

## Planning Sub-Committee A

Tuesday 26 January 2021

6.30 pm

Online/Virtual: Members of the public are welcome to attend the meeting.  
Please contact [Constitutional.Team@southwark.gov.uk](mailto:Constitutional.Team@southwark.gov.uk) for a link or  
telephone dial-in instructions to join the online meeting

### Membership

Councillor Kath Whittam (Chair)  
Councillor Adele Morris (Vice-Chair)  
Councillor Maggie Browning  
Councillor Sunil Chopra  
Councillor Richard Leeming  
Councillor Jane Salmon  
Councillor Martin Seaton

### Reserves

Councillor Anood Al-Samerai  
Councillor Peter Babudu  
Councillor Paul Fleming  
Councillor Renata Hamvas  
Councillor Victoria Olisa

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### 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** Beverley Olamijulo on email: [beverley.olamijulo@southwark.gov.uk](mailto:beverley.olamijulo@southwark.gov.uk)

Members of the committee are summoned to attend this meeting

**Eleanor Kelly**  
Chief Executive  
Date: 11 January 2021



## Planning Sub-Committee A

Tuesday 26 January 2021  
6.30 pm

Online/Virtual: Members of the public are welcome to attend the meeting. Please contact [Constitutional.Team@southwark.gov.uk](mailto:Constitutional.Team@southwark.gov.uk) for a link or telephone dial-in instructions to join the online meeting

### Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 5
	To approve as a correct record the minutes of the meeting held on 17 November 2021.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	6 - 10

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	<b>7.2. 62 - 64 WESTON STREET, LONDON SE1 3QJ</b>	41 - 69
<b>8.</b>	<b>TREE PRESERVATION ORDER: 599 CONFIRMATION: 51, CRESCENT WOOD ROAD, LONDON, SE26 6SA</b>	70 - 89

### **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.”

## Planning Sub-Committee

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals (virtual meetings)

**Please note:**

The council has made the following adaptations to the committee process to accommodate virtual meetings:

- The agenda will be published earlier than the statutory minimum of five working days before the meeting. We will aim to publish the agenda ten clear working days before the meeting.
- This will allow those wishing to present information at the committee to make further written submissions in advance of the meeting in order to:
  - Correct any factual information in the report
  - Confirm whether their views have been accurately reflected in the report
  - Re-emphasise the main points of their comments
  - Suggest conditions to be attached to any planning permission if granted.
- **Those wishing to speak at the meeting should notify the constitutional team at [Constitutional.Team@southwark.gov.uk](mailto:Constitutional.Team@southwark.gov.uk) in advance of the meeting by 5pm on the working day preceding the meeting.**

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 in the virtual meeting and wish to speak) for **not more than three minutes each**. **Speakers must notify the constitutional team at [Constitutional.Team@southwark.gov.uk](mailto:Constitutional.Team@southwark.gov.uk) in advance of the meeting by 5pm on the working day preceding the meeting.**

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the three-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). If there is more than one supporter (who lives within 100 metres of the development site) wishing to speak, the time is divided within the 3-minute time slot.
- (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 three-minute time allowance must be divided amongst those wishing to speak. Where you are unable to decide who is to speak in advance of the meeting, the chair will ask which objector(s)/supporter(s) would like to speak at the point the actual item is being considered. The clerk will put all objectors who agree to this in touch with each other, so that they can arrange a representative to speak on their behalf at the meeting. The clerk will put all supporters who agree to this in touch with each other, so that they can arrange a representative to speak on their behalf at the meeting.
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, will be speaking in their designated time-slots only, apart from answering brief questions for clarification; this 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 to which is open to the public and there should be no interruptions from members of the public.
10. Members of the public are welcome to record, screenshot, or tweet the public proceedings of the meeting.
11. Please be considerate towards other people and take care not to disturb the proceedings.
12. This meeting will be recorded by the council and uploaded to the Southwark Council YouTube channel the day after the meeting.

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

**Contacts:** General Enquiries  
Planning Section, Chief Executive's Department  
Tel: 020 7525 5403

**FOR ACCESS TO THE VIRTUAL MEETING  
PLEASE CONTACT:**

Planning Sub-Committee Clerk, Constitutional Team  
Finance and Governance  
Email: [Constitutional.Team@southwark.gov.uk](mailto:Constitutional.Team@southwark.gov.uk)



## Planning Sub-Committee A

MINUTES of virtual Planning Sub-Committee A meeting held on Tuesday 17 November 2020 at 6.30 pm

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**PRESENT:** Councillor Kath Whittam (Chair)  
 Councillor Adele Morris  
 Councillor Maggie Browning  
 Councillor Sunil Chopra  
 Councillor Richard Leeming  
 Councillor Jane Salmon  
 Councillor Martin Seaton

**OFFICER SUPPORT:** Tim Cutts (Senior Regeneration Manager)  
 Margaret Foley (Senior Planning Lawyer)  
 Dipesh Patel (Group Manager – Major Applications)  
 Alicia Chaumard (Planning Officer)  
 Pip Howson (Team Leader – Transport Policy)  
 Michael Tsoukaris (Senior Design & Conservation Officer)  
 Beverley Olamijulo and Gerald Gohler (Constitutional Officers)

### 1. INTRODUCTION AND WELCOME

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

### 2. APOLOGIES

There were no apologies for lateness or absence.

### 3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the 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 proposed a motion that item 7.3, Unit 7 & 8, 17 – 19 Blackwater Street SE22 8SD be deferred for a site visit. This was seconded by Cllr Morris and carried by unanimous vote.

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

- Supplemental Agenda No.1 containing the addendum report relating to items 7.1 and the members' pack.

#### **6. MINUTES**

##### **RESOLVED:**

That the minutes of the meeting held on the 13 October 2020 be approved as a correct record and signed by the chair.

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

##### **RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the agenda 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 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 can be clearly specified.

#### **7.1 SOUTHWARK PARK DAY CENTRE, 345 SOUTHWARK PARK ROAD, LONDON SE16 2JN**

**Planning application number: 20/AP/1390**

## **PROPOSAL**

*The demolition of 345 Southwark Park Road and all site preparation works, for a residential-led mixed use development comprising 22 new social rent homes and 24 new private homes (containing a mix of 1, 2 and 3 bedroom apartments), associated cycle and wheelchair car parking, 340 sqm flexible ground floor office and community use floorspace (B1/D1); associated hard and soft landscaping and public realm works.*

The sub-committee heard the officer's introduction to the report and addendum report.

Members of the sub-committee asked questions of the officers.

The two objectors addressed the meeting and responded to questions from members of the sub-committee.

The meeting took a screen break from 7.25pm to 7.30pm.

The applicant's representatives addressed the sub-committee, and responded to questions from members of the sub-committee.

There were no supporters living within 100 metres of the application site wishing to speak.

There were no ward councillors present at the meeting who wished to speak.

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

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

## **RESOLVED:**

1. That planning permission for application 20/AP/1390 be granted subject to conditions as set out in the report and the addendum report and the completion of a Section 106 agreement.
2. That in the event that a legal agreement is not signed by 1 February 2021, the director of planning be authorised to refuse planning permission, if appropriate for the reasons set out in paragraph 93 of the report.

## **7.2 CHEVRON APARTMENTS, 294-304 ST JAMES'S ROAD, LONDON SE1 5JX**



**Planning application number: 19/AP/6395**

**PROPOSAL**

*Extension of the existing building to provide 15 no. residential (C3) apartments together with other associated and enabling works.*

The sub-committee heard the officer's introduction to the report and addendum report.

The meeting took a screen break from 8.25pm to 8.30pm.

Members of the sub-committee asked questions of the officers.

The two objectors addressed the meeting and responded to questions from members of the sub-committee.

The applicant's agents addressed the sub-committee, and responded to questions from members of the sub-committee.

At this juncture the objector was present to address the sub-committee

There were no supporters living within 100 metres of the application site wishing to speak.

There were no ward councillors present at the meeting who wished to speak.

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

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

**RESOLVED:**

1. That the planning permission for application 19/AP/6395 be granted subject to:
  - a. the conditions as set out in the report and amended by the addendum report
  - b. The completion of a Section 106 legal agreement.
2. That in the event that a legal agreement is not signed by 17 May 2021 the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 188-189 of the report.
3. That the legal agreement include a service charges cap on the London Living Rent Units and marketing restrictions on second home buyers.

4. That the details for monitoring the servicing arrangements, including the payment of a bond, be incorporated in the delivery and servicing plan which forms part of the legal agreement.

### **7.3 UNIT 7 & 8, 17-19 BLACKWATER STREET, LONDON SE22 8SD**

The item was deferred to a future meeting.

Meeting ended at 10.05 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 26 January 2021	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

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

## BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F 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	

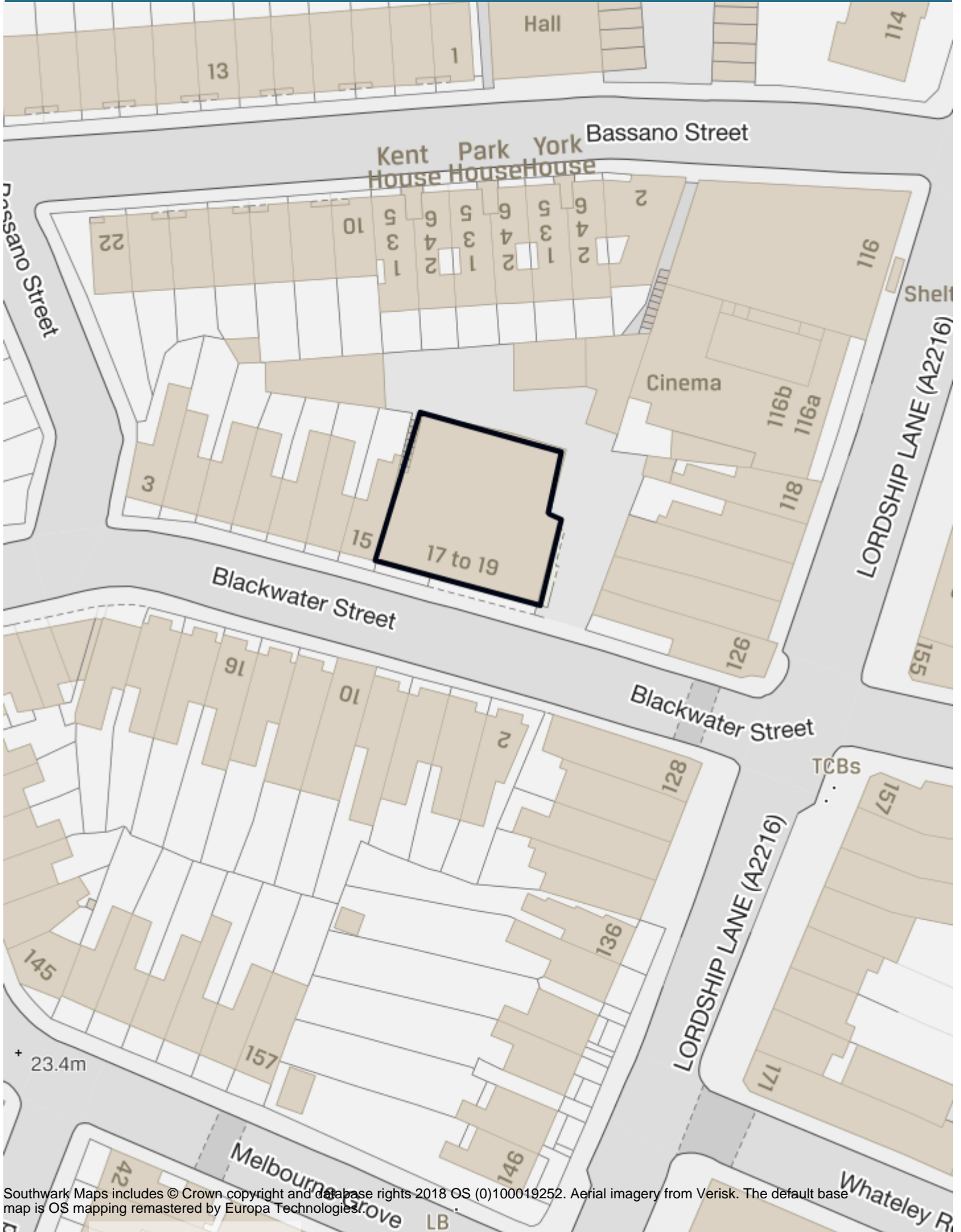
**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Beverley Olamijulo, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
<b>Version</b>	Final	
<b>Dated</b>	11 January 2021	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Yes	Yes
Director of Planning	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		11 January 2021



20/AP/1043

17-19 BLACKWATER STREET, LONDON, SE22 8SD



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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 26 January 2021	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 20/AP/1043 for: Full Planning Application  <b>Address:</b> UNIT 7 & 8, 17-19 BLACKWATER STREET, LONDON SE22 8SD  <b>Proposal:</b> Demolition of 2 light industrial units (Use Class B8) and the construction of 2 x two bedroom dwellings (Use Class C3).		
<b>Ward(s) or groups affected:</b>	Goose Green		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	09/04/2020	<b>Application Expiry Date</b>	04/06/2020
<b>Earliest Decision Date</b>	30/10/2020		

## RECOMMENDATION

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

## BACKGROUND INFORMATION

### Site location and description

2. The application site refers to Units 7 and 8 Blackwater Court, which are light industrial units accessed from Blackwater Street. The units are single storey buildings which occupy a shared courtyard with Units 4, 5 and 6, immediately to the south of Units 7 and 8.
3. To the east of the site is the rear of East Dulwich Picturehouse Cinema, which fronts Lordship Lane, and to the north and south of the site are rear gardens of residential properties on Bassano Street and Blackwater Street. The surrounding area comprises a mix of predominantly residential and commercial uses. Lordship Lane, adjacent to the application site, is designated as a District Town Centre.
4. Unit 7 is used for storage (Use Class B8), whilst Unit 8 is currently used as a workshop and associated premises, registered as Mission Bubble Studios. Unit 8 has been subject to various enforcement cases. Notwithstanding this, the unit does not have planning permission for such uses and is therefore unlawful. It has

been subject to various enforcement cases.

5. The application site is subject to the following designations:
  - Suburban Density Zone
  - Critical Drainage Area
  - Air Quality Management Area
6. The site is not located within a conservation area and does not comprise any listed buildings, nor are any located within close proximity.

### **Details of proposal**

7. The proposed development seeks the demolition of the existing units and the construction of 2 x part single and part two storey residential dwellings (Use Class C3). Both units would be 2 bedroom residential dwellings. Associated works also include

### **Relevant Planning history**

8. See Appendix 1 for any relevant planning history of the application site.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

9. The main issues to be considered in respect of this application are:
  - Principle of the proposed development in terms of land use;
  - Quality of accommodation;
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
  - Design quality;
  - Transport and highways;
  - Environmental impacts;
  - Other matters;
  - Community impact and equalities assessment;
  - Human rights, and;
  - Positive and proactive statement.
10. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal context**

11. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and

the Saved Southwark Plan 2007.

12. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

## **Planning policy**

### National Planning Policy Framework (the Framework)

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

### London Plan 2016

14. The relevant policies from the London Plan 2016 are:
  - Policy 3.3 (Increasing housing supply)
  - Policy 3.4 (Optimising housing potential)
  - Policy 3.5 (Quality and design of housing developments)
  - Policy 5.3 (Sustainable design and construction)
  - Policy 6.9 (Cycling)
  - Policy 6.13 (Parking)
  - Policy 7.5 (Local character)
  - Policy 7.6 (Architecture)

### Core Strategy 2011

15. 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 5 (Providing new homes)
  - Strategic Policy 12 (Design and conservation)
  - Strategic Policy 13 (High environmental standards)

### Southwark Plan 2007 - 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). 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 3.2 (Protection of amenity)
- Policy 3.8 (Waste management)
- Policy 3.11 (Efficient use of land)
- Policy 3.12 (Quality in design)
- Policy 3.13 (Urban design)
- Policy 4.2 (Quality of residential accommodation)
- Policy 5.2 (Transport impacts)
- Policy 5.3 (Walking and cycling)
- Policy 5.6 (Car parking)

#### Relevant Supplementary Planning Documents (SPDs)

17. Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD 2011
- Dulwich SPD 2013

### **Emerging planning policy**

#### Draft New London Plan

18. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Following an examination in public, the Mayor then issued the Intend to Publish London Plan.
19. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The London Plan cannot be adopted until these changes have been made.
20. Until the London Plan reaches formal adoption 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.

#### New Southwark Plan

21. 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. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation

closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.

22. These documents and the New Southwark Plan Submission Version (Proposed Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The New Southwark Plan Submission Version (Proposed Modifications for Examination) is the council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version. This version will be considered at the Examination in Public (EiP).
23. It is anticipated that the plan will be adopted in late 2020 following an 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.

### **Summary of public consultation responses**

24. 81 consultation responses have been received from members of the public, comprising 79 objections and 1 support comment. Summarised below are the material planning considerations raised by members of the public.
25. Principle of development and proposed land uses:
- Change of use to Use Class C3 residential dwellings from light industrial units.
  - The loss of employment premises / community benefit.
  - The loss of a gym.
26. Design quality and site layout:
- Proposed materials would be out of character with the area.
  - Scale of development.
  - Amenity space.
27. Neighbour amenity impacts:
- Overlooking / impact on privacy.
  - Security uses.
  - Construction impacts.
  - Daylight and sunlight impacts.
  - Sense of enclosure.
  - Change in ground levels.
28. Transport, parking, highways, deliveries and servicing matters:
- Access.

## 29. Other matters:

- Loss of the art mural on Unit 8.
- Impact on local ecology.

These matters are addressed comprehensively in the relevant preceding parts of this report.

## **Assessment**

### **Principle of the proposed development in terms of land use**

30. The proposal seeks the demolition of the existing light industrial units on the application site and the construction of two residential dwellings (Use Class C3). The lawful use of the units is considered be for storage (Use Class B8), however it is acknowledged that Unit 8 appears to currently be active, though not within Use Class B8.
31. In relation to Unit 8, planning application 17/AP/4140 for a certificate of lawful development for the existing use as a gym (Use Class D2) was refused on 10/01/2019, with a response from the applicant to a planning contravention notice describing the use as for professional development, with no specific reference to fitness. It was concluded that it was not possible to establish a continual Use Class D2 use. The current business rates of the premises are for Mission Bubble Studios, which is a photography studio. It is also noted that objections raised by members of the public predominantly refer to the premises as being used as personal training studio which is not the lawful use of the premises. It should be noted that the recent change in use classes to introduce Class E does not affect the established use of the premises as the B8 class was not subsumed into the new Use Class E.
32. There have been various enforcement cases on the application site in relation to Unit 8, with no subsequent planning consents. It is therefore deemed that the current use of Unit 8 is not lawful as there has been no consistent use over the last 10 years. The premises are not protected in policy terms and as such, the demolition and replacement with residential dwellings (Use Class C3) is considered acceptable.
33. Unit 7 is used for storage (Use Class B8) which is not offered any policy protection within this location in the development plan.
34. The provision of residential dwellings at this location acceptable in principle, with the immediate surrounding area comprising a mix of residential and commercial land uses. The proposal would make an efficient use of a backland site and contribute to housing in the borough.

### **Quality of accommodation**



### Unit 8

35. Unit 8, on the east of the application site, is a proposed part single storey and part two storey dwelling of 2 bedrooms. This is the larger of the two dwellings proposed with a total GIA of 154 sq. m. This far exceeds the 79 sq. m. requirement for a 2 bedroom 4 person dwelling across 2 storeys and would therefore provide a high quality of accommodation in terms of space standards. In line with this, all individual rooms would also far exceed the minimum requirements as set out in the 2015 Technical Update to the Residential Design Standards SPD 2011.
36. The design of the building, in order to protect neighbouring amenity, includes openings to the south and west elevations. These openings would provide sufficient levels of daylight and sunlight to all habitable rooms within the dwelling. Two skylights are also proposed at first floor level to provide additional daylight and sunlight to the building. Outlook would be predominantly over the proposed central garden courtyard which would ensure a degree of privacy and is considered acceptable.
37. The proposed garden courtyard would be 32.9 sq. m. in total area and a balcony is proposed at first floor level of 8.7 sq. m. The 2015 Technical Update to the Residential Design Standards SPD 2011 states that the nature and scale of outdoor amenity space should be appropriate to the location of the development, its function and the character of the area within which it is situated. This amount of private external amenity space is considered appropriate for the proposed 2 bedroom dwelling in the context of the constrained backland site and would provide future occupiers with a good quality of external accommodation, particularly as a private garden courtyard would be provided.

### Unit 7

38. Unit 7, to the west of the application site, is also a proposed part single storey and part two storey dwelling comprising 2 bedrooms at ground floor. The total GIA of the dwelling is 75 sq. m. which slightly falls short of the 79 sq. m. requirement for a 2 bedroom 4 person dwelling. Notwithstanding this, the open plan kitchen / dining / living room area at 32.5 sq. m. and the two bedrooms at 13 sq. m. and 12 sq. m. all meet or exceed the minimum individual room standards as set out in the 2015 Technical Update to the Residential Design Standards SPD 2011. Internal storage space is also provided and sufficient circulation space is proposed at ground floor. On balance, it is considered that the shortfall in the total GIA is acceptable as all individual rooms are sufficiently sized and the building has been appropriately designed to minimise impacts on the amenity of the surrounding occupiers.
39. The dwelling would be dual aspect, with openings to the east and west to ensure there would be no overlooking from surrounding residential properties. All habitable rooms would benefit from vertical windows or doors providing sufficient levels of daylight and sunlight to future occupiers.

40. The dwelling would benefit from a rear garden of 17.2 sq. m. and a small balcony at first floor of 3 sq. m. This amount of private external amenity space is again considered acceptable for the 2 bedroom dwelling and is appropriate given the backland nature of the application site.
41. The proposal also includes provision for an external lift, allowing the dwelling to be adapted to become fully wheelchair accessible.

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

42. The application site is bound by the rear of residential properties on Bassano Street to the north and the rear of residential properties on Blackwater Street to the south. These properties range from two to three storeys. The proposal has been designed to follow the footprints of the existing light industrial units on site.

#### Unit 8

43. Unit 8 would be predominantly single storey, with a smaller second storey of 45 sq. m. GIA directly abutting the flank wall of the rear of East Dulwich Picturehouse Cinema, which fronts Lordship Lane. The positioning of this second storey is away from surrounding residential properties and is modest in size, therefore it would not create a sense of enclosure to surrounding occupiers.
44. No windows are proposed on the northern or eastern elevations of the building to prevent overlooking to the rear of properties on Bassano Street and Lordship Lane. The proposed windows predominantly front onto the garden courtyard to the south of the site and towards the rear of a commercial building which fronts Blackwater Street, therefore not overlooking the rear of properties on Bassano Street. The proposed windows fronting the rear of the commercial building does not give rise to any significant overlooking. The garden courtyard is to be bound by perforated steel panels to further enhance privacy levels. At first floor, the bedroom window would again face north and would not front any existing residential windows surrounding the application site.
45. A balcony is proposed to the west of the first floor element of the proposal. This would be set back 11 m from the western boundary of the proposed building and 3.5 m from the northern boundary of the proposed building, resulting in a 9m gap from the rear of the properties on Bassano Street. A perforated steel privacy screen is proposed on the balcony to ensure privacy. This provision is recommended to be secured via condition.

#### Unit 7

46. Unit 7, to the west of the application site, has been designed with the first floor set back from the southern boundary to increase the separation distance of this storey to the rear of properties on Blackwater Street. This design approach appropriately ensures that the proposal would not be overbearing as the existing residential gardens are not as deep on this side and the proposal would retain the

scale of the existing single storey building. The two storey element would however be built up to the northern boundary of the site, approximately 9 m from the rear of residential properties on Bassano Street. This area also benefits from extensive mature tree coverage within the rear gardens of properties on both Blackwater Street and Bassano Street which would further reduce any potential sense of enclosure caused by the proposal.

47. The proposal does not include any windows to the north or south and therefore would not have any impacts on the privacy of the surrounding residential properties. Windows are proposed fronting Blackwater Court and to the west, towards Bassano Street. A balcony is proposed to the rear of the dwelling, which would sit above the proposed rear garden. Subject to the proposed perforated steel privacy screens, which are recommended to be secured via condition, it is considered that this would not give rise to any privacy issues.

#### Daylight, sunlight and overshadowing

48. A Daylight and Sunlight Assessment has been submitted which considers the impact of the proposed development on existing properties on Bassano Street and Blackwater Street. BRE guidance states that if the Vertical Sky Component (VSC) of a neighbouring window is both less than 27% and less than 0.8 times its former value then there would be an adverse impact on daylight levels. The assessment identifies that all surrounding residential properties would comply with this, with the exception of 2 Bassano Street, which is located to the north of the application site. The ratio of impact on the property is 0.77, which is only marginally below the BRE guidance of 0.8. On balance, it is considered that this slight impact on the daylight levels received by 2 Bassano Street would not be significant enough to be detrimental on the existing quality of accommodation within the property.
49. The assessment also calculates the Annual Probable Sunlight Hours (APSH) for windows facing within 90 degrees of due south. BRE guidance recommends that interiors where occupants expect sunlight should receive at least one quarter (25%) of APSH following development. It is identified that none of the surrounding residential properties would have percentages below 25 as a result of the proposed development.
50. An overshadowing study has also been submitted which confirms that none of the surrounding properties would experience any additional significant overshadowing as a result of the proposed development, with the rear of properties on Bassano Street already experiencing some level of overshadowing from the existing industrial units on the application site. The ratio of impact as a result of the proposed development would be above 0.8 for all surrounding private amenity spaces which is in line with BRE guidance.
51. It is also noted that a change in ground level occurs between the application site and 1 – 6 Kent House, which is likely due to top soil being removed from the property. It has been confirmed that the submitted Daylight and Sunlight Assessment has been produced using the window locations, cills and head

heights of the neighbouring buildings, and as such, the assessment appropriately reflects the daylight and sunlight impacts that would be seen as a result of the proposed development.

### Construction

52. Due to the backland nature of the application site, a condition has been recommended for a Construction Environmental Management Plan (CEMP) to be submitted to ensure that surrounding occupiers would not suffer a loss of amenity by reason of unnecessary pollution or nuisance.

### **Design quality**

53. The siting of the proposed buildings occupies a similar footprint to the existing units, creating an interesting architectural typology that reflects the urban plot. The massing of the dwellings is considered to be proportionate to the existing industrial units and therefore would not be out of character with the surrounding area. The proposed composition of the dwellings has carefully considered neighbouring properties.
54. The proposed development at Unit 7 follows a simple linear plan form with the provision of amenity space to the rear of the property. Similarly, Unit 8 would be a well-articulated building, constructed around a central courtyard providing improved natural light to the interior of the property.
55. The proposed backland development would be a high quality contemporary addition to the area, improving the outlook of surrounding properties in comparison to the existing industrial units. The proposal is of high architectural quality and echoes previous industrial connotations, with a material palette that uses a combination of brick, corten and zinc. A condition for details of materials has been recommended to ensure a high quality finish is achieved.
56. Overall the proposed development is considered to be a sensitive contemporary addition to the surrounding area that represents clever architectural quality and responds to the constraints of the backland site.

### **Transport and highways**

57. The proposed development would be car free. An access and traffic report has been submitted which identifies that all vehicle movements currently associated with Units 7 and 8 would be removed and therefore the number of vehicles accessing the site would be significantly reduced. Future occupiers would be able to access the site by foot or cycle. This shift towards sustainable transport is supported.
58. The proposal includes the provision of cycle storage for 2 cycles each to the front of the dwellings. This quantum is in line with the requirements of the London Plan and the storage would be in an accessible location for future occupiers. A condition has been recommended to ensure the cycle storage is provided.

59. Refuse storage is proposed to the front of each residential dwelling, which would be easily accessible for future occupiers and for collection from Blackwater Street. This arrangement would be in line with the current arrangements for the industrial units.

### **Environmental impacts**

60. Southwark's Tree Officer has reviewed the application and advised that an Arboricultural Impact Assessment is not required for the proposed development as there are no tree constraints on or adjacent to the site.
61. Southwark's Ecologist has advised that the site currently has negligible ecological value and it is therefore considered that the site can provide biodiversity net gain. As such, conditions have been recommended for biodiversity roofs to be provided on the proposed flat roof areas and for 2 swift bricks to be provided for each dwelling.

### **Other matters**

62. It is noted that an art mural is located on Unit 8 which would be lost as a result of the proposed development. The applicant has contacted the artist to discuss whether he would be interested in redoing the artwork, however the artist advised that he would not be interested in repainting an old artwork. It is therefore considered that the loss of the artwork should not be a barrier to the proposed development.

### **Consultation responses from internal and divisional consultees**

63. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.

64. Environmental Protection Team:

- Advise conditions relating to noise, land contamination and construction

Officer Comment: Conditions recommended.

65. Ecology Officer:

- Advise conditions for biodiversity roofs and swift bricks to be provided
- Confirm that no ecological surveys are required

Officer Comment: Conditions recommended.

66. Tree Officer:

- Confirm that no arboricultural impact assessment is required for the proposal as there are no existing trees located on the application site

Officer Comment: Noted.

67. Highways Development Management:

- Advise that the applicant must enter into a S278 agreement for works to highways.

Officer Comment: Informatives attached.

### **Consultation responses from external consultees**

68. No responses have been received from external consultees.

### **Community impact and equalities assessment**

69. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.

70. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

71. 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:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. 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.
3. 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.

72. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

73. This application has the legitimate aim of providing residential dwellings. 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.

### **Positive and proactive statement**

74. 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.
75. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

### **Positive and proactive engagement: summary table**

76.	Was the pre-application service used for this application?	Yes
	If the pre-application service was used for this application, was the advice given followed?	Yes
	Was the application validated promptly?	Yes
	If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
	To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	No

### **Conclusion**

77. The proposed development seeks the demolition of the existing industrial buildings which are lawfully Use Class B8 storage units and the construction of 2 residential dwellings. The proposed dwellings would provide a high quality of accommodation for future occupiers. The proposed design is considered to be

appropriate within the local context and the scale of massing is similar to that of the existing units. The design also ensures that the proposal would not result in any significant overlooking impacts to neighbouring occupiers or create a sense of enclosure.

78. It is therefore recommended that the application is granted, subject to conditions.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2312-A Application file: 20/AP/1043 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: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation



**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Abbie McGovern, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 October 2020	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance 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
<b>Date final report sent to Constitutional Team</b>		7 January 2021

## APPENDIX 1

### Consultation undertaken

Site notice date: n/a.

Press notice date: n/a.

Case officer site visit date: n/a

Neighbour consultation letters sent: 03/11/2020

#### Internal services consulted

Design and Conservation Team [Formal]

Ecology

Environmental Protection

Highways Development and Management

Flood Risk Management & Urban Drainage

Urban Forester

Transport Policy

#### Statutory and non-statutory organisations

Environment Agency

#### Neighbour and local groups consulted:

First Floor Flat 126 Lordship Lane

London

126 Lordship Lane London Southwark

First Floor Flat Rear 126 Lordship Lane

London

124 Lordship Lane London Southwark

122 Lordship Lane London Southwark

First Floor And Second Floor Flat 122

Lordship Lane London

First Floor Flat 120A Lordship Lane

London

120 Lordship Lane London Southwark

Second Floor Flat 120A Lordship Lane

London

118A Lordship Lane London Southwark

118 Lordship Lane London Southwark

118C Lordship Lane London Southwark

118B Lordship Lane London Southwark

116B Lordship Lane London Southwark

St Thomas More Hall 116A Lordship

Lane London

Unit 2 17-19 Blackwater Street London

Units 5 And 6 17-19 Blackwater Street  
London

Unit 4 17-19 Blackwater Street London

Unit 8 17-19 Blackwater Street London

Unit 1 17-19 Blackwater Street London

Unit 3 17-19 Blackwater Street London

Flat 1 Kent House Bassano Street

Flat 5 Kent House Bassano Street

Flat 3 Kent House Bassano Street

Flat 4 Kent House Bassano Street

Flat 2 Kent House Bassano Street

Flat 5 Park House Bassano Street

Flat 3 Park House Bassano Street

Flat 1 Park House Bassano Street

Flat 2 Park House Bassano Street  
Flat 4 Park House Bassano Street  
Flat 1 York House Bassano Street  
Flat 5 York House Bassano Street  
Flat 3 York House Bassano Street  
Flat 2 York House Bassano Street  
Flat 4 York House Bassano Street  
Flat 2 2 Bassano Street London  
Flat 1 2 Bassano Street London  
Flat 3 2 Bassano Street London  
15 Blackwater Street London Southwark

First Floor Flat 15 Blackwater Street  
London  
13 Blackwater Street London Southwark  
11 Blackwater Street London Southwark  
9 Blackwater Street London Southwark  
7 Blackwater Street London Southwark  
16 Bassano Street London Southwark  
12 Bassano Street London Southwark  
14 Bassano Street London Southwark

**Re-consultation:**

## APPENDIX 2

### Consultation responses received

#### Internal services

Design and Conservation Team [Formal]  
Ecology  
Environmental Protection  
Highways Development and Management  
Urban Forester  
Transport Policy

#### Statutory and non-statutory organisations

#### Neighbour and local groups consulted:

56 Beauval Road London SE22 8UQ  
40 Danecroft Rd London SE24 9NZ  
118C Lordship Lane London SE22 8HD  
Unit 4. Blackwater Court 17-19  
Blackwater Street East Dulwich  
31 Lait House 1 Albemarle Road  
Beckenham  
Flat 3, York House Bassano Street East  
Dulwich  
13 Blackwater Street London SE22 8RS  
Flat 5, York House Bassano Street  
London  
311 Shakespeare Road London SE24  
0QD  
74 Waverley Road Oxshott KT22 0RZ  
Beauchamp road Croydon SE19 3DB  
Flat 3, Park House Bassano Street East  
Dulwich  
43 Mount Adon Park London SE22 0DS  
31 Burbage rd LONDON SE24 9HB  
FLAT 3 BELVOIR LODGE 59  
UNDERHILL ROAD LONDON  
Flat 4, Beech Court 69 wood vale  
London  
Flat 4, Beech Court, 69 Wood Vale  
London

7 George Mews London SW9 7AB  
25 Shawbury Road London SE22 9DH  
Park House Bassano Street London  
9 Blackwater Street London SE22 8RS  
4 Quaker Close Sevenoaks TN13 3XG  
3A Thorne Terrace London SE153LN  
124a Colney Road Dartford DA1 1UH  
247 Manwood Road London Se4 1sf  
69 Memorial Avenue London E153BS  
23 Aveline Street London SE11 5DJ  
4 Prima Road London SW90NA  
91 Grove Lane London  
17 Pickworth close London Sw8 2TS  
26 Sancroft street Kennington  
65 Sunny Bank South Norwood London  
1 Claylands Road London SW8 1NU  
2 Winford Court London SE15 5JE  
4 Park House Bassano Street London  
UNIT 3 PUSH STUDIOS 21  
BLACKWATER STREET EAST  
DULWICH LONDON SE22 8SD  
83 Stradella Rd Herne Hill London  
80 Crawthow Grove London SE22 9AB  
35 Parade Square Colchester CO2 7GP  
5 Grover house Vauxhall street London  
2 Beauval Road London SE22 8UQ

52 Hillcourt London SE22 0PE  
 198 Lordship Lane London SE22 8LR  
 31a Morat Street London SW9 0RJ  
 31-33 Milton Road Flat 8 London  
 Medlar Cottage Primrose lane Bredgar  
 1 Raeburn Road Blackfen Sidcup  
 5 grover house Vauxhall street London  
 128-130 Lordship Lane London  
 Southwark  
 174 Green Lane London SW163NE  
 Apt 3 12 Fairclough Street London E1  
 1PT  
 20 Groveway London SW9 0AR  
 Unit 2, 17-19 Blackwater Street London  
 SE22 8SD  
 9 Blackwater Street London Southwark  
 7 Blackwater Street London Southwark  
 6 Lynford French House Thrush street  
 Walworth  
  
 25 Bassano Street London SE22 8RU  
 100 Woodside Green London SE25 5EU  
 10 Bassano Street London SE22 8RU  
 11 Edgewood Green Croydon Surrey  
 51 Elderton road Sydenham London  
 43 Murchison Avenue Bexley Da5 3ln  
 55 glenwood road London SE64NF  
 2 St Stephens Terrace London  
 12 Bassano Street London SE22 8RU  
 12 Bassano St London SE22 8RU

128 - 130 lordship lane london se22 8hd  
 11 hillcourt Rd London SE22 8SD  
 6 Woodcombe crescent London SE23  
 3BG  
 5 Blackwater street London Se22 8rs  
 12 Glenalmond House London SW15  
 3LP  
 16 Bassano Street East Dulwich London  
 479 LORDSHIP LANE LONDON SE22  
 8JY  
 79 Lambert Road London SW2 5BB  
 3 Blackwater Street East Dulwich  
 London  
 18 Blackwater Street London SE22 8RS  
 3 Blackwater Street East Dulwich  
 London  
 21 Hermitage Court Woodford Road  
 London  
 130 Lordship Lane London SE22 8HD  
 Flat 65 County House 241 Beckenham  
 Road London  
 160 Tooley Street London Southwark  
 160 Tooley Street London Southwark  
 160 Tooley Street London Southwark  
 160 Tooley Street London Southwark  
 160 Tooley Street London Southwark  
 160 Tooley Street London Southwark  
 128/130 Lordship Lane, East Dulwich  
 128/130 Lordship Lane London

**APPENDIX 3****Relevant planning history**

<b>Reference and Proposal</b>	<b>Status</b>
<b>19/EQ/0044</b> Demolition of 2 x light industrial units (Use Class B8) and the construction of 2 x dwellinghouses (Use Class C3) 1 x 2 bedroom and 1 x three bedroom	Pre-Application Enquiry Closed 03/05/2019

**APPENDIX 4****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.

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<b>Applicant</b>	Dr Nicola Bees & Mr David Rose Nicola & David Bees & Ros...	<b>Reg. Number</b>	20/AP/1043
<b>Application Type</b>	Minor application	<b>Case Number</b>	2312-A
<b>Recommendation</b>	GRANT permission		

**Draft of Decision Notice****Planning permission is GRANTED for the following development:**

Demolition of 2 light industrial units (Use Class B8) and the construction of 2 x two bedroom dwellings (Use Class C3).

Unit 7 & 8 17-19 Blackwater Street London Southwark

**In accordance with application received on 8 April 2020 and Applicant's Drawing Nos.:**

Existing Plans

Proposed Plans

Plans - Proposed Proposed Site Plan 8354-A3-P\_001 Rev A received 08/04/2020

Plans - Proposed Heights Comparison After Neighbourhood Consultation 8354-A3-SK(20)128 Rev A received 08/04/2020

Plans - Proposed Proposed 3D Views Unit 8 8354-A3--\_901 Rev C received 08/04/2020

Plans - Proposed Proposed Ground Floor Plan Unit 7 8354-A3-P\_101 Rev E received 08/04/2020

Plans - Proposed Proposed First Floor Plan Unit 7 8354-A3-P\_102 Rev E received 08/04/2020

Plans - Proposed Proposed Roof Plan Unit 7 8354-A3-P\_103 Rev E received 08/04/2020

Plans - Proposed Proposed Ground Floor Plan Unit 8 8354-A3-P\_105 received 08/04/2020

Plans - Proposed Proposed First Floor Plan Unit 8 8354-A3-P\_106 Rev E received

08/04/2020

Plans - Proposed Proposed Roof Plan Unit 8 8354-A3-P\_107 Rev E received

08/04/2020

Plans - Proposed Proposed Section A-A \_ B-B 8354-A3-P\_200 Rev D received

08/04/2020

Plans - Proposed Proposed Front, Rear \_ Side Elevation Unit 7 8354-A3-P\_300

received 08/04/2020

Plans - Proposed Proposed Front, Rear \_ Side Elevation Unit 8 8354-A3-P\_301

Rev D received 08/04/2020

Plans - Proposed Proposed Views Unit 7 8354-A3-P\_900 Rev C received 08/04/2020

Plans - Proposed Proposed Waste Management Routes 8354-A3-SK(20)130

received 10/06/2020

#### Other Documents

Design and access statement Design \_ Access Statement received 08/04/2020

Document Covering Letter received 08/04/2020

Document Pre-Planning Neighbourhood Consultation received 08/04/2020

Document Access \_ Traffic Report received 08/04/2020

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

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.

### **Permission is subject to the following Pre-Commencements**

3. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:
  - A detailed specification of demolition and construction works at each phase of development including consideration of all environmental



- impacts and the identified remedial measures;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
  - Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
  - A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, 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.

### **Permission is subject to the following Grade Condition(s)**

4. Details of the materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order 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.

5. Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roof shall be submitted to and approved in writing

by the Local Planning Authority. The biodiversity (green/brown) 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 biodiversity (green/brown) 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.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2019, Policies 2.18 (Green infrastructure), 5.3 (Sustainable design and construction), 5.10 (Urban greening) and 5.11 (Green roofs and development site environs) of the London Plan 2016, Strategic Policy 11 (Design and conservation) of the Core Strategy 2011 and Saved Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

### **Permission is subject to the following Pre-Occupation Condition(s)**

6. Details of 4 swift nesting bricks (2 for each dwelling) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission.

Details shall include the exact location, specification and design of the habitats. The boxes shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The swift nesting bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2019, Policies 5.10 (Urban greening) and

7.19 (Biodiversity and access to nature) of the London Plan 2016, Strategic Policy 11 (Open spaces and wildlife) of the Core Strategy 2011 and Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

7. Prior to occupation of the development hereby approved details of the proposed perforated steel privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

In order to protect the privacy and amenity of the neighbouring occupiers 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.

### **Permission is subject to the following Compliance Condition(s)**

8. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T<sub>1/2</sub>, 30 dB LAeq T\*, 45dB LAFmax T \*

Living rooms- 35dB LAeq T<sub>1/2</sub>

Dining room - 40 dB LAeq T<sub>1/2</sub>

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

<sub>1/2</sub> - Daytime - 16 hours between 07:00-23:00

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with 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 4.2 (Quality of residential accommodation) of the Southwark Plan 2007.

9. Before the first occupation of the building, the cycle storage facilities as shown on the drawings hereby approved shall be provided and made available to the users of the development.

Thereafter, such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason:

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework 2019, Strategic Policy 2 (Sustainable transport) of the Core Strategy 2011 and Saved Policy 5.3 (Walking and cycling) of the Southwark Plan 2007.

10. Private and communal external amenity areas shall be designed to attain 55dB(A) LAeq, 16hr  $\bar{L}_{1/2}$  .  $\bar{L}_{1/2}$ Daytime - 16 hours between 07:00-23:00hrs.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with 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 4.2 (Quality of residential accommodation) of the Southwark Plan 2007.

11. The development must be designed to ensure that habitable rooms in the residential element of the development are not exposed to vibration dose values in excess of 0.13 m/s during the night-time period of 23.00 - 07.00hrs.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources 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 4.2 (Quality of residential accommodation) of the Southwark Plan 2007.

12. Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings.

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 3.7 (Waste reduction) of the Southwark Plan 2007.

### **Permission is subject to the following Special Condition(s)**

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority [LPA]) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

**Reason:**

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

### **Informatives**

- 1 All developers and contractors working on this development are given notice that standard site hours are:  
 Monday to Friday - 08.00 - 18.00hrs  
 Saturday - 09.00 - 14.00hrs  
 Sundays & Bank Hols - no works

Any programmed/expected work required outside the standard site hours will require permission from Southwark's Environmental Protection Team under S61 of the Control of Pollution Act 1974 (e.g. regular extensions for set-up and clean down periods, extended concrete pours, the delivery and collection of abnormal loads, etc.). An application form can be found on the Southwark website - the link is:- <http://www.southwark.gov.uk/construction>

Follow the instructions on the web page to the form, complete it and submit it on-line. Forms need to be submitted a minimum of 28 working days before permission is needed to be in place for regular extended site hours and 5 working days before permission is needed to be in place for a short, temporary extension to site hours.

- 2 Should a site manager require an un-foreseen emergency extension of site hours (for emergency engineering or health & safety reasons) they will require express permission from Southwark's Noise & Nuisance Team who can be contacted 24/7 via a call centre on 0207 525 5777. An officer will call back to address the issue verbally as soon as they are available
- 3 The applicant must enter into a S278 Highways agreement with Southwark's Highways Development Management Team for the following works:

Upgrade of crossover on Blackwater Street to current SSDM standards.

# Agenda Item 7.2



17/AP/4330

62-66 Weston Street, London, SE13QJ



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<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 26 January 2021	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/4330 for: Full planning application  <b>Address:</b> 62-64 WESTON STREET, LONDON SE1 3QJ  <b>Proposal:</b> Demolition of an existing single storey rear extension and construction of a single storey rear extension with mezzanine to the ground floor of the existing restaurant. Relocation of refuse storage, installation of 3 air conditioning units and the relocation of 1 air conditioning unit to the proposed lightwell.		
<b>Ward(s) or groups affected:</b>	London Bridge and West Bermondsey		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	09/04/2018	<b>Application Expiry Date</b>	04/06/2018
<b>Earliest Decision Date</b>	20/05/2018		

## RECOMMENDATION

1. That the planning committee grant planning permission, subject to:
  - The recommended planning conditions
  - The applicant complete a unilateral legal agreement by no later than 26 April 2021.
2. That, in the event that the unilateral legal agreement is not completed by 26 April 2021, that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 57 of this report.

## EXECUTIVE SUMMARY

3. This application is for decision by the planning sub-committee.
4. The massing and detailed architectural treatment is considered appropriate in the context of the adjacent buildings. Any amenity impacts such as noise and loss of privacy would be controlled by appropriate conditions. A unilateral undertaking would secure the replacement of a tree on the site.

## BACKGROUND INFORMATION

### Site location and description

5. The site comprises approximately 75m<sup>2</sup> of the triangular yard to the rear of an existing restaurant with a single storey rear extension. The rear yard has different levels and comprises gravel and concrete slabs.
6. The site is bounded to the west and south by five storey Victorian tenement buildings with commercial units in the ground floor and residential above. The rear of a church and the City Banking College is sited along the northern boundary.
7. The site is within the Bankside, Borough and London Bridge Opportunity Area, London Bridge District Town Centre, Bankside, a Protected Shopping Frontage, Borough and London Bridge Strategic Cultural Area, Borough, Central Activities Zone, Air Quality Management Area, Bermondsey Street Conservation Area and Borough, Bermondsey and Rivers Archaeological Priority Zone.

### **The surrounding area**

8. The buildings in the immediate vicinity vary in height from three to five storeys with tall buildings to the west comprising Guy's Hospital and The Shard. Given its central London location the character is a mix of commercial and residential uses.

### **Details of proposal**

9. It is proposed to demolish an existing single storey rear extension and to construct a single storey rear extension with a mezzanine. The internal floor area of the restaurant (Use Class A3) would increase with 72m<sup>2</sup> at ground level and 20m<sup>2</sup> at the mezzanine level. The ground floor would comprise additional restaurant floor space, three WCs, six windows that would be fixed shut, a fire exit and a new bin store. The existing bike shed would be retained. The mezzanine floor would have high level obscured glazed windows which would be fixed shut. The 7 air conditioning units would be replaced by 4 new air conditioning units which would be located in a new lightwell, between the rear wall of the existing building and the proposed extension. The materials would comprise yellow stock bricks, non opening double glazed windows on the ground floor, dark grey fixed shut aluminium windows on the mezzanine level and a green sedum roof with an area of approximately 70m<sup>2</sup> is proposed. The eaves height of the proposed extension would match the height of the existing northern boundary wall. It was proposed to remove a 9m tall Tree of Heaven (category C1) located on the rear northern boundary of the site. The tree was felled on 10 August 2019 due to storm damage. The applicant has undertaken a unilateral undertaking for an in-lieu payment to mitigate for the loss of the tree
10. Planning permission was granted on appeal on 3 July 2006 for 'demolition of an existing single storey detached shed and construction of a single storey rear extension to the ground floor of the existing restaurant' (04/AP/1850). This permission was not implemented. The main differences between the above appeal case and the current application is that the extension would be connected to the main building and forms part of the floor space of the existing restaurant whereas the appeal proposal only added ancillary storage space to the restaurant; thereby increasing the seating area of the existing restaurant.

### **Amendments submitted**

11. The following amendments were made:
12. Amended plans showing an enclosed bin store with a green roof and details of the proposed cycle storage in a new location were submitted in November 2018. The plans also show that all windows in the proposed rear extension are to be fixed shut and the high level windows at mezzanine level are obscure glazed. The final proposal proposes to retain the existing cycle store.

## **Planning history**

13. See Appendix 1 for any relevant planning history of the application site.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

The main issues to be considered in respect of this application are:

- Principle of the proposed development in terms of land use
- Design, layout and impact on, heritage assets
- Landscaping and trees
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Energy and sustainability
- Ecology and biodiversity
- Archaeology

14. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal Context**

15. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
16. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

### **Adopted planning policy and material considerations**

#### The National Planning Policy Framework (NPPF) February 2019

17. The National Planning Policy Framework (NPPF) is a material consideration. The revised 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. Paragraph 212 states that the policies in the Framework are material considerations

which should be taken into account in dealing with applications. The following sections are relevant:

Sections:

- 1. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment.

#### The London Plan (2016)

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

- Policy 2.15 Town Centres
- Policy 4.12 Improving opportunities for all
- Policy 5.12 Flood risk management
- Policy 6.9 Cycling
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.2 Planning obligations

#### Core Strategy (2011)

19. 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 2 Sustainable Transport
- Strategic Policy 10 Jobs and businesses
- Strategic Policy 12 Design and Conservation
- Strategic Policy 13 High Environmental Standards

#### Southwark Plan (2007)

20. 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 2.5 Planning Obligations  
 Policy 3.1 Environmental Effects  
 Policy 3.2 Protection of Amenity  
 Policy 3.6 Air Quality  
 Policy 3.7 Waste Reduction  
 Policy 3.11 Efficient Use of Land  
 Policy 3.12 Quality in Design  
 Policy 3.13 Urban Design  
 Policy 3.14 Designing Out Crime  
 Policy 3.15 Conservation of the historic environment  
 Policy 3.16 Conservation Areas  
 Policy 3.19 Archaeology  
 Policy 5.2 Transport Impacts  
 Policy 5.3 Walking and Cycling

#### Southwark Supplementary Planning Documents (SPD)

21. The following Supplementary Planning Documents issued by the council are material considerations:

Design and Access Statements SPD (2007)  
 Section 106 Planning Obligations and CIL SPD (2015)

#### **Emerging planning policy**

22. The draft development plan documents of the draft New London Plan and draft New Southwark Plan are material considerations that can be given weight.

#### Draft New London Plan

23. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Following an examination in public, the Mayor then issued the Intend to Publish London Plan.
24. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The London Plan cannot be adopted until these changes have been made.
25. The draft New London Plan is at an advanced stage. Policies contained in the London Plan is intend to be published in December 2019 any policies that are not subject to a direction by the Secretary of State carry significant weight. 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.

SD6: Town centres and high streets  
 D4: Delivering good design  
 HC1: Heritage conservation and growth  
 G7: Trees and woodlands  
 SI1: Improving air quality  
 SI12: Flood risk management

SI13: Sustainable drainage  
 T4: Assessing and mitigating transport impacts  
 T5: Cycling

### New Southwark Plan

26. 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 Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.
27. These documents and the New Southwark Plan Submission Version (Proposed Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The New Southwark Plan Submission Version (Proposed Modifications for Examination) is the Council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version. This version will be considered at the Examination in Public (EiP).
28. It is anticipated that the plan will be adopted in late 2020 following an 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. Draft policies most relevant to this application are:
- Policy P13 Design quality
  - Policy P15 Designing out crime
  - Policy P17 Efficient use of land
  - Policy P20 Conservation of the historic environment and natural heritage
  - Policy P34 Towns and local centres
  - Policy P49 Highways impacts
  - Policy P50 Walking
  - Policy P52 Cycling
  - Policy P55 Protection of amenity
  - Policy P60 Trees
  - Policy P67 Reducing flood risk
  - Policy IP3 Community infrastructure levy (CIL) and section 106 planning obligations

### **Consultation**

29. Details of consultation undertaken in respect of this application are set out in and Appendices 2 and 3.
30. Statutory consultation was undertaken on the proposed development including neighbouring letters, site notices and a press notice in Southwark News. The applicant undertook community engagement consulting on the proposals prior to the submission of the planning application. Negotiations with planning officers resulted in amendments to the scheme.

## Summary of consultation responses

31. Consultation was undertaken by the council and 8 representations, of which all 8 objected, were received from members of the public.
32. The issues raised by the submitted objections are summarised as:
- Consultation  
The extent of the consultation is unclear;
  - Amenity  
Noise would increase, due to more customers and alterations to access to the bin store. It is proposed to access it from within the courtyard whereas currently access is from inside the restaurant.  
  
Noise from plant.  
  
Noise from patrons.  
  
Impact on views from dwellings and sense of enclosure.  
  
The use of CCTV would lead to a loss of privacy to neighbouring properties.  
  
Access to the roof of the proposed building would lead to a loss of privacy to neighbouring properties.
  - Design  
The proposed development employs incongruous materials such as aluminium and PVC;
  - Trees  
Loss of a tree in a conservation area.
  - Transport  
The loss of the bike shed is contrary to condition 4 of application 03/AP/0946 (it is now proposed that the bike shed be retained).
  - Environment  
Air quality would decrease due to increased commercial food processing and associated odours;  
  
Potential smoking areas would give rise to further adverse impacts on health and quality of life;
  - Highways  
Refuse collection would be disrupted and the proposal would increase existing issues of bins obstructing the public highway and public footpath;  
  
The proposal would limit the space available for bins and deliveries and would hinder the collection of bins.
  - Impact on local businesses



The construction would have a negative impact on a business in close proximity of the site.

- Other matters:  
The properties surrounding the courtyard would lose access to areas of the courtyard to be developed.
- The applicant does not have the lease they have said they do.

## **ASSESSMENT**

### **Principle of the proposed development in terms of land use**

33. The proposal would increase the floor area of an existing restaurant and would be acceptable in land use terms.

### **Environmental impact assessment**

34. The scale of development proposed by this application does not reach the minimum thresholds established in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that would otherwise trigger the need for an environmental impact assessment. The proposal's location and nature do not give rise to significant environmental impacts in this urban setting. An EIA for this proposed development is not required.

### **Design, layout and heritage assets**

35. Objectors raised concerns that the proposed materials such as grey aluminium windows and doors and PVC would be incongruous.
36. It is not proposed to introduce PVC in the material palette. The proposed materials such as yellow stock bricks would match the existing and would be in keeping with the local character. The use of contemporary grey aluminium windows and doors with double glazed sound proofing and a green sedum roof is considered to be acceptable design details and it is not envisaged that any harm to the character and appearance of Bermondsey Street Conservation Area would arise given that the extension would be essentially hidden from public view at the rear of the five-storey terrace as well as being screened by buildings of a similar height immediately south.
37. The proposed extension would have a roof with a shallow roof pitch, the mezzanine level would set back from the edge and the modest eaves height of the ground floor would reduce the bulk of the proposed extension. It would be a subservient addition to the rear of the five storey terrace and of an appropriate scale in its courtyard setting.

### **Landscaping and trees**

38. The applicant has offered a Unilateral Undertaking for an in-lieu payment of £1,600 to mitigate for the loss of the Tree of Heaven. The tree was felled due to storm damage, but as the tree is in a conservation area it needed prior consent.
39. It is recommended that details of the biodiversity (green) roof(s) be submitted before

any above grade work hereby authorised begins. This condition would ensure that the development would provide the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

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

40. Saved Southwark Plan policy 3.2 states that planning permission will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.
41. The Planning Inspector of the application that was dismissed on appeal determined that the main issue of the appeal was 'the effect of the proposed development on the living conditions of the occupiers of adjoining residential properties with particular noise nuisance'. The Inspector determined that the proposed development would be likely to reduce rather than increase noise levels and would improve the amenity of the residents through the construction of the extension as it would reduce the level of sound emanating from the building.
42. Objectors raised concerns with regards to noise, loss of outlook and privacy through overlooking.
43. Policy D13 of the Draft New London Plan outlines the 'Agent of Change' principle which places the responsibility for mitigating impacts from existing noise generating activities or uses on proposed new noise-sensitive development. Development should be designed to ensure that established noise generating uses remain viable and can continue to grow without unreasonable restrictions being placed on them.
44. The restaurant is an established use and officers consider that the replacement of the 7 existing air conditioning units with 4 new air conditioning units, to be located in the new lightwell, would reduce noise levels and would improve the amenity of neighbouring properties. It is recommended that permission be subject to a condition in relation to noise from air conditioning units to ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.
45. All the windows of the proposed rear extension would be fixed shut and the high level windows at mezzanine level would be obscure glazed. This would protect the amenity of neighbours as it would reduce the noise from within the proposed extension and would prevent any overlooking and loss of privacy. This would be controlled by a compliance condition. As such there is no need to recommend that permission be subject to a soundproofing scheme condition.
46. Staff would access the proposed bin store from within the restaurant and would only use the external door to move bins on collection days. The proposed bin store would ensure that waste would 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.
47. Historically the restaurant has no restrictions on opening hours and the application does not propose to alter the opening hours.

48. The highest point of the proposed extension would not obstruct or hinder the view from any residential windows facing the courtyard and the application does not propose the installation of CCTV equipment.
49. It is also recommended that permission be subject to a condition that the roof of the proposed extension not be used other than as a means of escape and that it would not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out. This would ensure that the privacy of neighbouring properties would be protected from overlooking from use of the roof area.
50. Objectors raised concerns that the fire escape door to the rear of the proposed extension would be used by customers and staff to exit the building to use the rear yard as a smoking area. It is recommended that permission be subject to a compliance condition that the fire exit to the rear of the ground floor extension be fixed shut and that it would only be used in case of emergency. This would ensure that staff and customers do not enter the area to the rear of the proposed extension and that occupiers of neighbouring premises would not suffer a loss of amenity by reason of noise nuisance.
51. Objectors also raised concerns that air quality would decrease due to increased commercial food processing and associated odours. The existing ventilation ducting to the rear elevation of the restaurant would be retained and officers are satisfied that the proposed development would not have a detrimental impact on the amenity of neighbouring properties or air quality.

## **Archaeology**

52. No issues raised and it is considered that a pre-commencement condition to secure the implementation of a programme of archaeological watching brief works would be sufficient. This would ensure that the details of the programme of works for the archaeological mitigation works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains

## **Transport, highways, deliveries and servicing**

53. The site has a Public Transport Accessibility Level of 6b, demonstrating an excellent level of accessibility, being in close proximity to London Bridge Station and a number of local bus routes.
54. The existing bike store would be retained. There are three Sheffield style on street cycle parking for six cycles along Snowfields which can be used by the public and customers. It is considered that the proposed development would not require additional staff cycle storage space and that customers could continue to travel to the site and making use of the excellent level of public transport accessibility of the site.
55. The new bin store would be located to the side elevation of the existing building and would be accessible directly from the existing restaurant. It would be enclosed and would have sufficient storage capacity with space for 2 x 330L and 3x 660L bins. Two additional 660L bins would be located in the communal courtyard. The applicant will continue to make use of a private refuse collection service.
56. Officers recommend a condition to control servicing hours in order to ensure that the

highway and pavement is not obstructed and deliveries take place at an appropriate time. Any deliveries, unloading and loading to the site shall only be between 14:00 - 18:00 on Tuesdays and Fridays; and 07:00 - 12:00 on Tuesdays to Saturdays.

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

57. The applicant is willing to enter into a legal agreement with the council to cover any relevant planning obligations. If a legal agreement is not provided it is recommended that planning permission be refused by reason of failure to mitigate the impact of the proposed development contrary to saved Policy 2.5 Planning Obligations of the Southwark Plan 2007. The contributions and obligations are:

58.	<b>Planning obligation</b>	<b>Mitigation</b>	<b>Applicant's position</b>
	Tree replacement	Payment of £1,600	Submitted a unilateral undertaking

### **Mayoral and borough community infrastructure levy (CIL)**

59. Section 143 of the Localism Act states that any financial contribution received as 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, however the weight attached is determined by the decision maker.
60. None required in this case.

### **Other matters**

61. Objectors raised concerns that the proposed extension into the courtyard would be on land that is not part of the lease of the restaurant and used as outdoor amenity area by residents of the flats surrounding the courtyard. There is no planning history to confirm this alleged historic use and residents have not been able to submit any evidence to substantiate it. The applicant advised that their lease was extended in 2017 and includes the part of the courtyard within the red line site plan of the planning application. Details of lease agreements are not a material planning consideration.
62. Objectors also raised concerns that the construction of the proposed extension would have a negative impact on a business in close proximity of the site. It is considered that it is not appropriate to control or monitor the potential impact on local businesses due to construction disruption as the development is of a small scale.

### **Community involvement and engagement**

63. The applicant conducted a public consultation exercise in 2017 with local residents from 38 addresses and occupants from 12 local businesses. A total of 12 people attended an open forum, two from the same residential address and two from local businesses.

### **Consultation responses from internal and divisional consultees**

64. Summarised below are the material planning considerations raised by internal and

divisional consultees, along with the officer's response.

65. Environmental protection team:  
Had no objections when re-consulted on the amended scheme in December 2019, but previously recommended permission be subject to a plant noise condition.
66. Waste Management team:  
No objection as the only impact on waste collection would be a change in the frequency. Servicing times is a commercial matter for the restaurant and their private waste contractor.
67. Archaeology:  
No objection, but recommend permission subject to a condition for an archaeological watching brief during construction groundworks.
68. Urban Forester:  
The proposed development results in the loss of a tree to the rear. No arboricultural report has been provided, and there is insufficient space to mitigate its loss on site. However, a legal agreement could be entered into to provide suitable planting off site so that there is no net loss of canopy cover as required by London Plan policy.

### **Consultation responses from external consultees**

69. None consulted.

### **Community impact and equalities assessment**

70. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
71. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
72. 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:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
  2. 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
3. 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.
73. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

74. 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.
75. This application has the legitimate aim of providing additional space for the existing restaurant through the proposed redevelopment. 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.

### **Positive and proactive statement**

76. 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.
77. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

### **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	NA
Was the application validated promptly?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO

If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
--	-----

## CONCLUSION

78. It is recommended that planning permission be granted. The proposed rear extension would be of an appropriate height, scale, high quality design and would be a subservient addition in this courtyard setting. As such it would not impact on the character of the conservation area. Any noise from the proposed extension would be kept to a minimum due to measures to keep windows and doors shut and where appropriate windows would be obscured glazing to prevent any overlooking of neighbouring properties. The proposed green roof would have ecological benefits and the loss of the tree would be mitigated by an in-lieu payment of £1,600 for a replacement tree.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 214-66 Application file:17/AP/4330 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov. uk Case officer telephone: 0207 525 5457 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Andre Verster, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	21 September 2020	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance 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
<b>Date final report sent to Constitutional Team</b>		7 January 2021



## APPENDIX 1

## Consultation undertaken

**Site notice date:** 10.11.2017

**Expiry date of notice:** 01.12.2017

**Press notice date:** a press notice was not published.

**Case officer site visit date:** 19.12.2017

#### Internal services consulted

Environmental Protection Team

Archaeologist

Urban Forester

Waste Management Team

#### Statutory and non-statutory organisations

None.

#### Neighbour and local groups consulted:

Recipient Address:

Date Letter Sent:

- |                                       |            |
|---------------------------------------|------------|
| • Flat 4, 38 Snowsfields, London      |            |
| • Flat 5, 38 Snowsfields, London      |            |
| • Flat 2, 38 Snowsfields, London      |            |
| • Flat 3, 38 Snowsfields, London      |            |
| • Flat 6, 38 Snowsfields, London      |            |
| • 42-42A Snowsfields, London, SE1 3SU | 11.01.2018 |
| • Flat 7, 38 Snowsfields, London      |            |
| • Flat 8, 38 Snowsfields, London      |            |
| • 41 Snowsfields, London, SE1 3SU     |            |
| • Flat 1, 42 Snowsfields, London      |            |
| • 38 Snowsfields, London, SE1 3SU     |            |
| • 39 Snowsfields, London, SE1 3SU     |            |
| • Flat 2, 42 Snowsfields, London      | 10.01.2018 |
| • Flat 5, 42 Snowsfields, London      |            |
| • Flat 1, 38 Snowsfields, London      |            |
| • Flat 3, 42 Snowsfields, London      |            |
| • Flat 4, 42 Snowsfields, London      |            |
| • Flat 6, 64 Weston Street, London    |            |
| • Flat 7, 64 Weston Street, London    |            |
| • Flat 4, 64 Weston Street, London    |            |
| • Flat 5, 64 Weston Street, London    |            |
| • Flat 8, 64 Weston Street, London    |            |
| • Flat 12, 64 Weston Street, London   |            |
| • Flat 9, 64 Weston Street, London    |            |
| • 43 Snowsfields, London, SE1 3SU     |            |
| • Flat 4, 62 Weston Street, London    |            |
| • Flat 11, 64 Weston Street, London   | 20.12.2017 |
| • Flat 1, 62 Weston Street, London    |            |
| • 66 Weston Street, London, SE1 3QJ   |            |

• Flat 10, 64 Weston Street, London	
• Flat 1, 64 Weston Street, London	18.12.2017
• Flat 3, 62 Weston Street, London	
• Flat 3, 64 Weston Street, London	
• Flat 2, 62 Weston Street, London	
• Flat 2, 64 Weston Street, London	
• Flat 5, 40 Snowsfields, London	05.04.2019
• 40 Snowsfields, London, SE1 3SU	12.01.2018
• Flat 5, No.42 Snowsfields, London	18.01.2018
• Meads Place, Gaudick Road, Eastbourne	01.05.2018

### Re-consultation: Neighbours and Local Groups

Recipient Address:

Date Letter Sent:

• Flat 4, 38 Snowsfields, London	
• Flat 5, 38 Snowsfields, London	
• Flat 2, 38 Snowsfields, London	
• Flat 3, 38 Snowsfields, London	
• Flat 6, 38 Snowsfields, London	
• 42-42A Snowsfields, London, SE1 3SU	11.01.2018
• Flat 7, 38 Snowsfields, London	
• Flat 8, 38 Snowsfields, London	
• 41 Snowsfields, London, SE1 3SU	
• Flat 1, 42 Snowsfields, London	
• 38 Snowsfields, London, SE1 3SU	
• 39 Snowsfields, London, SE1 3SU	
• Flat 2, 42 Snowsfields, London	10.01.2018
• Flat 5, 42 Snowsfields, London	
• Flat 1, 38 Snowsfields, London	
• Flat 3, 42 Snowsfields, London	
• Flat 4, 42 Snowsfields, London	
• Flat 6, 64 Weston Street, London	
• Flat 7, 64 Weston Street, London	
• Flat 4, 64 Weston Street, London	
• Flat 5, 64 Weston Street, London	
• Flat 8, 64 Weston Street, London	
• Flat 12, 64 Weston Street, London	
• Flat 9, 64 Weston Street, London	
• 43 Snowsfields, London, SE1 3SU	
• Flat 4, 62 Weston Street, London	
• Flat 11, 64 Weston Street, London	20.12.2017
• Flat 1, 62 Weston Street, London	
• 66 Weston Street, London, SE1 3QJ	
• Flat 10, 64 Weston Street, London	
• Flat 1, 64 Weston Street, London	18.12.2017
• Flat 3, 62 Weston Street, London	
• Flat 3, 64 Weston Street, London	
• Flat 2, 62 Weston Street, London	
• Flat 2, 64 Weston Street, London	
• Flat 5, 40 Snowsfields, London	05.04.2019
• 40 Snowsfields, London, SE1 3SU	12.01.2018
• Flat 5, No.42 Snowsfields, London	18.01.2018

- Meads Place, Gaudick Road, Eastbourne 01.05.2018

Consultation Letters to Internal Consultees: 30.11.2017

Re-consultation Letters to Internal Consultees: 27.06.2018

01.12.2019 (EPT)

Consultation Letters to External Consultees: None

Re-consultation Letters to External Consultees: None

## APPENDIX 2

### Consultation responses received

#### Internal services

<p>Urban Forester The Arboricultural Impact Assessment submitted by the applicant has been assessed and the loss of the tree was considered acceptable. To mitigate this loss a financial contribution is sought to which is secured by a Unilateral undertaking.</p>
<p>Archaeology No objection but recommend permission subject to a condition for an archaeological watching brief during construction groundworks.</p>
<p>Environmental Protection Team No objection and recommend permission subject to conditions relating to internal noise levels Vertical sound transmission between commercial and residential properties and plant noise.</p>
<p>Waste Management No objection as the only impact on waste collection would be a change in the frequency. Servicing times is a commercial matter for the restaurant and their private waste contractor.</p>

#### Statutory and non-statutory organisations

None.

#### Neighbour and local groups consulted:

Consultation:

The extent of the consultation is unclear;

Amenity:

Noise would increase, due to more customers and alterations to access to the bin store. It is proposed to access it from within the courtyard whereas currently access is from inside the restaurant. Bins are constantly being refilled and emptied throughout the night. Staff on smoking breaks talk loudly long after the restaurant has closed. Noise would be amplified by the courtyard and would result in an adverse effect on the residential amenity of neighbours;

More air conditioning units would cause more noise;

The previous application reference number 04/AP/1850 was conditional on the provision of soundproofing scheme which is now absent.

Noise pollution would funnel up to bedrooms situated around the courtyard;

Unsociable restaurant hours would be incompatible due to close proximity to flats facing the courtyard. If the opening hours extend beyond 11pm it would impact on the amenity of neighbouring properties.

The highest point of the new building should not obstruct or hinder the view from any residential windows facing the courtyard.

The use of CCTV would lead to a loss of privacy to neighbouring properties.

Access to the roof of the proposed building would lead to a loss of privacy to neighbouring properties.

Design:

The proposed development employs incongruous materials such as aluminium and PVC;

Trees:

Loss of a conservation tree;

Transport:

The loss of the bike shed is contrary to condition 4 of application 03/AP/0946.

Environment:

Air quality would decrease due to increased commercial food processing and associated odours;

Potential smoking areas would give rise to further adverse impacts on health and quality of life;

Highways:

Refuse collection would be disrupted and the proposal would increase existing issues of bins obstructing the public highway and public footpath;

The proposal would limit the space available for bins and deliveries and would hinder the collection of bins.

Impact on local businesses:

The construction would have a negative impact on a business in close proximity of the site.

Other matters:

The properties surrounding the courtyard would lose access to areas of the courtyard to be developed.

**APPENDIX 3****Relevant planning history**

Reference	Status	Date	Proposal
99/AP/0260	Granted	28/04/1999	Change of use of ground floor and basement from Retail (A1) to professional & financial services (A2) or offices (B1)
02/AP/2206	Refused	11/02/2003	Construction of single storey ground floor ear extension to existing restaurant
03/AP/0946	Granted	19/09/2003	Change of use of ground floor at 64 Weston Street from retail (Use Class A1) to part retail and part restaurant (Use Class A1 & A3) in connection with existing restaurant at 62 Weston Street, creation of covered storage area at rear of building, single storey extension to provide additional toilet and installation of door at rear of premises.
03/AP/2017	Granted	09/06/2004	Details of facing materials and cycle storage as required by condition 2 & 4 LBS Reg.03/AP/0946
04/AP/1635	Refused	07/12/2004	Retention of 3 existing air-conditioning units and installation of a new fourth air-conditioning unit to side of 62 and rear of 64 Weston Street, and construction of a wall to rear of 64 Weston Street.
04/AP/1850	Refused	11/04/2005	Demolition of existing single storey detached shed and erection of a single storey rear extension to the ground floor of the existing restaurant.

**APPENDIX 4****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.

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<b>Applicant</b>	Champor Champor Ltd	<b>Reg. Number</b>	17/AP/4330
<b>Application Type</b>	Major application	<b>Case Number</b>	214-66
<b>Recommendation</b>	GRANT permission		

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**Draft of Decision Notice****Planning permission is GRANTED for the following development:**

Demolition of an existing single storey rear extension and construction of a single storey rear extension with mezzanine to the ground floor of the existing restaurant. Relocation of refuse storage, installation of 3 air conditioning units and the relocation of 1 air conditioning unit to the proposed lightwell.

62-64 WESTON STREET, LONDON SE1 3QJ

**In accordance with application received on 16 November 2017**

**and Applicant's Drawing Nos.:**

Reference no.:	Plan/document name:	Rev.:	Received on:
202A-223 FINAL 2020 PROPOSED SOUTH ELEVATION	Plans – Proposed		09.03.2020
202A-221 FINAL 2020 PROPOSED NORTH ELEVATION	Plans – Proposed		09.03.2020
202A-232 PROPOSED SECTION BB	Plans – Proposed	D	24.10.2019
202A-213 FINAL 2020 PROPOSED ROOF PLAN	Plans – Proposed		09.03.2020

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202A-232 EE FINAL 2020 PROPOSED EAST ELEVATION	Plans – Proposed		29.09.2020
LP1R	Site location plan		24.10.2019
202A-211 PROPOSED GROUND FLOOR PLAN	Plans – Proposed	F	24.10.2019
202A-212 FINAL 2020 PROPOSED MEZZANINE FLOOR PLAN	Plans – Proposed		25.10.2019
Proposes and removed air Conditioning Units	Document		24.10.2019

### **Permission is subject to the following Time Limit:**

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.

### **Permission is subject to the following Pre-Commencements**

3. **ARCHEAOLOGICAL WATCHING BRIEF**  
Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological watching brief works, in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order that the details of the programme of works for the archaeological mitigation works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Above grade condition



#### 4. GREEN ROOFS FOR BIODIVERSITY

Before any above grade work hereby authorised begins, details of the biodiversity (green) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green) roof(s) 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 biodiversity (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(s) 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/brown roof(s) and Southwark council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

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 (Green Infrastructure: the Multifunctional Network of Green and Open Spaces), 5.3 (Sustainable Design and Construction), 5.10 (Urban Greening) and 5.11 (Green Roofs and Development Site Environs) of the London Plan 2016; Strategic Policy 11 (Design and Conservation) of the Core Strategy 2011, and; Saved Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

Prior to occupation condition

#### 5. PROVISION OF REFUSE STORAGE

Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings/premises. 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 3.7 (Waste Reduction) of The Southwark Plan 2007..

Compliance Condition

#### 6. MATERIALS TO BE AS SPECIFIED

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

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with: the National Planning Policy Framework 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

7. OBSCURE GLAZING TO BE PROVIDED

The windows on the ground floor shall be fixed shut and the windows at mezzanine level shall be obscured glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing / fixed shut windows or fixed shut windows.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 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

8. EMERGENCY EXIT

The fire exit to the rear of the ground floor extension shall be fixed shut and shall only be used in case of emergency

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance 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

9. ROOF TO BE USED ONLY IN EMERGENCY

The roof of the extension(s) hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out

Reason:

In order that the privacy of neighbouring properties may be protected from overlooking from use of the roof area 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

10. SERVICING HOURS

Any deliveries, unloading and loading to the commercial units shall only be between the following hours: between 14:00 -18:00 on Tuesdays and Fridays; and 07:00 - 12:00 on Tuesdays to Saturdays.

Reason:

To ensure that and occupiers of the development and occupiers of

neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007.

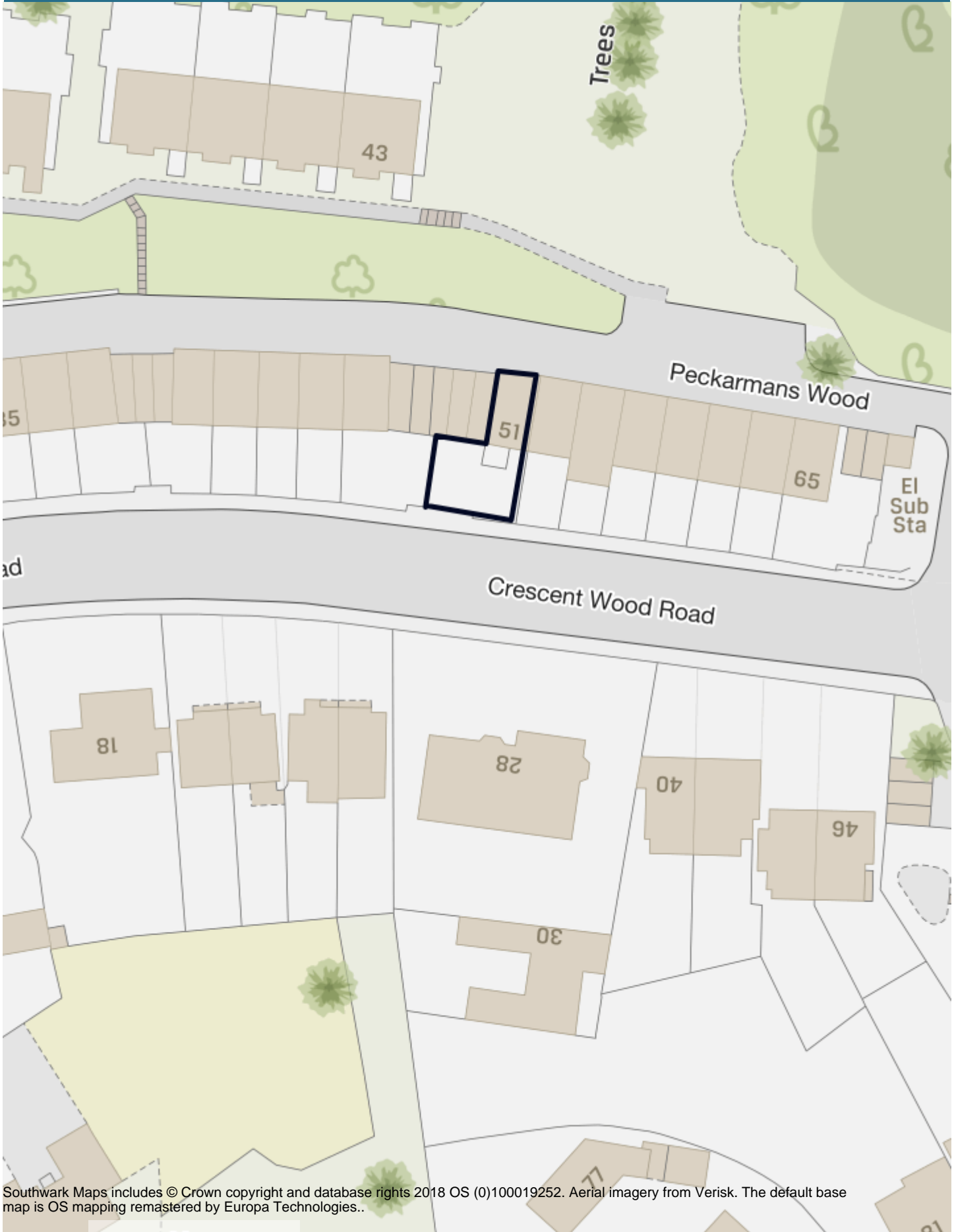
11. PLANT NOISE

The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The plant and equipment shall be installed and constructed in accordance with the Noise Impact Assessment and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from 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.

**Informatives**



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<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 26 January 2021	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		TPO 599 confirmation: 51, Crescent Wood Road, London SE26 6SA	
<b>Ward(s) or groups affected:</b>		Dulwich Wood	
<b>From:</b>		Director of Planning	

## RECOMMENDATION

1. That the provisional TPO reference 599 be confirmed, unamended.

## BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on 17 August 2020 following a request to remove the tree under a S.211 (Trees in Conservation Areas) application.
3. The TPO protects a semi-mature Horse Chestnut tree, and situated within the front garden space to 51 Crescent Wood Road, adjacent to the boundary wall with.
4. The tree is in good health and prominent as viewed from public realm The Horse Chestnut is noted as vulnerable within the IUCN: The International Union for Conservation of Nature Red List of threatened species; a recent increase in threat level from near threatened. Recommended conservation methods include resource and habitat protection and site/area management along with pest and disease controls and ex-situ conservation (propagation).
5. 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

6. 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 trees described in the schedule and shown in the plan would continue to be afforded the temporary statutory protection of the Conservation Area designation.

7. The TPO includes a managed tree, which retains prominence despite having previously been reduced in stature and is of particular note given the current threat level to this species as a whole across Western Europe.
8. This tree has been assessed as contributing to both amenity and local biodiversity, statutory duties of the Council under the Town and Country Planning Act and the Natural Environment and Rural Communities Acts, respectively.
9. The tree was assessed as attaining a score of 17 (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 merited. The primary basis for objection is the scoring of this tree under TEMPO; however, as will be detailed below, guidance is clear on this point and officer's are of the opinion that the assessment undertaken by the council is both fair and proportionate.
10. 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.
11. 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.
12. 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**

13. 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.
14. Section 198 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.

15. 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.
16. 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.
17. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with proven amenity value.

### **Objection to the Order**

18. One objection has been received from a local resident.
19. The objection proposes that the tree does not meet the criteria under TEMPO for the making of a Tree Preservation Order due to its close proximity to the host building and that the tree has the potential to damage a wooden boundary fence (with low brick foundations).
20. The tree is a semi-mature specimen which despite previous pruning, continues to contribute to the wider area. An arboricultural assessment of the tree supplied by the objector shows the tree to be of good physiology and structure, and despite the fused trunk; the objector's consultant does not find any external features which would limit the tree's safe useful life expectancy.
21. The appointed arboricultural consultant has assessed the tree as providing in excess of 10 years of value to amenity, however the Arboricultural association have noted a life expectancy of between 100 and 150 years for a horse chestnut. So, whilst officers are in agreement with the consultant that the tree is a semi mature specimen within  $\frac{1}{4}$  to  $\frac{1}{2}$  of its lifespan, the tree could easily provide value for a further 50 to 75 years.
22. The appointed arboricultural consultant for the objector goes on to conclude that due to its proximity to a structure (in this cases a fence and wall) that there is no qualification for protecting the tree under a TEMPO assessment. The TEMPO guidance suggests that where a tree is too close to a structure and is causing subsidence damage the score associated with longevity of the tree should be zero. However, the guidance includes a provision for common sense and states that: *"if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree **should not be marked down simply because it is standing hard up against one of the existing structures.**"* In this



case and where a localised repair or rebuilding of the fence and wall is a reasonable expectation to save a significant tree the TEMPO scoring complies with the guidance.

23. Further clarification from the arboricultural consultant confirms that the tree is not presently causing damage to any adjacent structure. The consultant responds:
 

“It is the dwarf wall on which the boundary fence has been placed on and where the new fence will be reinstalled. The wall can be seen on picture eight at the bottom picture, the picture attached also shows the wall in the bottom of the picture. I have not said there is damage at moment but will overtime, the attached picture shows the existing relationship between the tree and boundary fence/ wall.”
24. As a new fence is to be installed, there should be no reason why sufficient foundations which bridge the roots could not be considered by the objector or their consultant; for which there is adequate precedence both within the borough and throughout the UK and which would negate any need to remove the tree.
25. Whilst this tree has been managed within its setting and has produced a bulbous form, this is in itself attractive and would not conflict with local and regional policy; particularly given mayoral commitments to increase canopy cover throughout London, which would not be achievable without preserving that canopy cover which is presently enjoyed. Furthermore, there is no reason why the trees could not continue to be maintained on a regular basis under the protection of a TPO.
26. The arboricultural consultant is dismissive of the IUCN threat level to the species citing the prevalence of horse chestnut in the UK. That notwithstanding, the tree is included on the IUCN red list and that threat level has been increased due to pressures including the urban context. Given that the UK, via DEFRA, is a member body of the IUCN and the statutory duty of the council to preserve and enhance biodiversity under the Natural Environment and Rural Communities Act, officers are of the opinion that the tree should be protected.
27. The serving of a TPO affords this tree the highest level of protection available and places a greater duty on the tree owner to provide overwhelming evidence in support of any removal. To date, the objector has not provided overwhelming supportive professional evidence to the claim that the tree is causing damage.
28. Where removals are conducted unlawfully, the provisions of S.210 of the Town and Country Planning Act allow for the council to enforce, and where appropriate, prosecute suspected breaches, seeking suitable compensation for the loss in amenity afforded by the unlawful removal of any tree.

29. To date, officers have received one application to reduce and shape the tree in 2011, with a further request for removal which resulted in the serving of a tree preservation order.
30. 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.
31. Photos of the tree are included within the TPO at Appendix 1.
32. 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**

33. 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**

34. It is recommended for the reasons set out above that the tree is of sufficient quality to justify TPO status.
35. The tree is visible from the public realm, it contributes not only to the verdant nature of their setting of the conservation area but also contributes to the council's statutory obligation to the preservation and enhancement of biodiversity.
36. 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.
37. Should the provisional TPO not be confirmed, it is likely the council would receive a subsequent S.211 application to remove the tree resulting in the serving of a further TPO.
38. It is therefore recommended that in order to afford greater legislative protection to these prominent trees, the provisional Tree Preservation Order be confirmed, unamended.

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

#### **Director of Law and Democracy**

39. The original Tree Preservation Order was made on 17 August 2020 and this protects the trees for up to six months unless confirmed and made permanent.
40. The report refers to the duty imposed upon council's by virtue of section 198 of the Town and Country Planning Act which requires the authority to ensure the preservation and protection of trees where appropriate.
41. In this instance, one objection to the Order has been received.

## REASONS FOR URGENCY

### Legislative requirement

42. The TPO lapses on 17 February 2021 if not confirmed.

## BACKGROUND DOCUMENTS

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

## APPENDICES

No.	Title
Appendix 1	Photos
Appendix 2	Provisional TPO

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Liam Bullen, TPO Surveyor	
<b>Version</b>	Final	
<b>Dated</b>	5 January 2021	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		7 January 2021

**APPENDIX 1:**

**Photos**







**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. 599) 2020**

51, Crescent Wood Road, London, SE26 6SA

THIS IS A FORMAL NOTICE to let you know that on the 17<sup>th</sup> August 2020 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.

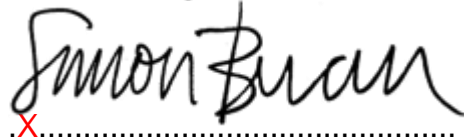
The order took effect on a provisional basis on 17<sup>th</sup> August 2020. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

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 15/09/2020). 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/599**), 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 <https://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas>

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 17<sup>th</sup> August 2020



X.....  
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 599**) 2020

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 599**) 2020

**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 **17<sup>th</sup> day of August 2020**

Signed on behalf of the London Borough of Southwark

X 

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 as a black circle on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Horse Chestnut	Land to front 51, Crescent Wood Road, London, SE26 6SA







TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)					
Survey Data Sheet & Decision Guide					
Date:	10.08.2020	Surveyor:	LB		
Tree details					
TPO Ref (if applicable):	599	Tree/Group No:	T1	Species:	Horse Chestnut
Location:	Land to front 51 Crescent Wood Road, SE26 6SA				
REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS					
Part 1: Amenity assessment			Score: Highlight as Applicable		
a) Condition & suitability for TPO			b) Retention span (in years) & suitability for TPO		
Good Highly suitable	5		100+ Highly suitable	5	
Fair Suitable	3		40-100 Very suitable	4	
Poor Unlikely to be suitable	1		20-40 Suitable	2	
Dead Unsuitable	0		10-20 Just suitable	1	
Dying/dangerous* Unsuitable	0		<10* Unsuitable	0	
* Relates to existing context and is intended to apply to severe irremediable defects only			*Includes trees which are an existing or near future nuisance		
c) Relative public visibility & suitability for TPO					
Very large trees with some visibility / prominent large trees			5	Highly suitable	
Large trees, or medium trees clearly visible to the public			4	Suitable	
Medium trees, or large trees with limited view only			3	Suitable	
Young, small, or medium/large trees visible only with difficulty			2	Barely Suitable	
Trees not visible to the public, regardless of size			1	Probably Unsuitable	
d) Other factors ( Trees must have accrued 7 or more points (with no zero score) to qualify)					
Principal components of arboricultural features, or veteran trees			5		
Tree groups, or members of groups important for their cohesion			4		
Trees with identifiable historic, commemorative or habitat importance			3		
Trees of particularly good form, especially if rare or unusual			2		
Trees with none of the above additional redeeming features			1		
Part 2: Expediency assessment (Trees must have accrued 9 or more points to qualify)					
			Notes:		
5) Immediate threat to tree		5			
3) Foreseeable threat to tree		3			
2) Perceived threat to tree		2			
1) Precautionary only		1			
Part 3: Decision guide					
Any 0 Do not apply TPO		Overall Score:	17		Date:
1-6 TPO indefensible				TPO Served:	
7-10 Does not merit TPO		Recommend:	TPO		
11-14 TPO defensible			Do Not TPO	Confirmed:	
15+ Definitely merits TPO		Date:			





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17-Aug-2020

**PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2020-21**

**NOTE:** Original held by Constitutional Team all amendments/queries to Beverley Olamijulo Email address: Beverley.olamijulo@southwark.gov.uk

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Councillor Maggie Browning	1		
Councillor Sunil Chopra	1		
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Planning Team - Philippa Brown / Affie Demetriou - Hub 2 Level 5, Tooley St.	By email		
Margaret Foley, Legal Services (label provided)	1		