in place for the restaurant. All servicing activities are undertaken from a dedicated service area within the One Tower Bridge Development and have already been approved pursuant to Condition 41 (reference 17/AP/0960) of the main permission.
36. The proposal occupies part of the stepped area to the front of Block 1. Whilst this stepped hard landscaped area, as originally laid out, could be used by the general public to sit or stand on it didn't form part of the main pedestrian routes to and from the Park. Therefore, this proposal would not impede pedestrian access or movement into or around the Park.
37. The planters delineate the area and do not hinder pedestrian movement or add to visual clutter.

Design and heritage matters

38. Paragraph 124 of the NPPF 2019 requires that 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Saved Policies 3.12 and 3.13 of the Southward Plan and Strategic Policy 12 of the Core Strategy require that development achieves the highest possible standards of design.
39. The proposal concerns large umbrellas that are not removed during the night and a permanent porch structure. The Ivy Cafe is not within a conservation area and the closest listed building is the Grade II listed Bridge Master's House and the Former Lambeth College which is in use as a boutique hotel (the Lalit Hotel). Grade I listed Tower Bridge is nearby. As such, any proposal to extend or alter the appearance of units within this block must be considered very carefully in relation to its sensitive context.
40. Local representations have been received raising concerns about the impact of the proposal on the character and appearance of Potters Field Park MOL and Tower Bridge as well as the impact of the extension on the architectural integrity of the One Tower Bridge Development. These matters are considered below.
41. In considering the merits of this proposal, officers are mindful that the application site already has this open outdoor seating area as have other restaurant and bar uses in the area. Unlike the previous proposal for the construction of a covered terrace, the use of jumbrellas will provide some cover while maintaining an element of 'openness'. While the jumbrella's are relatively large and are not taken down when the Cafe is closed they are nonetheless capable of being removed. Unlike the previous proposal to extend over this external terrace it remains open and provides a suitable use and backdrop to the Park which doesn't detract from the openness of the Potters Field Park MOL or the heritage assets nearby.

Impact on trees

42. No trees are impacted by the proposal.

Sustainable development implications

43. No issues raised.

Other matters

44. Details of the Ivy Cafe outdoor seating area have already been approved under permission reference 17/AP/1152. As such, officers are not raising any objection to the principle of this area being used as ancillary restaurant space.

Conclusion on planning issues

45. The proposal would not involve the loss of Potters Field Park MOL based on the 'land swap' agreed as part of the One Tower Bridge Development. The necessary changes to the MOL boundary will be undertaken through the current review of Southwark's adopted local plan. Notwithstanding this, the proposal is considered acceptable in that the structures do not impact on the openness of the MOL and would not compromise the architectural integrity of the One Tower Bridge Development as well as the setting of Potters Field Park and nearby Tower Bridge. It is therefore recommended that planning permission is agreed.

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.

Community impact statement / Equalities Assessment

48. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
49. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
50. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Right.

The Council has given due regard to the above needs and rights where relevant or

engaged throughout the course of determining this application.

Human rights implications

51. 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.
52. This application has the legitimate aim of providing an awning and umbrella's. 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/26-G Application file: 19/AP/1197 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 3879 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Michele Sterry, Team Leader, Planning	
Version	Final	
Dated	19 November 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	7 November 2019	

APPENDIX 1**Consultation undertaken**

Site notice date: 15/05/2019

Press notice date: 27/06/2019

Case officer site visit date: n/a

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

n/a

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Tanner Place 54-58 Tanner Street SE1 3PH

RECOMMENDATION

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

Applicant	-	Reg. Number	19/AP/1197
	Troia (UK) Restaurants Ltd		
Application Type	Full Planning Application	Case	TP/26-G
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Retention of 3x 'jumbrellas' and awning above main entrance (Unit 4 Blenheim House)

At: THE IVY CAFE FORMER UNIT 1.1 AT 1 POTTERS FIELDS, LONDON, SE1 2SG

In accordance with application received on 18/04/2019 16:21:45

and Applicant's Drawing Nos. Planning statement, 5361/201/K rev k Existing GA Plans, 4322/133/19/LBP Location Block Plan, 5348/906/I Rev I External elevations,

Subject to the following condition:

Time limit for implementing this permission and the approved plans

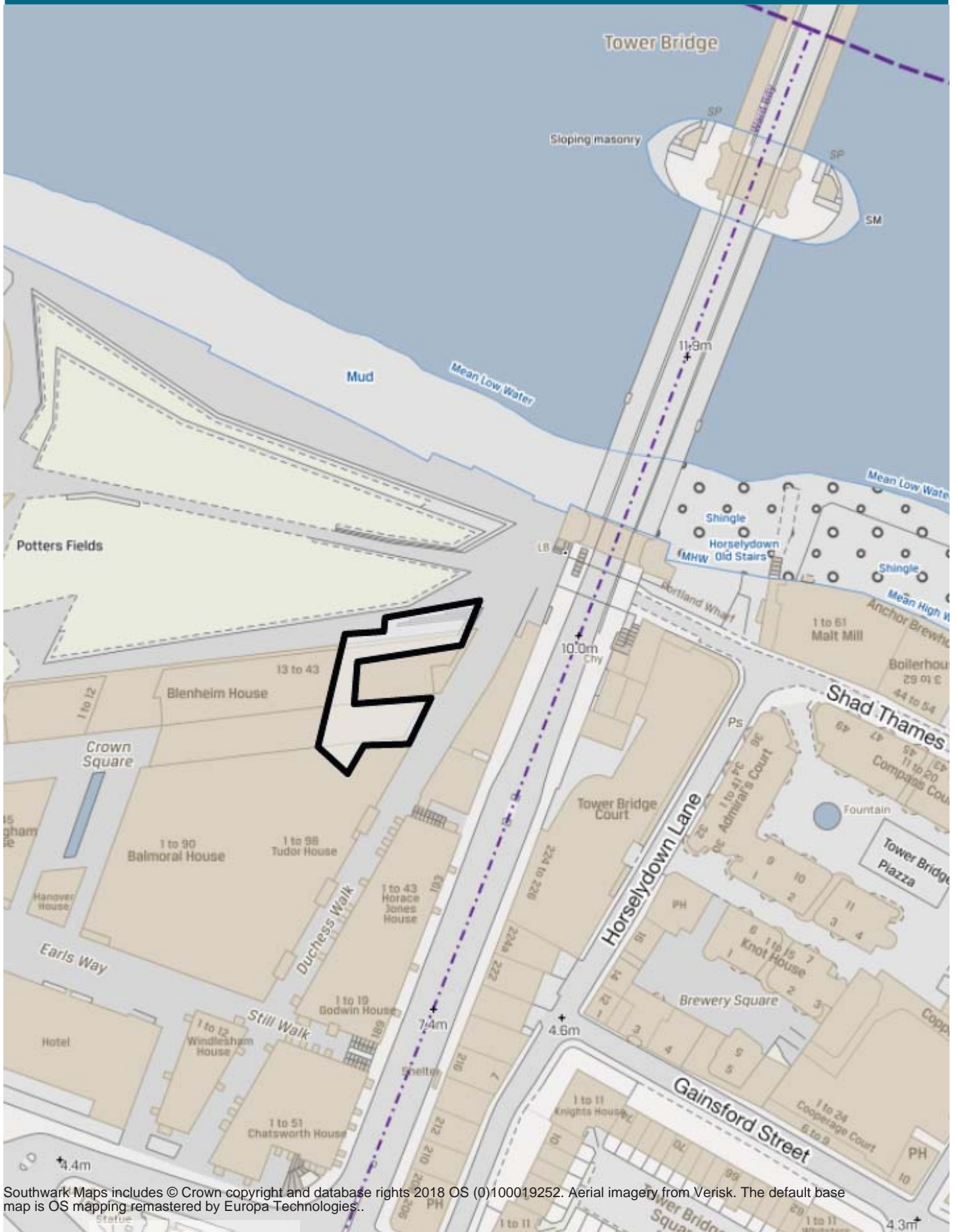
- 1 The development hereby permitted shall accord with the following approved plans: 5361/201/K rev k Existing GA Plans, 5348/906/I Rev I External elevations,

Reason:

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

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.



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50 m

Scale = 1250

5-Nov-2019

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Impact of proposed development on amenity of adjoining occupiers and surrounding area.....	5
Impact on character and setting of a listed building and conservation area.....	6
Consultations	6

Item No. 7.4	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/1198 for: Advertisement Consent Address: THE IVY CAFÉ, POTTERS FIELD PARK, LONDON SE1 2SG Proposal: The retention of signage to the 3 x 'jumbrellas', 1x awning 1x internally illuminated menu case, "The Ivy Tower Bridge Brasserie" green and gold vinyl sign, on each of main entrance doors at front elevation; 3x directional vinyl signs comprising green text and golden arrow, applied to doors on side elevation; 13x brass signs with 'The Ivy' applied to existing planters.		
Ward(s) or groups affected:	London Bridge & West Bermondsey		
From:	Director of Planning		
Application Start Date 10/05/2019		Application Expiry Date 05/07/2019	
Earliest Decision Date 20/07/2019			

RECOMMENDATION

1. Grant advertisement consent, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site forms part of a large-scale mixed use development known as One Tower Bridge Development. More specifically, the proposed extension would relate to one of the principal commercial units (Unit 1.1) within Block 1 (now known as Blenheim House) which is one of the most prominent blocks within the development with its frontage facing onto Potters Field Park and the River Thames beyond. The commercial unit is occupied by the Ivy Cafe and extends over basement, ground and mezzanine floors. It is a key commercial unit within the block being positioned adjacent to the entrance to the new theatre with its return onto the pedestrian retail street (Duchess Walk) which runs north to south through the development, linking Potters Field Park and Tooley Street / Queen Elizabeth Street.
3. The application site currently comprises an outdoor seating area for the Ivy Cafe and is occupied by tables, chairs, and 'jumbrellas' with mobile planters to delineate the space.
4. The following policy designations apply to the site:
 - Central Activities Zone
 - Bankside, Borough and London Bridge Opportunity Area
 - Strategic Cultural Area
 - London Bridge District Town Centre

- Thames Policy Area
- Air Quality Management Area
- Archaeological Priority Zone
- Flood Zone 3
- Public Transport Accessibility Rating (PTAL) 6a
- Metropolitan Open Land (part in the saved Southward Plan Proposals Map) and fully included in the Draft New Southward Proposals Map

5. Adjacent to and within proximity of the site are the following:

- Potters Field Park - Metropolitan Open Land
- River Thames - Site of Importance for Nature Conservation
- Tower Bridge - Grade I listed
- Former Lambeth College (now Lalit Hotel) - Grade II listed
- Bridgemaster's House - Grade II listed
- Tower Bridge Conservation Area
- Tooley Street Conservation Area

Details of proposal

- 6.
- 1 Barrel awning over the entrance door with gold lettering on material with a height of 2.58 metres over ground floor level with a projection of 1.9 metres and non-illuminated (retrospective).
 - Two vinyl signs on entrance doors with a height of 0.3 metres, width of 0.53 metres comprising of green text and non-illuminated.
 - The display of vinyl signs on each of the 'Jumbrellas' with a height of 0.09 metres, width of 0.43 metres with letters to a height of 5 cm and not illuminated, situated on the cafes outside seating area.
 - Three directional vinyl signs with 6 cm high lettering located on the shop front stating 'PLEASE USE RIVERSIDE ENTRANCE' and non illuminated.
 - 13 planter signs in brass lettering measuring 6 cm in height and stating 'The Ivy' (retrospective)
 - One internally illuminated menu box sign with a height of 0.6 metres, width of 0.5 metres with a bloc copper case and clear acrylic vision panel (Retrospective)

Planning history

7. 10/AP/1935 Application type: Full Planning Application (FUL)
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'

Decision date 21/04/2011 Decision: Granted with Legal Agreement (GWLA)

8. Planning refusal dated (16/AP/5054) for a single storey glazed front extension for restaurant (Class A3) on the following grounds:

Due to its scale, form and prominent location at the front of the established building line of the One Tower Bridge Development, the proposed extension would introduce an incongruous, disruptive and visually harmful addition to the development and cause harm to the setting of Potters Field Park Metropolitan Open Land and to the setting of the Grade I listed Tower Bridge. It is therefore contrary to Part 12 of the NPPF (2012), Policy 7.8 'Heritage Assets and Archaeology' of The London Plan (2016), Strategic Policy 12 'Design and Conservation' of The Core Strategy (2011) and Saved Policies 3.12 'Quality of Design', 3.13 'Urban Design' and 3.18 'Setting of Listed Buildings, Conservation Areas, and World Heritage Sites' of The Southward Plan (2007).

9. Details of the Ivy Cafe outdoor seating area have already been approved under permission reference 17/AP/1152. As such, officers are not raising any objection to the principle of this area being used as ancillary restaurant space.
10. There is currently a retrospective application for signage which will be considered at the same time as this application, Reference Number 19/AP/1198.

Planning history of adjoining sites

11. ONE TOWER BRIDGE, LAND ADJACENT TO LAMBETH COLLEGE & POTTERS FIELDS, LONDON SE1

Non-material amendment to the hard landscape proposals on the One Tower Bridge site as already approved under planning application reference 10-AP-1935 and subsequently approved via discharge of condition details for Condition 31 and 32 (landscaping) application references 14-AP-0173 and 14-AP-0202. These amendments comprise alterations to the steps on the north side of Block 1. Granted permission on 23 April 2018

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
 - a) The impact of the signage on the visual amenity of the area
 - b) The impact of the signage on public safety

Planning policy

National Planning Policy Framework (NPPF)

13. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
14. Chapter 12 of the NPPF sets out a range of guidance relating to good design. In particular, with regard to advertising, paragraph 132 states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

Core Strategy 2011

15. Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

16. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). The NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

- 3.2 - Protection of amenity
- 3.16 - Conservation areas
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.23 - Outdoor advertisements and signage
- 5.2 - Transport impacts

Principle of development

17. It is recognised that appropriate signage is essential to the economy and to retail use in particular. Saved policy 3.23 Outdoor advertisements and signage states that advertisement consent will be permitted for new signs provided they:
- i) Do not harm amenity or compromise safety, including security; and
 - ii) Do not obscure highway sightlines and allow the free movement along the public highway by all its users, including people with disabilities especially the visually impaired: and
 - iii) Are designed (including size, type and any illumination) to be appropriate within the context of the site and to be an integral and unobtrusive part of the character and appearance of the site and surrounding area; and
 - iv) Do not cause light pollution

Summary of consultation responses

18. One objection received on the following grounds:

Our grounds for objection are on a single aspect of the application, namely the installation of the entrance awning, adjacent planters and associated advertising (as per the attached photographs), which are on Potters Fields Park and therefore encroach on the MOL. This is in contravention of Policy 3.25 of the Saved Southward Plan Policies (2007) and Policy 7.17 of the London Plan.

19. Officers response - MOL issues have been considered in the linked application 19/AP/1197 and are not direct relevant when considering Advertisement consents.

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

20. The Town and Country Planning (Control of Advertisements) Regulations (2007) enables amenity and public safety to be considered in determining applications for advertisement consent. Paragraph 132 of the NPPF also provides guidance and states that 'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system

controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts

21. In terms of local policy, strategic policy 12 of the Core Strategy is relevant, and saved policy 3.23 of the Southward Plan sets out the Council's criteria for determining applications for determining applications for advertisement consent.

Impacts on public safety

22. The signage is situated on the existing shopfront or on the outdoor seating area for the cafe and therefore does not obstruct the public highway. The Ivy Cafe is situated in a pedestrian area and therefore the signage will not distract vehicle users.

Impact on character and setting of a listed building and conservation area

23. The Ivy Cafe is not situated within a conservation area but is close to listed buildings and the edge of conservation areas. In this case only the menu box is illuminated and the signage either advises the cafe or provides directions to the entrance door. The signs on the planter are slightly obscured by ivy. It is considered that the proposal does not impact on the setting of any listed buildings or conservations areas or the visual amenity of the area.

Other matters

24. None

Consultations

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

Consultation replies

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

Conclusion on planning and other issues

27. The proposal will not impact on public safety and will not harm the visual amenity of the area and therefore, planning permission is recommended.

Community impact statement / Equalities Assessment

28. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
29. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
30. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
31. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

32. 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.
33. This application has the legitimate aim of providing signage. 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/ADV/26-G Application file: 19/AP/1198 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing 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 5453 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Michele Sterry, Planning Officer	
Version	Final	
Dated	24 July 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	7 November 2019	

APPENDIX 1**Consultation undertaken**

Site notice date: 15/05/2019

Press notice date: 27/06/2019

Case officer site visit date: n/a

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

n/a

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Tanner Place 54-58 Tanner Street SE1 3PH

RECOMMENDATION

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

Applicant	-	Reg. Number	19/AP/1198
	Troia (UK) Restaurants Ltd		
Application Type	Advertisement Consent	Case	TP/26-G
Recommendation	Grant permission	Number	

Draft of Decision Notice

EXPRESS CONSENT has been granted for the advertisement described as follows:

The retention of signage to the 3x 'jumbrellas', 1x awning 1x internally illuminated menu case, "The Ivy Tower Bridge Brasserie" green and gold vinyl sign, on each of main entrance doors at front elevation; 3x directional vinyl signs comprising green text and golden arrow, applied to doors on side elevation; 13x brass signs with 'The Ivy' applied to existing planters. (Unit 4 Blenheim House)

At: THE IVY CAFE FORMER UNIT 1.1 AT 1 POTTERS FIELDS LONDON, SE1 2SG

In accordance with application received on 18/04/2019 16:21:45

and Applicant's Drawing Nos. E-mail dated 23.7.2019 confirming brass plaques will have lettering 'The Ivy' , 4322/133/19/LBP Location Block Plan, 5361/201/K rev k Existing GA Plans and 5348/906/I Rev I External elevations

Subject to the following condition:

Time limit for implementing this permission and the approved plans

- 1 Consent is granted for a period of 5 years and is subject to the following standard conditions:

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason:

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

Item No. 8.	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:		TPO confirmation 1-8 Mountbatten Court, 153a Rotherhithe Street, London, SE16 5QL Front of EL Sub Station S/O Horatio Court 151 Rotherhithe Street, SE16 5QQ Land adjacent 1-8 Mountbatten Court, Rotherhithe Street, SE16 5QL	
Ward(s) or groups affected:		Rotherhithe	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional TPO reference 539 be confirmed unamended.

BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on 1 July 2019 following a request from two local residents. The basis of the request was made concerning a perceived threat to one of the trees whilst remarking on the benefits these trees afford the wider community.
3. The TPO protects three individual trees and one Group of trees. One objection has subsequently been received, which according to the council's standing orders must be considered at planning committee before the order can be confirmed.
4. The subject site forms part of a former Bellway Development built during the late 1990s, with associated landscaping including tree planting as part of an approved scheme. Given their current size and date of planting, the resultant trees were planted as early mature specimens
5. The ownership of the site has subsequently been taken over by residents as a self managed freehold held by Brunel Point Management Company Ltd.

KEY ISSUES FOR CONSIDERATION

6. To continue to have effect the TPO attached in Appendix 1 must be confirmed within six months from the date of being served. Should it not be confirmed the trees described in the schedule and shown in the plan have no other statutory protection.
7. The TPO includes three individual trees and one group of trees previously thought to be within public realm. These trees have been assessed as contributing to amenity and because of its value to screening and combatting pollutants.

8. The trees were assessed as attaining a score of 21 (out of a potential total 25) under the tree evaluation method for tree preservation orders (TEMPO), resulting in a decision guide indicating that making a TPO is definitely merited.
9. The confirmation of a TPO cannot be appealed. However, any subsequent refusal of an application for works to a TPO or imposition of conditions upon consent can be appealed to the Secretary of State via the Planning Inspectorate.
10. Anyone proposing to carry out works to a tree or trees subject to a TPO must seek permission from the local planning authority. This involves completing an application form identifying the trees, detailing the works proposed and explaining the reasons for the works. The council's planning officer will usually inspect the trees prior to making a decision and may recommend alternative works or refuse consent. If authorisation is given to fell a protected tree, a new tree will usually be required to be planted as a replacement. However, this will in turn require a new TPO to be served.
11. If a tree protected by a TPO is felled, pruned or willfully damaged without consent, both the person who carried out the works and the tree owner are liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, an unlimited fine. There are exceptional circumstances, such as when a tree is dead, dying or dangerous, when permission is not required. However, in order to avoid the risk of prosecution advice must be sought from the council and five days notice given before carrying out any works (except in an emergency).

Policy implications

12. The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
13. Section 197 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
14. London Plan Policy 7.21 Trees and woodlands states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework.
15. The draft New Southwark Plan P60 states that in exceptional circumstances removal of trees protected by TPO or conservation area status will be permitted where sufficient evidence has been provided to justify their loss. Replacement planting will be expected where removal is agreed. The replacement of TPO trees must take into account the loss of canopy cover as measured by stem girth and biodiversity value.
16. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with proven amenity value.

Objection to the order

17. One Objection has been received from the management company at Brunel Point.
18. The objection relates to putting an unreasonable financial burden on the

residents and will cause repeated health and safety dangers over the years.

19. Officers have visited the property and noted the following observations: The site incorporated within the land title boundary comprises one group of trees with a mix of mature London Plane, Alder and Mountain Ash, within the car park to Mountbatten Court there is one mature London Plane and one Mountain Ash, vacant tree pits were noted within the car park with cars parked across these pits. Some lifting was noted to the brick paving slabs within the car park associated with surface rooting of one mature London Plane. A further mature London Plane is located to the side of a substation at Horatio Court.
20. Officers have advised the management company of suitable remedial action with respect to the car park and the tree. Re-surfacing has since been undertaken at the site
21. The law requires that in order for a TPO to be served the amenity must be assessed. The TEMPO methodology has in this instance been applied correctly taking into account any evidence of trees being a nuisance based on the available evidence.
22. The majority of the remaining trees are mature and show few signs of defects. The London Planes and Alder in particular are highly visible from the highway
23. No application prior to 2019 has been received by the council in relation to these trees.
24. Photos of the trees are included within the TPO at Appendix 1.
25. There is no reason why the tree could not continue to be maintained on a regular basis under the protection of a TPO.
26. Should the recommendation be accepted and the order confirmed then an application to carry out works can be submitted in the usual way with consent or refusal considered on the basis of any further evidence provided.

Consultation

27. The TPO was lawfully served to the owners of the trees and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

28. Making a TPO affects the ability of a tree owner to manage and deal with the tree as they see fit. The trees in question must be of sufficient quality to be considered worthy of protection to justify the imposition on the owner that a TPO constitutes. It is noted that the one stem of the tree has been previously reduced in the past without seeking prior approval from the Council in contravention of Sec.211 of the Town and Country planning Act 1990. A TPO is warranted to ensure ongoing compliance by current and future owners.
29. It is recommended for the reasons set out above that the trees are of sufficient quality to justify TPO status.
30. In this instance it is claimed within one objection that the TPO places an

unreasonable financial burden on the residents and will cause repeated health and safety dangers over the years.

31. These trees are highly visible from the public realm. Their designation as a TPO does not confer any extra financial burden than that which originally existed in so far as any application for works is free. Any necessary works themselves would still be undertaken and paid for by a responsible and prudent tree owner, as outlined within an arboricultural survey or report.
32. Upon confirmation of HM Land Registry title deeds it was found that all of these trees were in private ownership.
33. These trees were proposed for protection by two separate residents who have provided legitimate grounds for consideration for a Tree Preservation Order.
34. The initial planting of these trees in their current location were part of an approved scheme built by Bellway Homes in order to provide amenity.
35. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the tree should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.
36. Should the provisional TPO not be confirmed, there would be no statutory protection conferred on these trees.
37. It is therefore recommended that in order to avoid any unnecessary removal of these prominent trees, the Provisional Tree Preservation Order be confirmed, unamended.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

38. The original Tree Preservation Order was made on 1 July 2019 and this protects the trees for up to six months unless confirmed and made permanent.
39. The report refers to the duty imposed upon Councils by virtue of section 197 of the Town and Country Planning Act which requires the authority to ensure the preservation and protection of trees where appropriate.
40. In this instance, one objection to the Order has been received.

REASONS FOR URGENCY

Legislative requirement

41. The TPO lapses on 1 January 2020 if not confirmed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Online	NA
TEMPO guidance http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf	Online	NA
Southwark Council TPO information http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas	Online	NA
Southwark TPO register https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones	Online	NA

APPENDICES

No.	Title
Appendix 1	Provisional TPO

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Liam Bullen, Surveyor, Planning	
Version	Final	
Dated	5 November 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		7 November 2019

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012****London Borough of Southwark
Tree Preservation Order (No. 539) 2019**

1-8 Mountbatten Court, 153a Rotherhithe Street, London, SE16 5QL
Front of EL Sub Station S/O Horatio Court 151 Rotherhithe Street, SE16 5QQ
Land adjacent 1-8 Mountbatten Court, Rotherhithe Street, SE16 5QL

THIS IS A FORMAL NOTICE to let you know that on the 1st July 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map, without the local planning authority's consent.

Some explanatory guidance on tree preservation orders is available via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders--general>.

The Council has made the order because the trees make a positive contribution to the local environment as assessed by a TEMPO evaluation.

The order took effect on a provisional basis on the 1st July 2019. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any representations, please make sure we receive them in writing within 28 days of this date of this notice (17:00 29/07/2019). Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided. Send your comments to London Borough of Southwark, (Ref TPO/539), 160 Tooley Street, PO Box 64529, London SE1P 5LX. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made. Additional information regarding tree preservation orders can be found at <http://www.southwark.gov.uk/info/505/trees>.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this notification, please contact Oliver Stutter Urban Forester on 0207 525 5599.

Dated 1st July 2019


Simon Bevan
Director of Planning
Authorised by the Council to sign in that behalf

London Borough of Southwark
160 Tooley Street
PO Box 64529
London SE1P 5LX

Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Objections and representations

6(1) *Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order (TPO Number 539) 2019

The London Borough of Southwark in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order (TPO Number 539) 2019

Interpretation

- 2.— (1) In this Order “the authority” means the London Borough of Southwark
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 1st day July 2019

Signed on behalf of the London Borough of Southwark



Simon Bevan
 Director of Planning
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by London Borough of Southwark without modification on the day of

OR

This Order was confirmed by the London Borough of Southwark, subject to the modifications indicated by , on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the London Borough of Southwark on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified as individuals

(shown circled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	London Plane	Front of EL Sub Station S/O Horatio Court 151 Rotherhithe Street, SE16 5QQ
T2	London Plane	Car Park adjacent 1-8 Mountbatten Court, Rotherhithe Street, SE16 5QL
T3	Rowan	Car Park adjacent 1-8 Mountbatten Court, Rotherhithe Street, SE16 5QL

Groups of Trees

(within a broken black line
on the map)

G1	Mix of London Plane, Alder and Rowan	Land adjacent 1-8 Mountbatten Court, Rotherhithe Street, SE16 5QL
----	---	--

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 26/06/2019 Surveyor: LS

Tree details
 TPO Ref (if applicable): 539 Tree/Group No: T1/T2/T3 + 41 Species: Lawson Prickly Ash, Robinia
 Owner (if known): [Redacted] Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes
5

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
5

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes
4

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

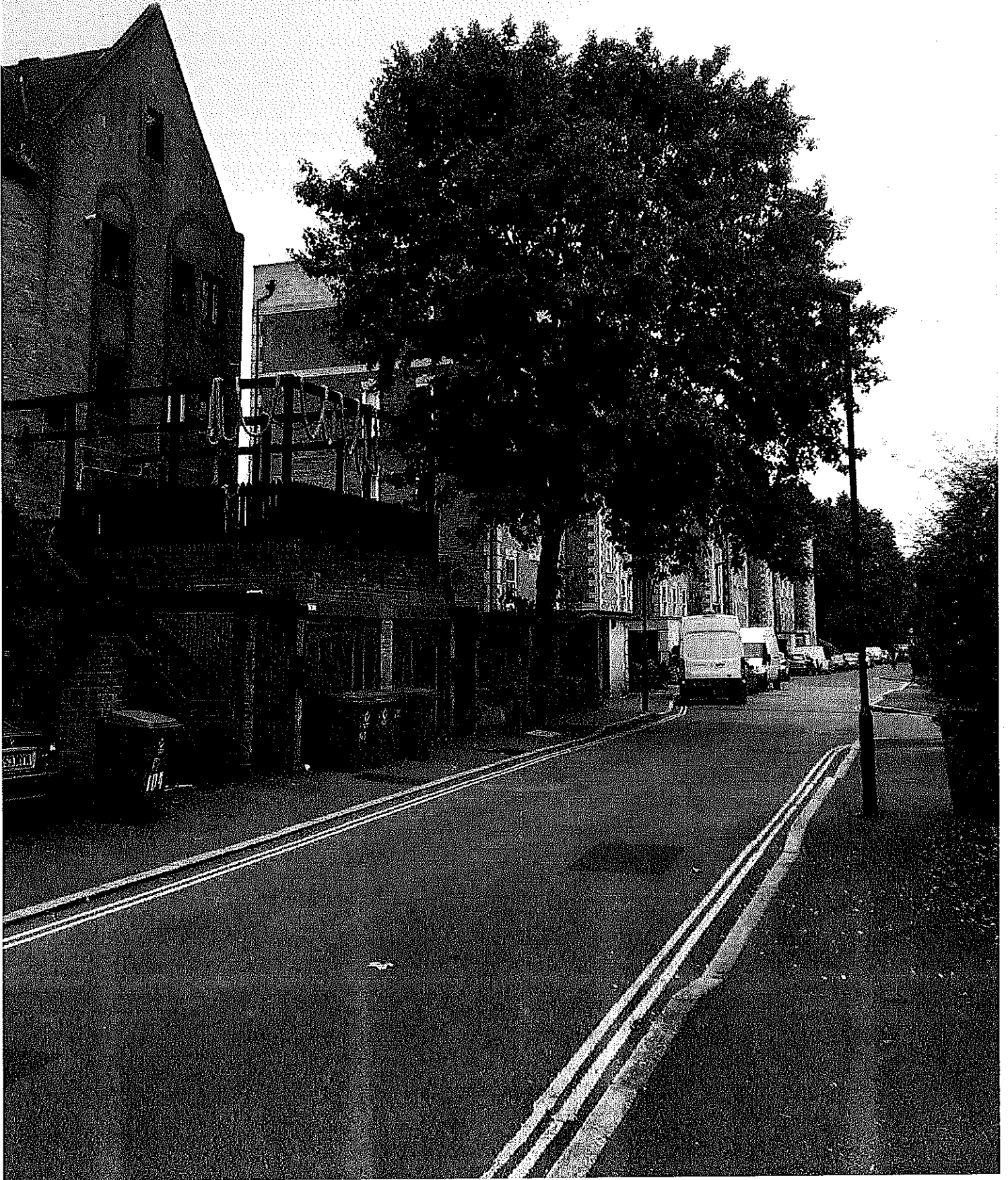
Score & Notes
3

Part 3: Decision guide

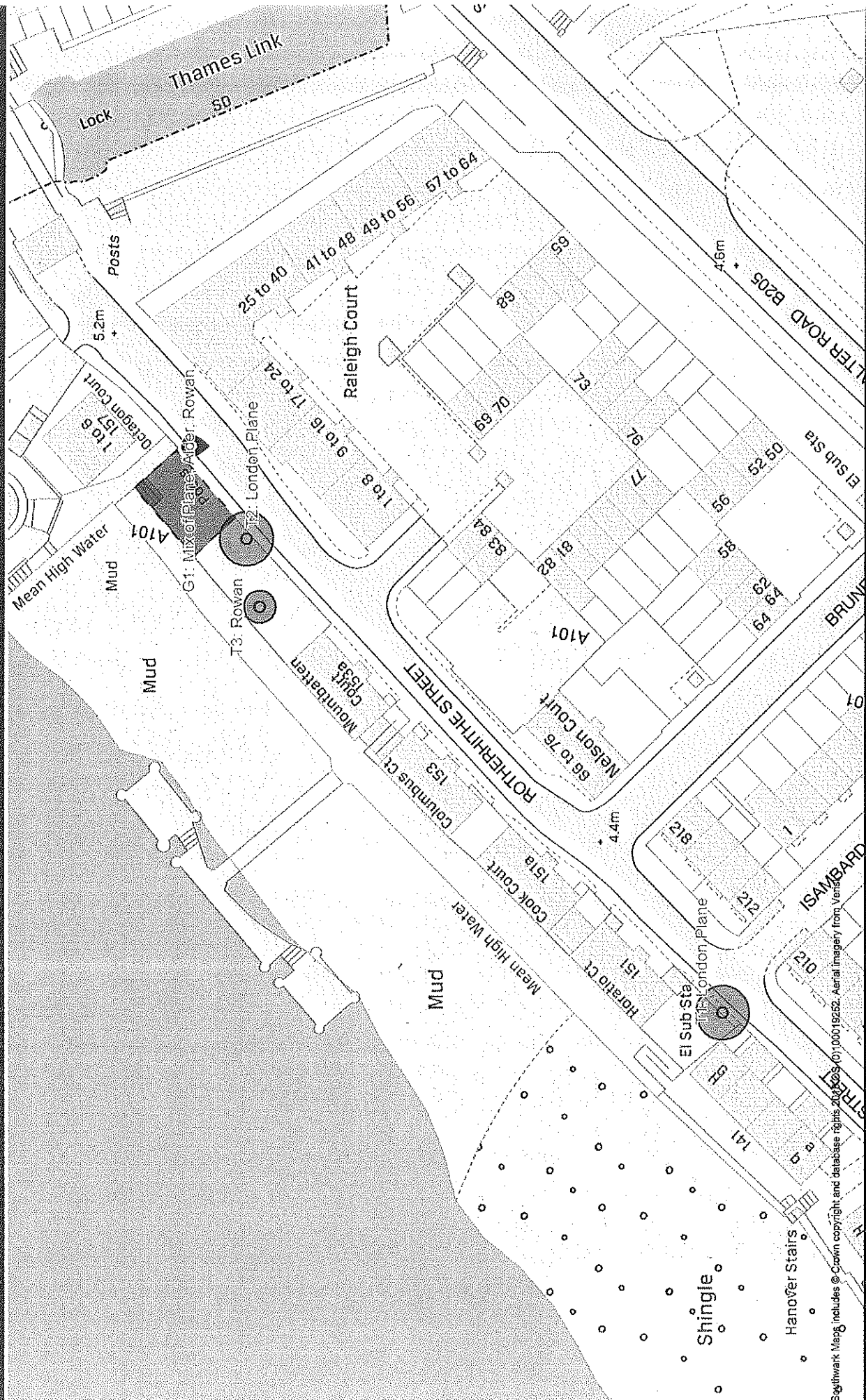
- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
21

Decision:
TPO



TPO-539 Horatio Court, Mountbatten Court, SE16



Southwark Maps includes © Crown copyright and database rights 2019. OS (100019252). Aerial imagery from VeriSat.

1-Jul-2019



TPO 539: Horatio Court, Mountbatten Court SE16



G1: Mix of Plots, Alder, Rowan

T3: Rowan

T2: London Plane

T1: London Plane

30 m

1-Jul-2019

TPO 539: Land Title Extent



Land Registry INSPIRE Index polygons (1)

Description: This map layer of INSPIRE index polygons shows locations and indicative extents of Land Registry registered freehold property. Each INSPIRE index polygon has a unique ID number called the INSPIRE ID that relates to a registered title.

INSPIRE_ID: 50854297

Conditions_of_use: <https://www.gov.uk/inspire-index-polygons-spatial-data#conditions-of-use>

Run_a_title_search: For more details on this title you could search <http://tmyurl.com/06per12> target="new" the Land Registry referencing the inspi id listed above. Land Registry will charge between £3 and £9 for the service.

More_about_this_data: <https://www.gov.uk/inspire-index-polygons-spatial-data#about-inspire-polygons>

SearchURL: <http://tmyurl.com/06per12>

Item No. 9.	Classification: Open	Date: 19 November 2019	Meeting Name: Planning Sub-Committee A
Report title:		TPO confirmation 9 Baldwin Crescent SE5 9LQ	
Ward(s) or groups affected:		Camberwell Green	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional TPO reference 534 be confirmed unamended.

BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on 5 June 2019 following an application reference 19/AP/1301 to reduce a rear garden Strawberry tree within Camberwell New Road Conservation Area.
3. The TPO protects an individual tree. One objection has subsequently been received, which according to the council's standing orders must be considered at planning committee before the order can be confirmed.

KEY ISSUES FOR CONSIDERATION

4. The presumption exists that trees within conservation areas greater than 7.5cm stem diameter should be retained where they are assessed to contribute positively to the character and appeal of the area, unless substantiating evidence is provided as to why they must be removed.
5. In order to continue to have effect the TPO attached in Appendix 1 must be confirmed within 6 months from the date of being served. Should it not be confirmed the tree described in the schedule and shown in the plan revert to the protection afforded by its status within the conservation area.
6. The TPO includes an individual tree which has been assessed as contributing to amenity and because of its value to screening and biodiversity.
7. The tree was assessed as attaining a score of 18 (out of a potential total 25) under the Tree Evaluation Method for Tree Preservation Orders (TEMPO), resulting in a decision guide indicating that making a TPO is definitely merited.
8. The confirmation of a TPO cannot be appealed. However, any subsequent refusal of an application for works to a TPO or imposition of conditions upon consent can be appealed to the Secretary of State via the Planning Inspectorate.
9. Anyone proposing to carry out works to a tree or trees subject to a TPO must seek permission from the local planning authority. This involves completing an application form identifying the trees, detailing the works proposed and explaining the reasons for the works. The council's planning officer will usually

inspect the trees prior to making a decision and may recommend alternative works or refuse consent. If authorisation is given to fell a protected tree, a new tree will usually be required to be planted as a replacement. However, this will in turn require a new TPO to be served.

10. If a tree protected by a TPO is felled, pruned or willfully damaged without consent, both the person who carried out the works and the tree owner are liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, an unlimited fine. There are exceptional circumstances, such as when a tree is dead, dying or dangerous, when permission is not required. However, in order to avoid the risk of prosecution advice must be sought from the council and five days notice given before carrying out any works (except in an emergency).

Policy implications

11. The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
12. Section 197 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
13. London Plan Policy 7.21 Trees and woodlands states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework.
14. The draft New Southwark Plan P60 states that in exceptional circumstances removal of trees protected by TPO or conservation area status will be permitted where sufficient evidence has been provided to justify their loss. Replacement planting will be expected where removal is agreed. The replacement of TPO trees must take into account the loss of canopy cover as measured by stem girth and biodiversity value.
15. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with proven amenity value.

Objection to the order

16. One objection has been received from a neighbor in Baldwin Crescent.
17. The objection relates to alleged damage to a garden wall, and that the tree has been left to grow uncontrollably and is sited over a main sewer.
18. The basis of the objections is that the tree is causing damage to property and is unmanaged.
19. Officers have visited the property and noted the following observations;

T1 Strawberry Tree located 300mm from boundary wall.
Bowling to 2 course brick Boundary wall, depicting a lack of lateral restraint. The ground level at 9 Baldwin Crescent is higher than neighbouring property and the wall is not designed as a retaining wall. Flexible mortar has been applied, but the wall requires bracing.
20. Following the visit, officers were also able to advise on a revised specification for

tree works which was sent on 3rd July 2019, however the council is yet to receive any further application for works to this tree..

21. The law requires that in order for a TPO to be served the amenity must be assessed. The TEMPO methodology has in this instance been applied correctly taking into account any evidence of trees being a nuisance based on the available evidence.
22. The Strawberry tree is an evergreen tree in a reasonable condition without structural defects or signs of decay, with a safe useful life expectancy of at least 40 years. The specimen is a large size for its species, forming part of a group of mature rear garden trees which can be seen from County Grove, a publically accessible space adjacent to 15 Baldwin Crescent.
23. No application prior to 2019 has been received by the council in relation to this tree.
24. The initial reduction by 3m was not considered appropriate. This is due to the risk of premature decline, together with significant loss of amenity. A photo of the tree is included within the TPO at Appendix 1.
25. There is no reason why the tree could not continue to be maintained on a regular basis under the protection of a TPO.
26. Should the recommendation be accepted and the order confirmed then an application to carry out works can be submitted in the usual way with consent or refusal considered on the basis of any further evidence provided.

Consultation

27. The TPO was lawfully served to the property and affected parties and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

28. Making a TPO affects the ability of a tree owner to manage and deal with the tree as they see fit. The trees in question must be of sufficient quality to be considered worthy of protection to justify the imposition on the owner that a TPO constitutes. It is noted that the one stem of the tree has been previously reduced in the past without seeking prior approval from the council in contravention of Sec.211 of the Town and Country planning Act 1990. A TPO is warranted to ensure ongoing compliance by current and future owners.
29. It is recommended for the reasons set out above that the tree is of sufficient quality to justify TPO status.
30. In this instance it is claimed within one objection that damage has occurred to one boundary wall and that the subject tree is the cause of that damage.
31. In an urban or suburban setting most trees will have the ability at some stage in their lifespan to potentially affect the built environment around them. A degree of proportionality has to be exercised as to the extent of that impact and what might constitute mitigation of any proven damage or nuisance.

32. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the tree should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.
33. Should the provisional TPO not be confirmed, any subsequent conservation area application to remove or pollard the tree unnecessarily and without substantiating evidence will result in the re-serving of a TPO.
34. It is therefore recommended that in order to avoid repeated recourse to a TPO that the provisional order is confirmed unamended. Any refusal of consent for works to the tree in future may then be appealed to the Planning Inspectorate for an independent assessment and decision to be made by that body in the usual way.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

35. The original Tree Preservation Order was made on 5 June 2019 and this protects the trees for up to six months unless confirmed and made permanent.
36. The report refers to the duty imposed upon Councils by virtue of section 197 of the Town and Country Planning Act which requires the authority to ensure the preservation and protection of trees where appropriate.
37. In this instance, one objection to the Order has been received.

REASONS FOR URGENCY

Legislative requirement

38. The TPO lapses on 5 December if not confirmed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Online	NA
TEMPO guidance http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf	Online	NA
Southwark Council TPO information http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas	Online	NA
Southwark TPO register https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones	Online	NA

APPENDICES

No.	Title
Appendix 1	Provisional TPO

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Liam Bullen, Surveyor, Planning	
Version	Final	
Dated	5 November 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		7 November 2019

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012****London Borough of Southwark
Tree Preservation Order (No. 534) 2019**

9 Baldwin Crescent, SE5 9LQ

THIS IS A FORMAL NOTICE to let you know that on the 5th June 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map, without the local planning authority's consent.

Some explanatory guidance on tree preservation orders is available via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders--general>.

The Council has made the order because the tree makes a positive contribution to the local environment as assessed by a TEMPO evaluation.

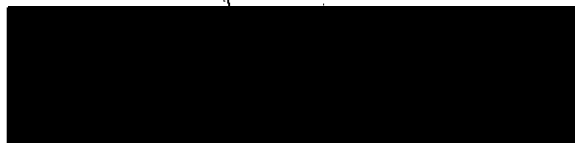
The order took effect on a provisional basis on the 5th June 2019. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any representations, please make sure we receive them in writing within 28 days of this date of this notice (17:00 03/07/2019). Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided. Send your comments to London Borough of Southwark, (Ref TPO/534), 160 Tooley Street, PO Box 64529, London SE1P 5LX. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made. Additional information regarding tree preservation orders can be found at <http://www.southwark.gov.uk/info/505/trees>.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this notification, please contact Oliver Stutter Urban Forester on 0207 525 5599.

Dated 5th June 2019



Simon Bevan
Director of Planning
Authorised by the Council to sign in that behalf

London Borough of Southwark
160 Tooley Street
PO Box 64529
London SE1P 5LX

Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Objections and representations

6(1) *Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order (TPO Number 534) 2019

The London Borough of Southwark in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order (TPO Number 534) 2019

Interpretation

- 2.— (1) In this Order “the authority” means the London Borough of Southwark
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 5th June 2019

Signed on behalf of the London Borough of Southwark


Simon Bevan
Director of Planning
Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by London Borough of Southwark without modification on the day of

OR

This Order was confirmed by the London Borough of Southwark, subject to the modifications indicated by , on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the London Borough of Southwark on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

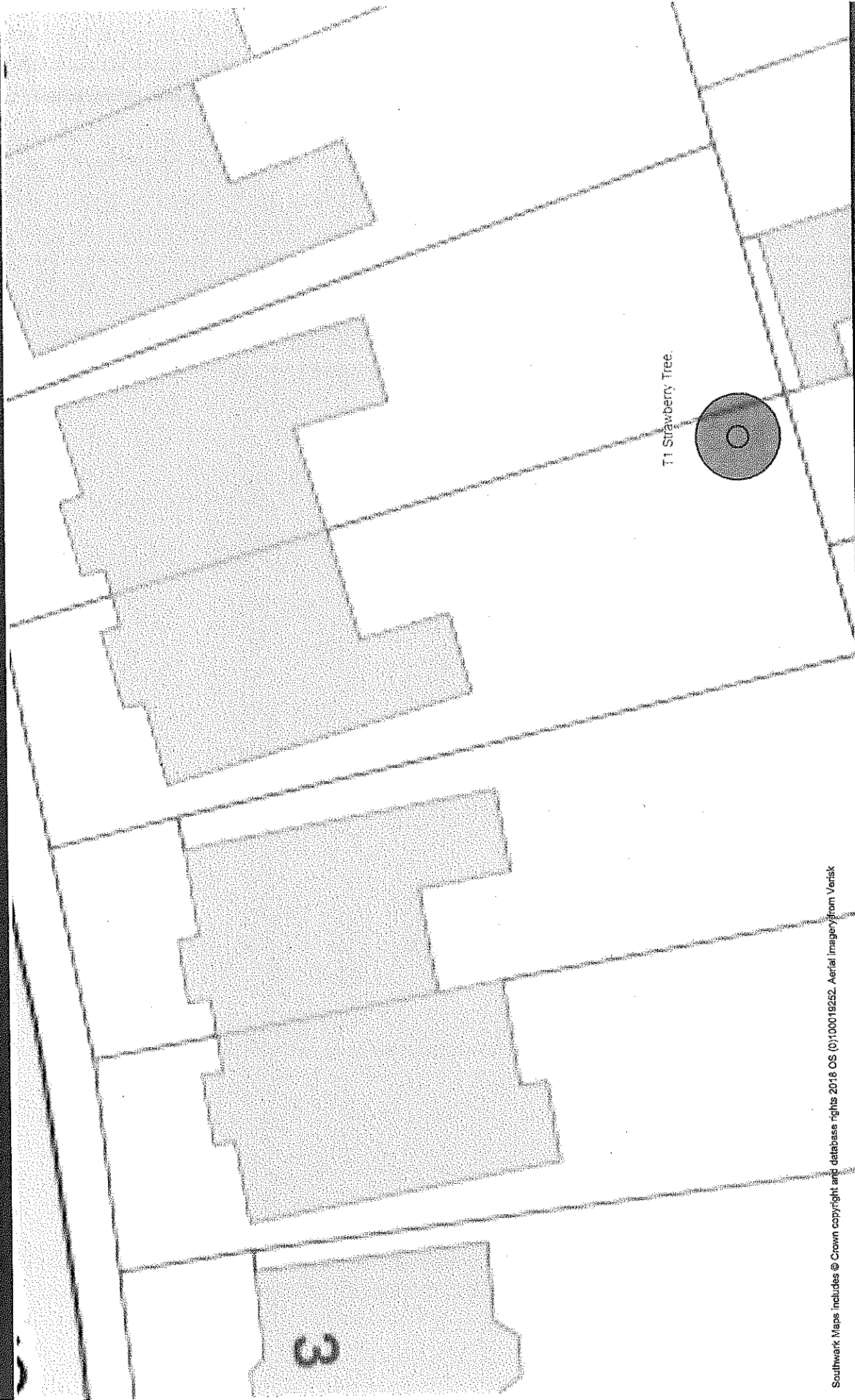
Authorised by the Council to sign in that behalf

SCHEDULE**Specification of trees****Trees specified as individuals**

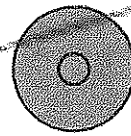
(shown circled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Strawberry Tree	Rear of 9 Baldwin Crescent, London SE5 9LQ

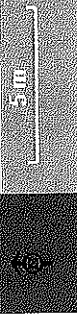
TPO 534: 9 Baldwin Crescent SE5 9LQ



T1 Strawberry Tree.



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3-Jun-2019

Google Maps

County Grove
Strawberry Tree rear 9 Baldwin Crescent

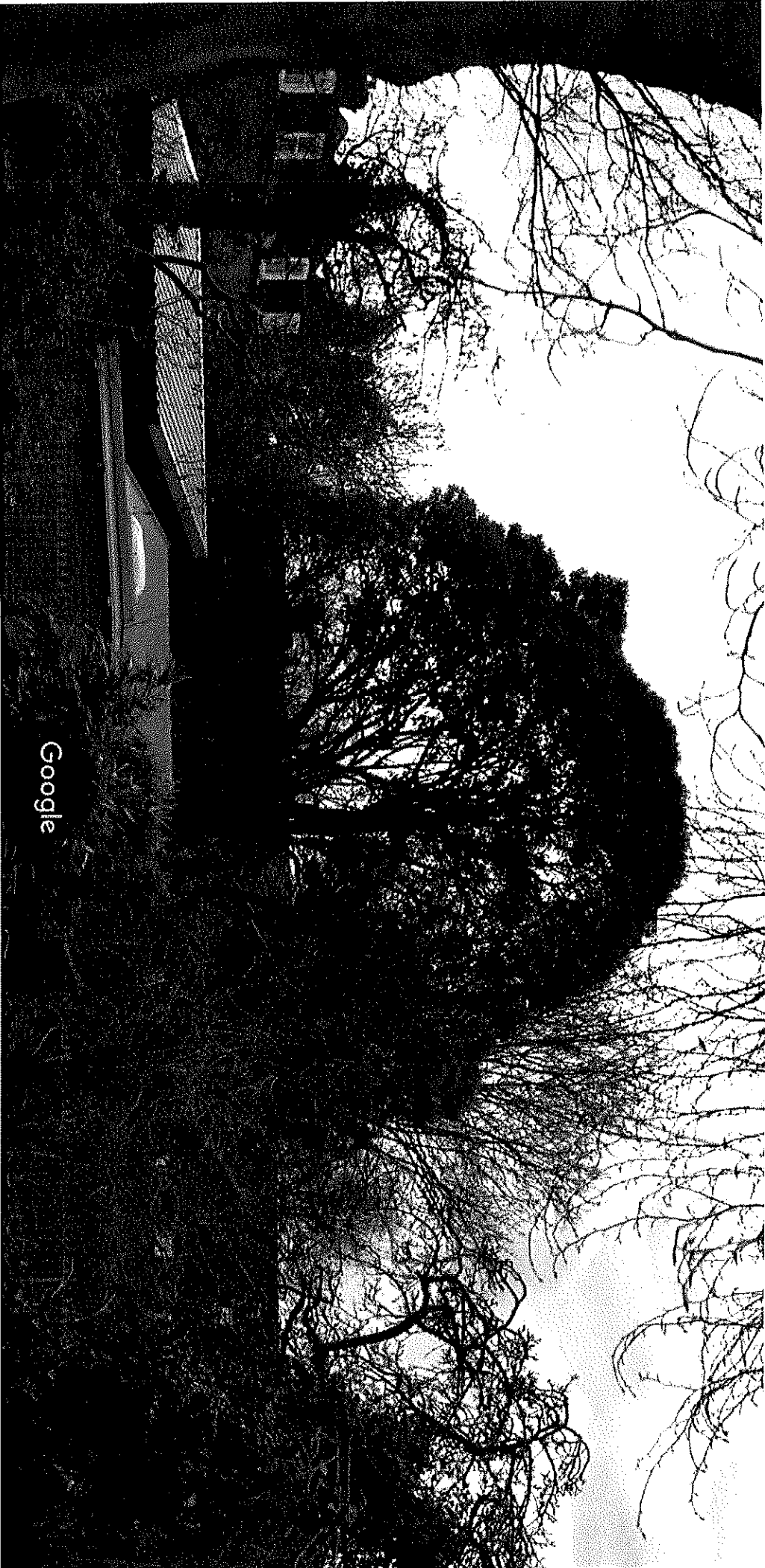
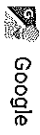


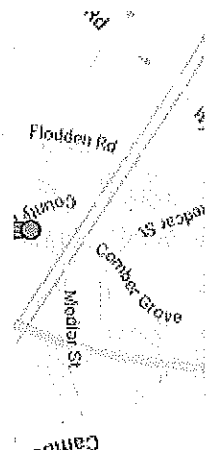
Image capture: Feb 2018 © 2019 Google

London, England



Street View - Feb 2018

<https://www.google.com/maps/@51.4749639,-0.0983922,3a,15y,238.84h,96.68v/data=!3m1!1e13m4!1sr9ZDY0MY4wzwbv5!grtGllg12e0!7!16384!8!8!92>



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 03/06/2019 Surveyor: LB

Tree details
 TPO Ref (if applicable): 534 Tree/Group No: 1 Species: STRAWBERRY TREE
 Owner (if known): L&Q Location: Rear, 9 BALDWIN CRESCENT SES 9LG

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes
5

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
4

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes
2

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
18

Decision:
TPO

PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20

NOTE: Original held by Constitutional Team all amendments/queries to Tim Murtagh Tel: 020 7525 7187

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		Dated: 20 September 2019	