

## Planning Sub-Committee B

Monday 13 September 2021

7.00 pm

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

### Membership

Councillor Cleo Soanes (Chair)  
Councillor Maria Linforth-Hall (Vice-Chair)  
Councillor Sirajul Islam  
Councillor Victoria Mills  
Councillor David Noakes  
Councillor Sandra Rhule  
Councillor Martin Seaton

### Reserves

Councillor Jack Buck  
Councillor Sarah King  
Councillor Tom Flynn  
Councillor Damian O'Brien  
Councillor Charlie Smith

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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.

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### Contact

Beverley Olamijulo, Constitutional Officer Email: [Beverley.olamijulo@southwark.gov.uk](mailto:Beverley.olamijulo@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 3 September 2021



## **Planning Sub-Committee B**

Monday 13 September 2021

7.00 pm

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

### **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
<b>1.</b>	<b>INTRODUCTION AND WELCOME</b>	
<b>2.</b>	<b>APOLOGIES</b>	
<b>3.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the sub-committee.	
<b>4.</b>	<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.	
<b>5.</b>	<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.	
<b>6.</b>	<b>MINUTES</b>	1 - 4
	To approve as a correct record the minutes of the meeting held on 15 June 2021.	
<b>7.</b>	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	5 - 9

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
<b>7.1.</b>	<b>CARPARK OF MATSON HOUSE SLIPPERS PLACE LONDON SOUTHWARK</b>	<b>10 - 47</b>
<b>7.2.</b>	<b>TREE PRESERVATION ORDER (TPO), 63-65 WARNER ROAD, LONDON SE5 9NE</b>	<b>48 - 63</b>

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

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

Date: 3 September 2021

## Planning Sub-Committee

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

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

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

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

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

6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.
8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

**Please note:**

Those wishing to speak at the meeting should notify the constitutional team by email at [ConsTeam@southwark.gov.uk](mailto:ConsTeam@southwark.gov.uk) in advance of the meeting by **5pm** on the working day preceding 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

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



## Planning Sub-Committee B

Minutes of the Planning Sub-Committee B held on Tuesday 15 June 2021 at 7.00 pm at Ground Floor Atrium, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Cleo Soanes (Chair)  
Councillor Sirajul Islam  
Councillor Sarah King (reserve member)  
Councillor David Noakes  
Councillor Damian O'Brien (reserve member)  
Councillor Martin Seaton  
Councillor Sandra Rhule

**OFFICER SUPPORT:** Dipesh Patel (Development Management)  
Alex Cameron (Development Management)  
Margaret Foley (Legal Officer)  
Martin McKay (Design and Conservation Team Leader)  
Beverley Olamijulo (Constitutional Officer)

### 1. INTRODUCTION AND WELCOME

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

### 2. APOLOGIES

There were apologies for absence from Councillor Maria Linforth-Hall (vice-chair) and Councillor Victoria Mills.

### 3. CONFIRMATION OF VOTING MEMBERS

The members listed as present were confirmed as voting members of the sub-committee.

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

The following member declared a personal interest in the following item:

##### **7.2 Falmouth Road Group Practice, 78 Falmouth Road, London SE1 4JW**

Councillor Sirajul Islam, non-pecuniary, the proposed development is located within his ward – Chaucer ward.

#### 5. **ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

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

- Minutes from the previous meeting held on 30 March 2021 and
- Members pack.

#### 6. **MINUTES**

##### **RESOLVED:**

That the minutes of the virtual meeting held on the 30 March 2021 be approved as a correct record and signed by the chair.

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

Members noted the development management report.

##### **RESOLVED:**

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

##### **7.1 LAND REAR OF: 157 DUNSTANS ROAD, LONDON SE22 0HB**

The item was withdrawn.

Councillor Damian O'Brien (reserve member) stated that he was unaware the above planning application had been withdrawn. The chair explained officers notified all members of planning sub-committee B prior to the meeting which included Councillor Maria Linforth-Hall (vice-chair) to whom Councillor O'Brien was substituting for as a voting member in her absence.

## **7.2 FALMOUTH ROAD GROUP PRACTICE, 78 FALMOUTH ROAD, LONDON SE1 4JW**

### **Planning application reference 20/AP/1407**

Report: See pages 39 to 101 of the agenda pack

### **PROPOSAL**

*Demolition of the existing doctors surgery (Use Class D1) and redevelopment of the site for the construction of a new doctors surgery (Use Class D1), with residential development comprising 39 self-contained flats (Use Class C3) above, and associated cycle parking, refuse storage and amenity space.*

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

There were no objectors present at the meeting.

The applicant's agent addressed the meeting and responded to questions from members.

There were no supporters who lived within 100 metres of the development site present at the meeting.

There were no ward councillors present at the meeting who wished to address the sub-committee.

The sub-committee put further questions to 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 application 20/AP/1407 be granted subject to conditions and the applicant entering into an appropriate legal agreement.
2. That in the event that the requirements of paragraph 1 above are not met by 26 November 2021, the director of planning be authorised to refuse



planning permission, if appropriate, for the reasons set out in paragraph 135 of the report.

The meeting ended at 8.30 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 13 September 2021	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer, (Head of Constitutional Services)	

### RECOMMENDATIONS

1. That the Planning Sub-Committee B make 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 Planning Sub-Committee B 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 the Planning Sub-Committee B agree 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 Governance**

12. A resolution to grant planning permission shall mean that the development and 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

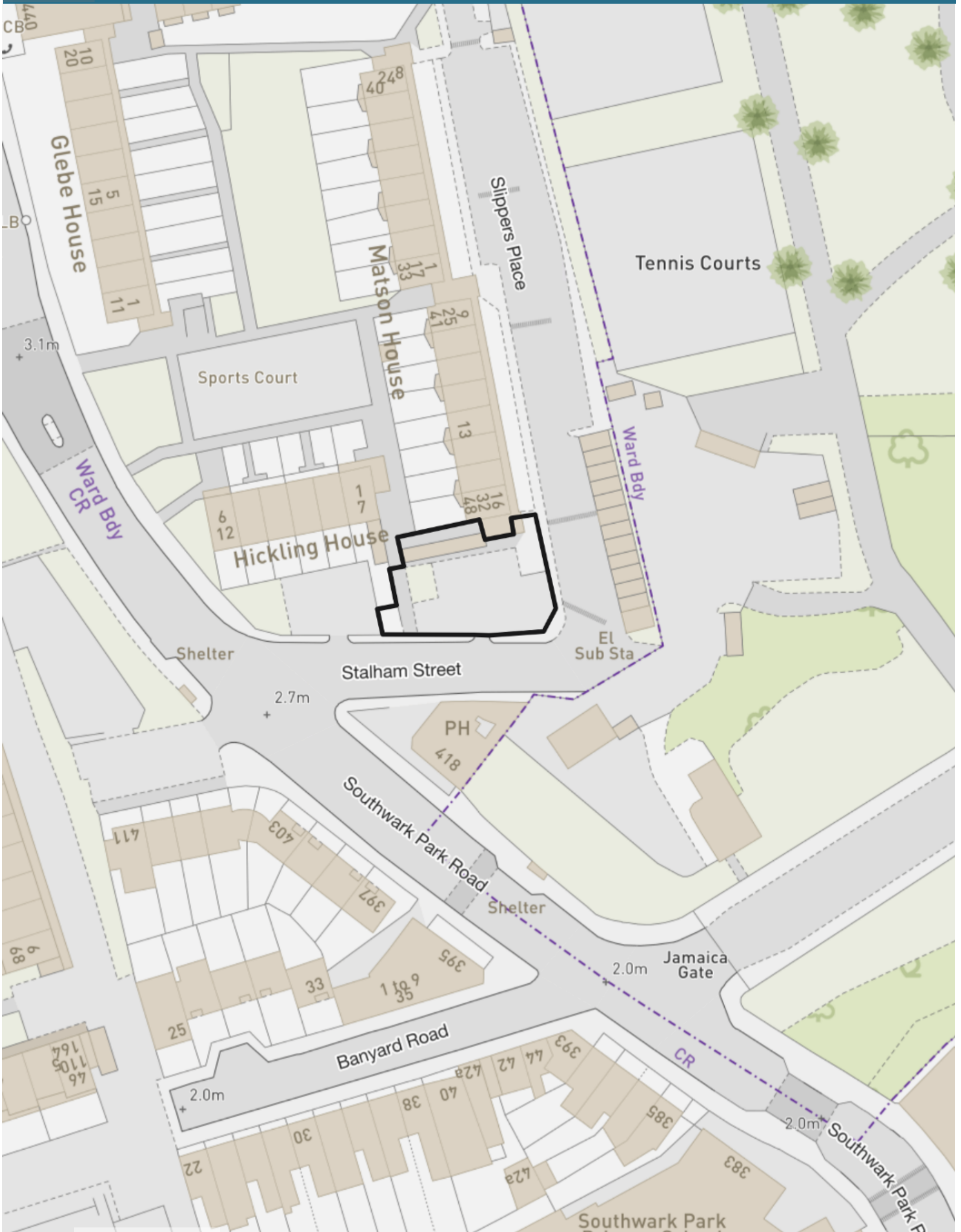
Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Beverley Olamijulo 020 7525 7234
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer or the Planning Department 020 7525 5403

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Authors</b>	Beverley Olamijulo, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
<b>Version</b>	Final	
<b>Dated</b>	2 September 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 and Growth	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		2 September 2021



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## Contents

RECOMMENDATION .....	<b>Error! Bookmark not defined.</b>
BACKGROUND INFORMATION .....	3
Site location and description .....	3
Details of proposal .....	4
Planning history of the site, and adjoining or nearby sites .....	5
KEY ISSUES FOR CONSIDERATION .....	6
Summary of main issues.....	6
Legal context .....	6
Planning policy.....	7
ASSESSMENT.....	7
Principle of the proposed development in terms of land use.....	7
Quality of residential accommodation .....	8
Design, layout, heritage assets and impact on Borough and London views .....	8
Landscaping and trees.....	10
Outdoor amenity space, children’s play space and public open space .....	10
Impact of proposed development on amenity of adjoining occupiers and surrounding area.....	10
Energy and sustainability .....	14
Ecology and biodiversity .....	14
Water resources and flood risk .....	15
Planning obligations (S.106 undertaking) .....	15
Consultation responses from internal and divisional consultees.....	17
Consultation responses from external consultees.....	17
Community impact and equalities assessment .....	18
Human rights implications.....	19
Positive and proactive statement .....	19
Positive and proactive engagement: summary table.....	19
CONCLUSION .....	19
BACKGROUND INFORMATION.....	<b>Error! Bookmark not defined.</b>
BACKGROUND DOCUMENTS.....	20
APPENDICES .....	20
AUDIT TRAIL .....	21



Appendix 1: Planning policy .....	22
Appendix 2: Consultation undertaken.....	25
Appendix 3: Consultation responses received.....	28
Appendix 4: Relevant planning history .....	29
Draft of Decision Notice.....	30

<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 13 September 2021	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application for: Full Planning Application 21/AP/1615  <b>Address:</b> CARPARK OF MATSON HOUSE SLIPPERS PLACE LONDON SOUTHWARK  <b>Proposal:</b> Redevelopment of an existing car park to create 18 residential units (use class C3) in a part 1, part 8 storey building, demolition of existing pram stores and part of an existing refuse store, adjustments to car parking, new landscape and amendments to existing estate paths.		
<b>Ward(s) or groups affected:</b>	North Bermondsey		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b> 12/05/2021		<b>PPA Expiry Date</b> 11/08/2021	
<b>Earliest Decision Date</b> 16/06/2021			

## RECOMMENDATION

1. That planning permission is granted, subject to:
  - a) The conditions as set out in the report; and,
  - b) The completion of a Unilateral Undertaking.
2. That in the event that a legal agreement is not signed by 13 March 2022 the Director of Planning and Growth be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 81 to 82 of this report.

## BACKGROUND INFORMATION

### Site location and description

3. The application site is a car park on the Slippers Place Estate, which also contains pram sheds and refuse storage. The car park is to the south east of the estate, bound by Stalham Street and Slippers Place.
4. The site is approximately 0.06 hectares in total area, with the Stanley Arms public house to the south across Stalham Street, Hickling House and Matson House to the north, Southwark Park Road to the west and Southwark Park to the east.

5. The site is subject to the following designations:
  - Urban Density Zone
  - Flood Zones 2 and 3
  - Blackheath Point to St Paul's Cathedral London View Management Corridor (LVMF)
  - Bermondsey Controlled Parking Zone (CPZ)
  - Air Quality Management Area
6. The Slippers Place Estate occupies a lozenge-shaped area of land between Southwark Park Road and Southwark Park itself and is the outcome of postwar comprehensive redevelopment. The estate was constructed during a short period between the late 1950s and early 1960s, and has a mixed built form of flatted blocks and maisonettes of generally 4 and 6 storeys, with the exception of the 11 storey Arica House.
7. Southwark Park is designated as Metropolitan Open Land (MOL), a Site of Importance for Nature Conservation (SINC) and is a Grade II listed Park. The nearest Grade II listed building is Southwark Park School which is over 100m to the south of the site. There are no conservation areas within the vicinity of the site.
8. The wider surrounding area is dominated by the parkland to the east and the regular built form of the council's 1970s New Place Estate to the west which comprises mainly 7 storey slab blocks around a series of garden squares. The Stanley Arms public house sits at 3 storeys, although planning permission (18/AP/4174) has been granted for an extension to the building to create a total of 5 storeys. Hickling House sits at 4 storeys and Matson House sits at 6 storeys. Taller buildings are located further to the north of the application site.
9. The surrounding area is predominantly residential in land use, although with the Stanley Arms public house to the south. Commercial land uses are located to north of the site along Jamaica Road and the Tower Bridge Business Complex is located to the west.

### **Details of proposal**

10. The proposed is for the redevelopment of the car park and associated outbuildings for the construction of an 8 storey building comprising 18 council homes, for social rent.
11. The proposed dwelling mix is for 7 x 1 bedroom units (one of which would be a wheelchair accessible dwelling), 7 x 2 bedroom units and 4 x 3 bedroom homes.
12. The proposal would also provide communal amenity space, refuse storage and cycle storage associated with the development.

13. Since the submission of the application additional information has been provided, including details of an increased Urban Greening Factor rating and further windows assessed within the Daylight and Sunlight Assessment. Very minor amendments were also made to the layout of the scheme, swapping the location of the plant room and refuse storage at ground floor.

### **Consultation responses from members of the public and local groups**

14. Summarised below are the material planning consideration raised by members of the public. 16 comments have been received.
15. Principle of development:
- Loss of pram sheds and parking
16. Design quality and site layout:
- Character and design
  - Scale and massing
  - Housing mix
17. Quality of accommodation and provision of private/communal outdoor space:
- Lack of playspace
18. Neighbour amenity impacts:
- Daylight and sunlight
  - Privacy
19. Transport, parking, highways, deliveries and servicing matters:
- Loss of car parking
  - Refuse storage
  - Need for electric car charging points
20. Environmental impact during the construction phase:
- Noise
  - Dust
  - Surface water drainage and flooding
21. Security and prevention of anti-social behaviour:
- Anti-social behaviour from new residents
22. These matters are addressed comprehensively in the relevant parts of this report.

### **Planning history of the site, and adjoining or nearby sites**

23. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. A fuller history of decisions relating to this site, and other nearby sites, is provided in Appendix 4.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

24. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use
  - Tenure mix, dwelling mix and wheelchair accessible housing
  - Density
  - Quality of residential accommodation
  - Design, layout, heritage assets and impact on Borough and London views
  - Landscaping and trees;
  - Outdoor amenity space, children's playspace and public open space
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area
  - Transport and highways
  - Noise and vibration
  - Energy and sustainability
  - Ecology and biodiversity
  - Air quality
  - Ground conditions and contamination
  - Water resources and flood risk
  - Planning obligations (S.106 undertaking or agreement)
  - Consultation responses, and how the application addresses the concerns raised
  - Community impact and equalities assessment
  - Human rights
  - Positive and proactive statement, and
  - Other matters.
25. These matters are discussed in detail in the 'Assessment' section of this report.

### Legal context

26. 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.

27. 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**

28. The statutory development plans for the Borough comprise the London Plan 2016, Southwark Core Strategy 2011, and saved policies from The Southwark Plan (2007 - July). The National Planning Policy Framework (2019) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 1. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **ASSESSMENT**

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

29. The proposed development seeks the construction of 18 residential dwellings on an existing car park. Car parking is not protected within planning policy and therefore the loss is considered acceptable. The proposal would also make an efficient use of land to provide residential dwellings which would be consistent with the established residential land use of the Slippers Place Estate and the wider surrounding area.
30. The principle of the proposed development in terms of land use is supported.

### **Tenure mix, dwelling mix and wheelchair accessible housing**

31. All of the 18 units proposed would be for social rent which is wholly supported.

<b>Unit size</b>	<b>No. of social rented units</b>
1-bedroom	7 (39%)
2-bedroom	7 (39%)
3-bedroom	4 (22%)
All units	18

32. As set out, over 61% of dwellings would comprise 2 or more bedrooms, which complies with Saved Policy 4.3 of the Southwark Plan 2007 requiring the majority of units to have 2 or more bedrooms.
33. One wheelchair accessible unit is proposed at ground floor. No further wheelchair units are proposed within the development due to the physical constraints of the site meaning a second lift would be difficult. As such, the shortfall of 4 habitable rooms would be offset elsewhere within the same phase

on the New Homes Delivery Programme.

### **Quality of residential accommodation**

34. The development would provide 18 units. 1 x 1 bedroom wheelchair is proposed at ground floor. 1 x 2 bedroom unit and 1 x 3 bedroom unit are proposed at each floor from first to fourth floors. 2 x 1 bedroom units and 1 x 2 bedroom units are proposed at each floor from fifth to seventh floors.
35. All units would meet, or exceed, minimum space standards as set out in the 2015 Technical Update to the Residential Design Standards SPD 2011 in terms of both overall GIA and individual room sizes.
36. All of the units would be at least dual aspect, providing sufficient levels of daylight and sunlight for future occupiers. The Average Daylight Factor (ADF) has been assessed for the dwellings within the proposed development and all rooms comply with BRE guidance. Every habitable room would also have at least one vertical window for outlook.
37. All of the units would benefit from private balconies. At ground floor the 1 x bedroom wheelchair unit would benefit from an 18 sq. m. garden area to the east of the building. All of the units on the upper floors would benefit from 10 sq. m. and 10.5 sq. m. balconies, with the exception of 4 x 2 bedroom units which would have access to 7.1 sq. m. balconies. In accordance with the 2015 Technical Update to the Residential Design Standards SPD 2011, the shortfall of 11.6 sq. m. would be offset within the proposed communal amenity space.
38. An area of communal amenity space is proposed to the west of the building at the front entrance. The communal amenity space would be 62 sq. m. in total area, therefore providing the minimum 50 sq. m. as required by the 2015 Technical Update to the Residential Design Standard SPD 2011, as well as the offset 11.6 sq. m from the private amenity space.
39. Overall it is therefore considered that the proposed development would provide a high quality of both internal and external accommodation for future occupiers, in compliance with planning policy.

### **Design, layout, heritage assets and impact on Borough and London views**

40. At 8 storeys, the building would be 25m to parapet level and 29m to the top of the lift overrun, remaining below the threshold of a tall building. It is taller than its immediate context, rising 2 floors above the adjoining 6 storey Matson House, 3 floors above the 4 storey Hickling House and 5 floors above the 3 storey Stanley Arms, although consent exists for an additional rooftop extension to the pub. Whilst the new building would not run through with the roofline of Matson House, the additional height would sit comfortably in this location. The taller element would 'book-end' the adjacent long deck-access block, terminating the strong horizontality with a contrasting vertical end-stop.

The additional height reads well with the general openness of its corner location and with the parkland opposite, and would not read as particularly overbearing in the backdrop to the neighbouring pub and Hickling House. Furthermore, the additional height would not appear unduly disjointed within the wider townscape, which has a varied character that includes the estate's 11 storey Arica House and the similarly tall cores on the nearby Four Squares housing estates.

41. The stepped profile would work well to alleviate any sense of bulk and to bring a more slender appearance to the building when viewed from Southwark Park Road and Stalham Street. The profile is complemented by the proposed elevational treatment which works together to suggest two interlocking, complementary volumes, adding to this sense of slenderness, which is effective. Overall, the building's height and massing combine well and while the form is different to that of Matson House it would nonetheless sit comfortably within the street scene and wider townscape.
42. The proposed elevational treatment would make good use of materials and thorough detailing. The punched-hole aesthetic and use of full brick would give the building a robust quality and a rich texture. The windows would be vertically arranged on the main east and west elevations, giving the building a calm, ordered appearance, whilst the windows on the flank elevation onto Stalham Street would have a staggered arrangement, providing a visual contrast. The proposed balconies are stacked on the main facades, but feature a combination of inset, partly inset/ projecting and fully projecting balconies on the west elevation facing towards the main road, and fully projecting on the corresponding east elevation facing towards the park. The change in balcony design partly addresses the amenity of the balconies and potential overlooking of neighbours. It would also bring variety to the elevational designs, albeit in an orderly manner, and reflect the scale and treatment of balconies and deck-access walkways of Matson House.
43. The proposed brick is for two colours, being a pink/red brick and buff/yellow brick. The switch of materials would be effective and generally well-handled, lending visual interest and a greater sense of verticality to the designs. Full brick is proposed to be used for the elevations, which is important in providing robust and durable finish. The exceptions are the balconies and entrance soffits, which are to be concrete and brick-slips, respectively. A condition has been recommended for material samples to be submitted for approval, including details of mechanically anchored brick slips.
44. Overall, the proposed elevational designs are well designed, with a good sense of proportion, texture and robustness. It is also considered that the proposal would have a good balance of decorative elements that would make for an engaging, modern design in the new London vernacular.
45. At eight storeys, the new building would sit below the threshold plane for the strategic view and therefore would not disrupt the view from Blackheath to St Paul's Cathedral. Furthermore, the height will not affect the setting of any listed buildings within the general locality, with the building likely to be screened from view by other intervening buildings. The proposed height and proximity to the park would not result in the building being visible from within many parts of the



Grade II Southwark Park. It would mostly be seen in the backdrop to the tennis courts, which are not an original feature of the park, and through the extensively planted park boundary. Where visible the elevational designs would be engaging and seen within the context of Matson House and Arica House, therefore not detracting from the general outlook. In the views from the bandstand, bowling green and Carriage Drive, which are of greater significance, the building will be too distant or obscured by mature tree cover to impact upon the setting. As such, the scale of development would have no undue impact upon the park, preserving its special interest.

### **Landscaping and trees**

46. There are no trees located on, or within the immediate vicinity of, the application site. The proposal includes the provision of communal amenity space to the west of the building. This area, as well as further areas surrounding the building, would include a grassed area, a wildflower meadow and new planting. A condition has been recommended for a detailed hard and soft landscaping scheme to be submitted.

### **Outdoor amenity space, children's play space and public open space**

47. As previously set out, the proposed development would provide 62 sq. m. of communal amenity space to the west of the building, in compliance with policy requirements.
48. The proposed development would not provide any children's playspace due to the constraints of the site. It is considered that prioritising the provision of communal amenity space on site is more appropriate. A financial contribution of £23,918.40 in accordance with the Section 106 and Community Infrastructure Levy SPD would be secured via a legal agreement to offset the lack of on-site provision.

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

49. The nearest buildings to the application site are the Stanley Arms public house to the south, Matson House to the north and Hickling House to the north west.

### **Privacy, outlook and sense of enclosure**

50. The Stanley Arms public house is across Stalham Street from the application site by over 12m. This separation distance would ensure that there would be no unnecessary problems of overlooking, loss of privacy and disturbance, in accordance with the 2015 Technical Update to the Residential Design Standards SPD 2011.
51. Both Matson House and Hickling House are located in very close proximity to the application site; however neither contain windows serving habitable rooms

that would directly overlook the application site. The column of windows to the south of Matson House serves a stairwell, whilst all windows that serve habitable rooms face east and west, away from the application site. Hickling House is diagonally to the north west of the application site, meaning the windows to the east and south are not in direct sight lines of the application site.

### Daylight and sunlight

52. A Daylight and Sunlight Assessment has been submitted which considers the impact of the proposed development on the Stanley Arms public house and its consented scheme, Matson House and Hickling House.
53. The results show the Vertical Sky Component (VSC), with and without the effect of balconies and overhangs. The below review of the results is based on the effect of balconies and overhangs removed in line with BRE guidance. The impact on VSC, in line with BRE guidance, is considered acceptable in the VSC value is higher than 27% or if it is no less than 0.8 times its former value (20%). The assessment shows the percentage loss of No Sky Line (NSL) whereby BRE guidance notes that a reduction of 0.8 times may be deemed to adversely affect daylight. The assessment also includes an Annual Probable Sunlight Hours (APSH) analysis and overshadowing analysis.

#### *Stanley Arms public house*

54. Vertical Sky Component (VSC)

Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	40%+
10	10	100%	0	0	0

55. 10 windows have been assessed within the Stanley Arms public house. All of these windows comply with BRE guidance retaining VSC values above 27%. None of these windows face within 90 degrees of due south and therefore have not been assessed for sunlight impacts. It is therefore demonstrated that the proposed development would not adversely impact on the daylight and sunlight received by the residential dwellings on the upper floors of the public house.

#### *Stanley Arms public house consented scheme (18/AP/4174)*

56. Vertical Sky Component (VSC)

Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	40%+
14	0	0%	0	2	12
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	40%+
14	14	100%	0	0	0

57. 14 windows have been assessed within the consented scheme at the Stanley Arms public house. None of these windows comply with BRE guidance in terms

of VSC, with values ranging from 9.4% to 26.5%, experiencing proportional reductions ranging from 0.41 to 0.68 the former values. The rooms containing these windows have also been assessed in terms of NSL, all of which comply with BRE guidance with proportional reductions of more than 0.8. This shows that the windows would not experience unacceptable losses of daylight as a result of the proposed development. None of these windows face within 90 degrees of due south and therefore have not been assessed for sunlight impacts.

*Matson House*

58.	Vertical Sky Component (VSC)				
	Window		Loss		
	Total	Pass	BRE Compliant	20-30%	31-40% 40%+
	41	41	100%	0	0

59. 41 windows have been assessed within Matson House. All of these windows comply with BRE guidance in terms of VSC and would not experience losses below 20%. All of these windows face within 90 degrees of due south and have therefore been assessed in terms of APSH, with all windows meeting BRE guidance.

*Hickling House*

60.	Vertical Sky Component (VSC)				
	Window		Loss		
	Total	Pass	BRE Compliant	20-30%	31-40% 40%+
	36	32	88.89%	1	1 2
	No Sky Line (NSL)				
	Room		Loss		
	Total	Pass	BRE Compliant	20-30%	31-40% 40%+
	4	4	100%	0	0

61. 36 windows have been assessed within Hickling House. All of the windows comply with BRE guidance in terms of VSC, with the exception of 4 which fail. These windows serve living rooms and bedrooms, with the living rooms being served by 2 separate windows. The rooms containing the 4 windows which fail to meet BRE guidance in terms of VSC all comply with BRE guidance in terms of NSL. It is therefore considered that impacts on daylight are acceptable. All of the 36 windows face within 90 degrees of due south and have therefore been assessed in terms of APSH, with all windows meeting BRE guidance.

### Overshadowing

62. There are rear gardens located to the west of Matson House and the south of Hickling House. These gardens have been assessed in terms of overshadowing. The gardens all retain in excess of 80% of current sunlight levels which is in accordance with BRE guidance. The proposed development would not result in any adverse impacts on open spaces in terms of sunlight.

## Summary

63. The impacts of the proposed development on the Staley Arms public house, Matson House and Hickling House have been assessed in terms of daylight. All windows would comply with BRE guidance and it is therefore concluded that the proposed development would not adversely impact on neighbouring occupiers in this regard. The proposed development also would not result in overshadowing impacts on surrounding open spaces.

## Transport and highways

64. The proposed development would be car free, with the exception of one on site wheelchair accessible space. This is considered appropriate as one wheelchair dwelling is proposed on site. Future occupiers would be restricted from obtaining parking permits within the Bermondsey CPZ which would be secured via legal agreement.
65. The proposed development would result in the loss of 12 car parking spaces on site. Two car parking spaces adjacent to car parking would be consolidated to create the above mentioned wheelchair accessible space. The submitted parking survey found that on two overnight surveys 7 cars were parked on site.
66. The parking survey observed parking activity on Baynard Road, Clements Road, Gataker Street, Slippes Place, Southwark Park Road and Stalham Street. It found that of the 82 parking spaces assessed an average of 67 were occupied, meaning that 15 spaces were unoccupied so the displacement parking could be accommodated on these streets.
67. Proposed plans show the provision of 33 long stay cycle parking spaces, including two spaces for larger bicycles, and 2 short stay cycle parking spaces. This quantity is considered acceptable as it is policy compliant. A condition has been recommended for full details of the cycle parking to be submitted to ensure appropriate provision.
68. The proposed development would modify the existing refuse storage associated with Matson House with an amended entrance. Waste storage is also proposed for the new development, with appropriate space for refuse, compost and bulk storage. This can be accessed internally at ground floor by future occupiers, with an external door onto Slippers Place appropriate for collection. A condition has been recommended to ensure the refuse storage as shown on the proposed plans is provided.
69. A condition has been recommended for a Construction Environmental Management Plan (CEMP) to be submitted to ensure the impacts of construction works are mitigated with regard to the local highway network and neighbouring occupiers.

## Noise and vibration

70. A Noise Impact Assessment has been submitted which found that uprated glazing and balcony treatments are necessary. Accordingly, a condition has been recommended to ensure appropriate internal noise levels are complied with and that full details of balcony noise treatments on the west elevation are submitted for approval. A condition for compliance with appropriate levels of plant noise has also been recommended.

### **Energy and sustainability**

71. The proposed development is proposed to be connected to an extension of the Arica House SELCHP district heating system. This is to be secured via legal agreement.
72. The submitted Energy Assessment finds that the design of the building and the connection to the CHP would reduce the development's CO<sub>2</sub> emissions to achieve 80% over Part L 2013 regulations meeting policy requirements. This is a large reduction compared to other medium sized schemes. The applicant decided to utilise the limited roof space for installing a biodiverse roof to maximise the biodiversity enhancement of the scheme so the potential for additional renewable energy generation on site is limited. This is a sensible compromise considering the large reduction in CO<sub>2</sub> emissions connection to the CHP would provide. The cumulative savings for off-set payment calculated are 111 tonnes of CO<sub>2</sub>. As such, an off-set financial contribution of £95 per tonne, totalling £10,545, is proposed.

### **Ecology and biodiversity**

73. The submitted Precautionary Ecological Appraisal finds that the application site, being a car park, has limited ecological value. The proposed development would achieve an Urban Greening Factor rating of 0.35 which is a significant improvement upon the existing site rating of 0.05, and an improvement upon the original rating proposed of 0.21. This would be achieved through the improvements at ground floor, as well as an extensive biodiverse roof. The biodiverse roof has been changed throughout the course of this application to ensure the highest Urban Greening Factor possible. Further increases in the rating are not possible due to the need for hard landscaping at ground floor to facilitate servicing and wheelchair accessible parking. As such. A rating of 0.35 is appropriate given the constraints of the site, and is not significantly below London Plan requirements of 0.4. The proposed biodiverse roof would be secured via condition. A condition has also been recommended for details of swift bricks to be submitted.
74. Overall, it considered that the proposed development would have a positive impact in terms of ecology and biodiversity in comparison to the existing situation.

### **Air quality**

75. An Air Quality Assessment has been submitted which finds that there will be

no exceedances of the nitrogen dioxide or particulate matter objectives at the sensitive development receptors on the site and mitigation is therefore not required.

76. An Air Quality Neutral Assessment has also been submitted which concludes that no mitigation required in respect of transport emissions and that the calculated building emissions footprint is significantly lower than the Building Emissions Benchmark (BEB) for the development and as such mitigation is not required.

### **Ground conditions and contamination**

77. The submitted Site Investigation Report found some minor lead contamination on the site and that basic gas protection measures are necessary. A condition has therefore been recommended for a detailed remediation strategy and verification report to be submitted.

### **Water resources and flood risk**

78. The application site is located in Flood Zones 2 and 3 and is protected by the River Thames tidal defences for events up to the 0.1% Annual Exceedance Probability (AEP). It is deemed to be at low risk from surface water, fluvial and tidal flooding.
79. The Environment Agency raise no objection to the proposed development, subject to conditions which have been recommended regarding details of contamination, sustainable drainage and piling.

### **Other matters**

80. A Fire Safety Report has been submitted with the application details the means of warning and escape within the proposed building, internal and external fire spread, access and facilities for emergency services and fire safety management.
81. It is anticipated that the proposed development would be able to achieve Secured by Design accreditation. Conditions have been recommended for details of security measures to be submitted and details of the development seeking to achieve accreditation to be submitted.

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

82.

<b>Planning obligation</b>	<b>Mitigation</b>	<b>Applicant's position</b>
<b>Housing, Viability and Amenity Space</b>		
Affordable housing provision	100% social rented	Agreed

Wheelchair housing provision	1 x 1 bedroom wheelchair housing unit to be secured on site	Agreed
Playspace	Off-set financial contribution of £23,918.40	Agreed
<b>Transport and Highways</b>		
Parking permit restriction	Removal of all parking permit rights except blue badge permits	Agreed
<b>Energy, Sustainability and the Environment</b>		
Connection to (or futureproofing for connection to) district CHP	Development to be served by the forthcoming extension of the Arica House CHP	Agreed
Carbon offset fund	Off-set contribution of £10,583	Agreed
<b>Other</b>		
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.	Agreed

83. The planning obligations agreed would satisfactorily mitigate against the adverse impacts of the proposed development.
84. In the event that a satisfactory legal agreement has not been entered into by 13 March 2022 it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:

The proposal, by failing to provide for appropriate planning obligations secured through the completion of a legal agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of development through projects or contributions in accordance with Policy DF1 (Delivery of the London Plan and Planning Obligations) of the London Plan 2021, Strategic Policy 14 (Delivery and implementation) of the Core Strategy 2011, Saved Policy 2.5 (Planning obligations) of the Southwark Plan 2007 and Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015).

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

85. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.
86. Environmental Protection Team:
- Advise conditions for residential internal noise, balcony noise treatments, plant noise, contamination and a Construction Environmental Management Plan (CEMP)
  - Air quality assessment shows acceptable levels
87. Design and Conservation Team:
- Height, scale and massing is considered acceptable
  - Design details are supported
  - Material samples should be submitted
88. Ecologist:
- Site has limited ecological value.
  - Advise conditions for swift nesting bricks and a green roof for biodiversity.
89. Transport Planning Policy:
- Parking survey shows displaced vehicles can be offset elsewhere within the vicinity of the site
  - Advise that further details of cycle parking and a Construction Environmental Management Plan (CEMP) are required
90. Urban Forester:
- Advise hard and soft landscaping condition.

## **Consultation responses from external consultees**

91. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.
92. Thames Water:
- Advise a condition for details of any piling works to be submitted.
93. Metropolitan Police:
- The development should be able to meet Secured by Design standards



- Advise conditions to submit details of Secured by Design measures and seek to achieve accreditation.

94. Environment Agency:

- No objection.
- Advise conditions for contamination and details of drainage systems.

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

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

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

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

98. 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.

99. 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

100. 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.
101. This application has the legitimate aim of providing social rented housing. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## Positive and proactive statement

102. 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.
103. 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?	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

104. The proposed development would make an efficient use of an existing estate car park which is not protected by planning policy to provide 18 social rented

residential dwellings. The proposed dwellings would be of a high quality, both internally and externally. The height, scale, massing and detailed design of the proposed building is considered acceptable and would not adversely impact on the amenity of neighbouring occupiers.

105. It is therefore recommended that the application is approved, subject to conditions and completion of a legal agreement.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: H45 Application file:21/AP/1615 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 0254 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Relevant planning policy
Appendix 2	Consultation undertaken
Appendix 3	Consultation responses received
Appendix 4	Planning history of the site and nearby sites
Appendix 5	Recommendation (draft decision notice)

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Platts, Director of Growth and Planning	
<b>Report Author</b>	Abbie McGovern, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	2 September 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>
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>		2 September 2021

## Planning Policy

### National Planning Policy Framework (the framework)

The revised National Planning Policy Framework ('NPPF') was published on 20 July 2021 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 218 states that the policies in the Framework are material considerations, which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

### The London Plan 2021

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H10 Housing size mix
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G4 Open space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 6 Digital connectivity infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T2 Healthy streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the plan and planning obligations

### **Core Strategy 2011**

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 6 Homes for people on different incomes
- Strategic Policy 7 Family homes
- Strategic Policy 11 Open spaces and wildlife
- Strategic Policy 12 Design and conservation
- Strategic Policy 13 High environmental standards

### **Southwark Plan 2007 (saved policies)**

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 1.9 Change of use within protected shopping frontages
- Policy 2.1 Enhancement of community facilities
- Policy 3.2 Protection of amenity
- Policy 3.3 Sustainability assessment
- Policy 3.4 Energy efficiency
- Policy 3.6 Air quality
- Policy 3.7 Waste reduction
- Policy 3.9 Water

- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in design
- Policy 3.13 Urban design
- Policy 3.14 Designing out crime
- Policy 3.18 Setting Of Listed Buildings, Conservation Areas And World Heritage Sites
- Policy 4.1 Density
- Policy 4.2 Quality of residential accommodation
- Policy 4.3 Mix of dwellings
- Policy 5.2 Transport impacts
- Policy 5.3 Walking and cycling

## **SPDs**

Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015)
- Sustainable Design and Construction SPD (2008)

## **New Southwark Plan**

The New Southwark Plan is now at an advanced stage. The New Southwark Plan (NSP) was submitted to the Secretary of State in January 2020. The Examination in Public (EiP) for the NSP took place between February and April 2021. The Inspectors wrote a post hearings letter on 28 May 2021 and under Section 20(7)(c) of the Planning and Compulsory Purchase Act (2004) the council asked the Inspectors to recommend Main Modifications to ensure the Plan is sound. The council is consulting on the Main Modifications as recommended by the Inspectors from 6 August 2021 to 24 September 2021. The Inspectors will write a report once the consultation has concluded and they have had the opportunity to consider representations.

It is anticipated that the plan will be adopted later in 2021 and will replace the saved policies of the 2007 Southwark Plan, the 2011 Core Strategy, the Aylesbury Area Action Plan 2010, the Peckham and Nunhead Area Action Plan 2014 and the Canada Water Area Action Plan 2015. 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.

The Inspectors have heard all the evidence submitted at the Hearings and in previous stages of consultation. The main modifications comprise the changes to policies the Inspectors consider are needed to ensure the Plan is sound.

## Consultation undertaken

Site notice date: n/a.  
 Press notice date: n/a.  
 Case officer site visit date: n/a  
 Neighbour consultation letters sent: 18/05/2021

### Internal services consulted

Ecology  
 Environmental Protection  
 Highways Development and Management

Waste Management  
 Urban Forester  
 Transport Policy  
 Flood Risk Management & Urban Drainage  
 Design and Conservation Team [Formal]

### Statutory and non-statutory organisations

Environment Agency  
 Metropolitan Police Service  
 Thames Water

### Neighbour and local groups consulted:

The Lodge Southwark Park Road  
 London  
 Flat 9 Matson House Slippers Place  
 Flat 45 Matson House Slippers Place  
 46 Marden Square London Southwark  
 Southwark Park Primary School 383  
 Southwark Park Road London  
 Flat 36 Matson House Slippers Place  
 Flat 4 Hickling House Slippers Place  
 Flat 10 Hickling House Slippers Place  
 385C Southwark Park Road London  
 Southwark  
 Flat 28 Matson House Slippers Place  
 Flat 17 Matson House Slippers Place  
 Flat 12 Matson House Slippers Place  
 Flat 8 Hickling House Slippers Place

72 Marden Square London Southwark  
 9 Marden Square London Southwark  
 Flat 9 Glebe House Slippers Place  
 Flat 16 Glebe House Slippers Place  
 Flat 48 Matson House Slippers Place  
 Flat 43 Matson House Slippers Place  
 First Floor Flat 42 Banyard Road London  
 Flat 5 Park View Apartments 35 Banyard  
 Road  
 8 Marden Square London Southwark  
 399 Southwark Park Road London  
 Southwark  
 Flat 23 Matson House Slippers Place  
 Flat 7 Glebe House Slippers Place  
 Flat 13 Glebe House Slippers Place  
 Flat 10 Glebe House Slippers Place



403 Southwark Park Road London Southwark  
 Basement And Ground Floor 395 Southwark Park Road London  
 Flat 22 Matson House Slippers Place  
 Flat 20 Matson House Slippers Place  
 Flat 13 Matson House Slippers Place  
 Flat 5 Hickling House Slippers Place  
 Flat 1 Hickling House Slippers Place  
 68 Marden Square London Southwark  
 44 Banyard Road London Southwark  
 38 Banyard Road London Southwark  
 405 Southwark Park Road London Southwark  
 Flat D 42A Banyard Road London  
 77 Marden Square London Southwark  
 Flat C 391 Southwark Park Road London  
 Flat 26 Matson House Slippers Place  
 Flat 10 Cornick House Slippers Place  
 Flat 15 Glebe House Slippers Place  
 411 Southwark Park Road London Southwark  
 Flat 9 Park View Apartments 35 Banyard Road  
 Flat C 42A Banyard Road London  
 Flat 32 Matson House Slippers Place  
 Flat 18 Matson House Slippers Place  
 74 Marden Square London Southwark  
 Flat 4 Glebe House Slippers Place  
 12 Marden Square London Southwark  
 11 Marden Square London Southwark  
 Flat 9 Cornick House Slippers Place  
 Flat 8 Park View Apartments 35 Banyard Road  
 Flat 3 Park View Apartments 35 Banyard Road  
 Flat 9 Hickling House Slippers Place  
 73 Marden Square London Southwark  
 Flat 39 Matson House Slippers Place  
 Flat B 391 Southwark Park Road London  
 10 Marden Square London Southwark  
 Flat 38 Matson House Slippers Place  
 Flat 4 Park View Apartments 35 Banyard Road  
 Flat 3 Matson House Slippers Place  
 Flat 6 Hickling House Slippers Place  
 109 Marden Square London Southwark

45 Marden Square London Southwark  
 30 Banyard Road London Southwark  
 397 Southwark Park Road London Southwark  
 409 Southwark Park Road London Southwark  
 Flat 3 Glebe House Slippers Place  
 Flat 7 Matson House Slippers Place  
 25 Banyard Road London Southwark  
 Flat 42 Matson House Slippers Place  
 7 Marden Square London Southwark  
 Flat 33 Matson House Slippers Place  
 Flat 30 Matson House Slippers Place  
 Flat 16 Matson House Slippers Place  
 Flat 7 Hickling House Slippers Place  
 Flat 12 Hickling House Slippers Place  
 Flat 18 Glebe House Slippers Place  
 Flat 4 Matson House Slippers Place  
 76 Marden Square London Southwark  
 75 Marden Square London Southwark  
 49 Marden Square London Southwark  
 393 Southwark Park Road London Southwark  
 385 Southwark Park Road London Southwark  
 163 Marden Square London Southwark  
 Flat 44 Matson House Slippers Place  
 385B Southwark Park Road London Southwark  
 385A Southwark Park Road London Southwark  
 Basement And Ground Floor Flat 387 Southwark Park Road London  
 407 Southwark Park Road London Southwark  
 164 Marden Square London Southwark  
 Flat 27 Matson House Slippers Place  
 71 Marden Square London Southwark  
 Flat 14 Glebe House Slippers Place  
 Stanley Arms 418 Southwark Park Road London  
 13 Marden Square London Southwark  
 Flat 6 Matson House Slippers Place  
 34 Banyard Road London Southwark  
 Flat 21 Matson House Slippers Place  
 Flat 35 Matson House Slippers Place  
 Flat 31 Matson House Slippers Place

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48 Marden Square London Southwark  
 Flat 8 Glebe House Slippers Place  
 Flat 2 Glebe House Slippers Place  
 Flat 17 Glebe House Slippers Place  
 Flat 1 Glebe House Slippers Place  
 32 Banyard Road London Southwark  
 Flat 46 Matson House Slippers Place  
 Flat 41 Matson House Slippers Place  
 33 Banyard Road London Southwark  
 Flat 6 Park View Apartments 35 Banyard  
 Road  
 Flat 1 Park View Apartments 35 Banyard  
 Road  
 Flat F 391 Southwark Park Road London  
 Flat 5 Glebe House Slippers Place  
 Flat 11 Matson House Slippers Place  
 Flat 20 Glebe House Slippers Place  
 Flat 7 Park View Apartments 35 Banyard  
 Road  
 Flat 10 Matson House Slippers Place  
 28 Banyard Road London Southwark  
 47 Marden Square London Southwark  
 26 Banyard Road London Southwark  
 Flat 29 Matson House Slippers Place  
 Flat 14 Matson House Slippers Place  
 Flat 2 Cornick House Slippers Place  
 29 Banyard Road London Southwark  
 Flat 24 Matson House Slippers Place  
 Flat 15 Matson House Slippers Place  
 Flat 1 Matson House Slippers Place  
 Flat 3 Hickling House Slippers Place  
 Flat 11 Hickling House Slippers Place  
 69 Marden Square London Southwark  
 110 Marden Square London Southwark  
 6 Marden Square London Southwark  
 Flat 12 Glebe House Slippers Place  
 Flat 11 Glebe House Slippers Place  
 Flat 8 Matson House Slippers Place  
 Flat 5 Matson House Slippers Place  
 31 Banyard Road London Southwark  
 Flat B 42A Banyard Road London  
 Ground Floor Flat 42 Banyard Road  
 London  
 Flat 2 Matson House Slippers Place  
 Flat 2 Hickling House Slippers Place  
 Flat E 391 Southwark Park Road London  
 Flat 47 Matson House Slippers Place  
 Flat 40 Matson House Slippers Place  
 70 Marden Square London Southwark  
 40 Banyard Road London Southwark  
 Flat 19 Matson House Slippers Place  
 Flat D 391 Southwark Park Road London  
 Flat 2 Park View Apartments 35 Banyard  
 Road  
 Flat A 389 Southwark Park Road London  
 First Floor And Second Floor Flat 387  
 Southwark Park Road London  
 Flat 37 Matson House Slippers Place  
 Flat 34 Matson House Slippers Place  
 Flat 25 Matson House Slippers Place  
 5 Marden Square London Southwark  
 Flat 6 Glebe House Slippers Place  
 Flat 19 Glebe House Slippers Place  
 15 Marden Square London Southwark  
 14 Marden Square London Southwark  
 Flat 3 Cornick House Slippers Place  
 36 Banyard Road London Southwark  
 27 Banyard Road London Southwark  
 401 Southwark Park Road London  
 Southwark  
 Living Accommodation 418 Southwark  
 Park Road London

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**APPENDIX 3****Consultation responses received****Internal services**

Ecology  
 Environmental Protection  
 Highways Development and Management  
 Urban Forester  
 Transport Policy  
 Flood Risk Management & Urban Drainage

**Statutory and non-statutory organisations**

Environment Agency  
 Metropolitan Police Service  
 Thames Water

**Neighbour and local groups consulted:**

45 Matson House Slippers Place London	4 Hickling house slippers place
88 Arica House Slippers Place London	Rotherhithe London
11 Matson House Slippers Place London	27 Matson House Slippers Place London
15 Arica House Slippers place estate	31 Matson House Slippers Place
London	LONDON
Flat 6 Matson House Slippers Place	15 Matson House Slippers place London
London	16 Matson House Slippers Place London
14 Matson House Slippers Place London	27 Matson House Bermondsey London
36 matson house Slippers Place	10 Hickling House Slippers Place
LONDON	London
9 Matson House Slippers Place London	
12 Matson House Slippers Place London	

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**APPENDIX 4****Relevant planning history**

<b>Reference and Proposal</b>	<b>Status</b>
<b>19/EQ/0353</b> Pre application advice for an eight storey affordable residential development comprising of 18 new dwellings with associated amenity and landscaping. The site is occupied by 12 car parking spaces, pram sheds and the bin store and former storage room to Matson House	Pre-Application Enquiry Closed 06/12/2019

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## 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>	Rachel Askew London Borough of Southwark	<b>Reg. Number</b>	21/AP/1615
<b>Application Type</b>	Local Authority Development	<b>Case Number</b>	H45
<b>Recommendation</b>			

### Draft of Decision Notice

#### for the following development:

Redevelopment of an existing car park to create 18 residential units (use class C3) in a part 1, part 8 storey building, demolition of existing pram stores and part of an existing refuse store, adjustments to car parking, new landscape and amendments to existing estate paths.

Development Site At Carpark Of Matson House Slippers Place London Southwark

#### **In accordance with application received on 11 May 2021 and Applicant's Drawing Nos.:**

##### Proposed Plans

Plans - Proposed 1056 P 1000 - PROPOSED SITE PLAN received 11/05/2021

Floor Plans - Proposed 1056 P 1010 - PROPOSED GROUND FLOOR AND LANDSCAPE PLAN A received 29/07/2021

Floor Plans - Proposed 1056 P 1011 PROPOSED FIRST TO FOURTH AND FIFTH TO SIXTH FLOOR PLANS A received 29/07/2021

Plans - Proposed 1056 P 1012 - PROPOSED SECTION BB A received 29/07/2021

Plans - Proposed 1056 P 1012 PROPOSED SEVENTH FLOOR AND ROOF PLANS received 11/05/2021

Elevations - Proposed 1056 P 2000 PROPOSED CONTEXT ELEVATIONS: WEST AND SOUTH received 11/05/2021

Elevations - Proposed 1056 P 2100 - PROPOSED WEST AND SOUTH ELEVATIONS B received 29/07/2021

Elevations - Proposed 1056 P 2101 - PROPOSED EAST AND NORTH ELEVATIONS B received 29/07/2021

Plans - Proposed 1056 P 3100 - PROPOSED SECTION AA received 11/05/2021

##### Other Documents

Air quality assessment AIR QUALITY ASSESSMENT received 11/05/2021

Design and access statement DESIGN & ACCESS STATEMENT received 11/05/2021

Document FIRE SAFETY STRATEGY REPORT received 11/05/2021  
 Document GEO-ENVIRONMENTAL SITE ASSESSMENT received 11/05/2021  
 Energy statement ENERGY ASSESSMENT received 11/05/2021  
 Transport assessment/statement TRANSPORT STATEMENT received 11/05/2021  
 Viability report FINANCIAL VIABILITY STATEMENT received 11/05/2021  
 Ecology assessment/Nature conservation PRELIMINARY ECOLOGICAL APPRAISAL received 11/05/2021  
 Daylight/Sunlight assessment DAYLIGHT AND SUNLIGHT ASSESSMENT received 11/05/2021  
 Flood risk assessment FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY received 11/05/2021  
 Noise impact assessment NOISE IMPACT ASSESSMENT received 11/05/2021

### **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 Conditions**

3.
  - a) Prior to the commencement of any development a detailed remediation and/or mitigation strategy shall be prepared and submitted to the Local Planning Authority for approval in writing. The strategy shall detail all proposed actions to be taken to bring the site to a condition suitable for the intended use together with any monitoring or maintenance requirements. The scheme shall also ensure that as a minimum, the site should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out and implemented as part of the development.
  - b) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.
  - c) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing.

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 2021, Strategic Policy 13 (High environmental standards) of the Core Strategy 2011 and Saved Policy 3.2 (Protection of amenity) of the Southwark Plan 2007.

4. 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;
  - Site perimeter continuous automated noise, dust and vibration monitoring;
  - 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.;
  - Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
  - A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London

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 2021, 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 Conditions

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

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

**Reason:**

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and conservation) and 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity), 3.12 (Quality in Design) 3.13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

6. Before any above grade work hereby authorised begins, details of security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:**

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework 2021, Policy D11 (Safety, security and resilience to emergency) of the London Plan 2021, Strategic Policy 12 (Design and conservation) of the Core Strategy 2011 and Saved Policy 3.14 (Designing out crime) of the Southwark Plan 2007.

7. Before any above grade work hereby authorised begins, details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity green roof shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);



- laid out in accordance with agreed plans; and
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The 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 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 roof and Southwark Council agreeing the submitted plans, and once the green roof is 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 the National Planning Policy Framework 2021, Policies G1 (Green infrastructure), G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan 2021, Strategic Policy 11 (Design and Conservation) of the Core Strategy 2011 and Saved Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

8. Before any above grade work hereby authorised begins, full details and specification of the balcony noise treatments on the western facade (to include suitable Class A acoustic absorption on balcony soffits) shall be submitted to and approved in writing by the Local Planning Authority.

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 2021, 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 any above grade work hereby authorised begins, details of swift nesting bricks shall be submitted to and approved in writing by the Local Planning Authority.

No less than 10 nesting bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The bricks 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 Chapter 15 the National Planning Policy Framework 2021, Policy G6 (Biodiversity and access to nature) of the London Plan 2021 and Strategic Policy 11 (Open spaces and wildlife) of the Core Strategy 2011.

10. Before any above grade work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided 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:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework 2021, Policy T5 (Cycling) of the London Plan 2021, Strategic Policy 2 (Sustainable transport) of the Core Strategy 2011 and Saved Policy 5.3 (Walking and cycling) of the Southwark Plan 2007.

11. Prior to above grade works commencing, material sample-panels of all external facing materials (including mechanically fixed bricks for the entrance way soffits) to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with the National Planning Policy Framework 2021, Policy D4 (Delivering good design) of the London Plan 2021, 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.

### **Permission is subject to the following Compliance Conditions**

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 2021, Policy D4 (Delivering good design) of the London Plan 2021, 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.

13. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014 +A1:2019

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2021, Strategic Policy 13 (High environmental standards) of the Core Strategy 2011 and Saved Policy 3.2 (Protection of amenity) of the Southwark Plan 2007.

14. 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\*\* 30 dB LAeq T\*, 45dB LAFmax T \*  
 Living and Dining rooms- 35dB LAeq T\*\*  
 \* - Night-time 8 hours between 23:00-07:00  
 \*\*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 2021, 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.

### **Permission is subject to the following Special Condition**

15. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To ensure any piling does not significantly impact on or cause failure of the local underground sewerage utility infrastructure in accordance with the National Planning Policy Framework 2021 and Strategic Policy 13 (High environmental standards) of the Core Strategy 2011.

**Informatives**

1. The developer is expected complete the following works in consultation with Highways:
  - Repave the footway around the development on Stalham Street and Slippers Place using materials in accordance with Southwark's Streetscape Design Manual (SSDM)
  - Reinstate redundant vehicle crossover on Stalham Street as footway
  - Install dropped kerbs on Slippers Place for refuse bins
  - Detailed drawings should be submitted to confirm that surface water from private areas does not flow onto public highway in accordance with Section163 of the Highways Act 1980.

**Contents**

RECOMMENDATION .....2

BACKGROUND INFORMATION .....2

KEY ISSUES FOR CONSIDERATION .....2

    Policy implications .....3

    Objection to the Order .....4

    Consultation .....5

    Conclusion.....5

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 13 September 2021	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>		TPO 619: 63-65 Warner Road, London SE5 9NE	
<b>Ward(s) or groups affected:</b>		Camberwell Green	
<b>From:</b>		Director for Growth and Planning	

## RECOMMENDATION

1. That the provisional TPO reference 619 be confirmed, unamended.

## BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on the 22 March 2021 following a request to intervene against the removal of a boundary tree under joint ownership.
3. Officers were informed of tree removals being undertaken at 63 Warner Road by the residents at number 65. The resident had contacted the Council over concerns of breaching wildlife legislation pertaining to nesting habitats after first speaking with the Police and being directed to the local authority.
4. Officers attended site to investigate and found tree surgery works being undertaken. Whilst the works did not infringe wildlife legislation, nor was the removal of two large Leylandii at 63 Warner Road of concern, as the configuration of these trees would likely have come under High Hedges legislation (Part 8, of the Anti-Social Behaviour Act 2003); a boundary Sycamore tree of moderate amenity potential was identified.
5. A TEMPO (Tree Evaluation Method for Preservation Orders) assessment was undertaken and the tree considered worthy of protection.
6. The order covers a tree which is highly visible from public realm from two roads, of fair structural integrity and with an expected safe useful life expectancy in excess of 40 years.
7. Two objections to the TPO have 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

8. 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.
9. The tree was assessed as attaining a score of 18 (out of a potential total 25) under the Tree Evaluation Method for Tree Preservation Orders (TEMPO), resulting in a decision guide indicating that the making of a TPO is merited.
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 G7 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. Emerging policy of the 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. Two Objections have been received from local residents.
19. The objections propose that the tree has outgrown its location, is causing damage and prevents the building of an extension. That "This tree is hidden in between two properties and is of no significant value to the community as it cannot be seen easily from the main road and is of no significant value to the area". Further, that the garden has been neglected for over 20 years which is why the trees have become overgrown from poor management. That the tree is asymmetrical with poor multi-stemmed form and will hinder new planting proposals and landscape plans in order to enhance the garden.
20. Officers are of the understanding that the property was purchased at auction on the 18 February 2021, by the objector, and that a large glazed conservatory has since been built at the property with the TPO tree in situ, but; without the requisite planning permission being sought.
21. Retrospective Planning Application 21/AP/1817 was refused and the unauthorised works are subject to enforcement investigation 21/EN/0141.
22. The decision notice stating that the unauthorised works should be removed and the land restored back to its original condition before these unauthorised works took place. Enforcement action may be taken without further warning.
23. The tree is highly visible from both Valmar and Crawford Roads. Trees are a material consideration for planning, as now enshrined under paragraph 131 of the National Planning Policy Framework (2021).
24. No conclusive evidence has been provided by the objector in support of the claim that the tree is causing damage to the property. .Emerging policy P60 provides clear guidance that the loss of mature trees must be justified.
25. Given that the tree has previously been reduced, 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 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.
27. 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.
28. 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.
29. 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**

30. 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**

31. It is recommended for the reasons set out above that the tree is of sufficient quality to justify TPO status.
32. The tree contributes not only to the verdant nature of their setting but also confers benefit to the wider community both in the uptake of pollutants and the reduction in direct precipitation and counter the urban 'heat island' effect through shade cast
33. 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.
34. Should the provisional TPO not be confirmed, the tree would not be protected.
35. It is therefore recommended that in order to afford greater legislative protection to this tree, the Provisional Tree Preservation Order be

confirmed, unamended.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

36. The original Tree Preservation Order was made on 22 March 2021 and this protects the trees for up to six months unless confirmed and made permanent.
37. The report refers to the duty imposed upon Councils 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.
38. In this instance, two objections to the Order have been received.

## **REASON FOR URGENCY**

### **Legislative requirement**

39. The TPO lapses on 22 September 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	Trees telephone: 020 7525 0511 Council website: www.southwark.gov.uk
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	As above
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	As above
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	As above

## APPENDICES

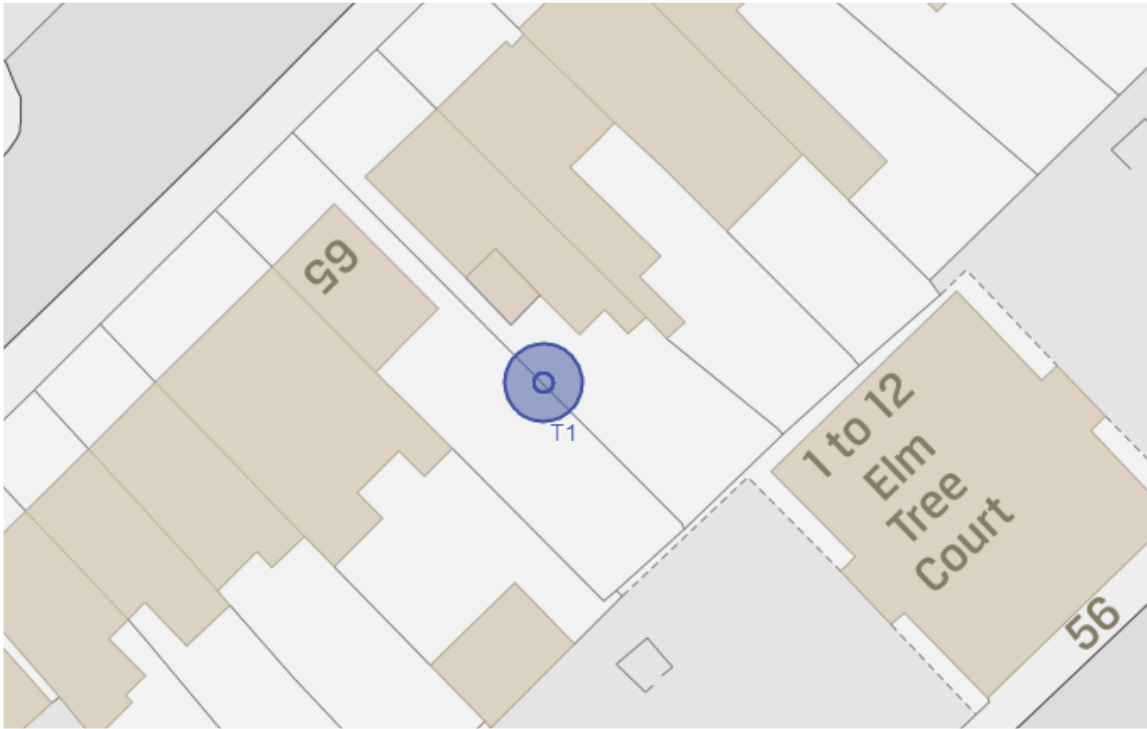
No.	Title
Appendix 1	Map
Appendix 2	Provisional TPO

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Liam Bullen, TPO Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 August 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>		1 September 2021

# APPENDIX 1

## MAP



**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. 619) 2021**

63/65 Warner Road London SE5 9NE

THIS IS A FORMAL NOTICE to let you know that on the 22<sup>nd</sup> March 2021 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.

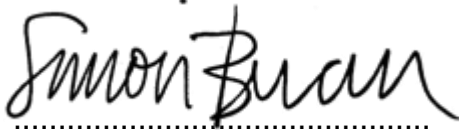
The order took effect on a provisional basis on 22<sup>nd</sup> March 2021. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

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 22/04/2021). 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/619), 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 Liam Bullen, TPO Officer on 0207 525 5338.

Dated 22<sup>nd</sup> March 2021



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 619) 2021

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 619) 2021

### 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 22nd March 2021

Signed on behalf of the London Borough of Southwark



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



CONFIRMATION OF ORDER

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

OR

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

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

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

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

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

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

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

Signed on behalf of the London Borough of Southwark

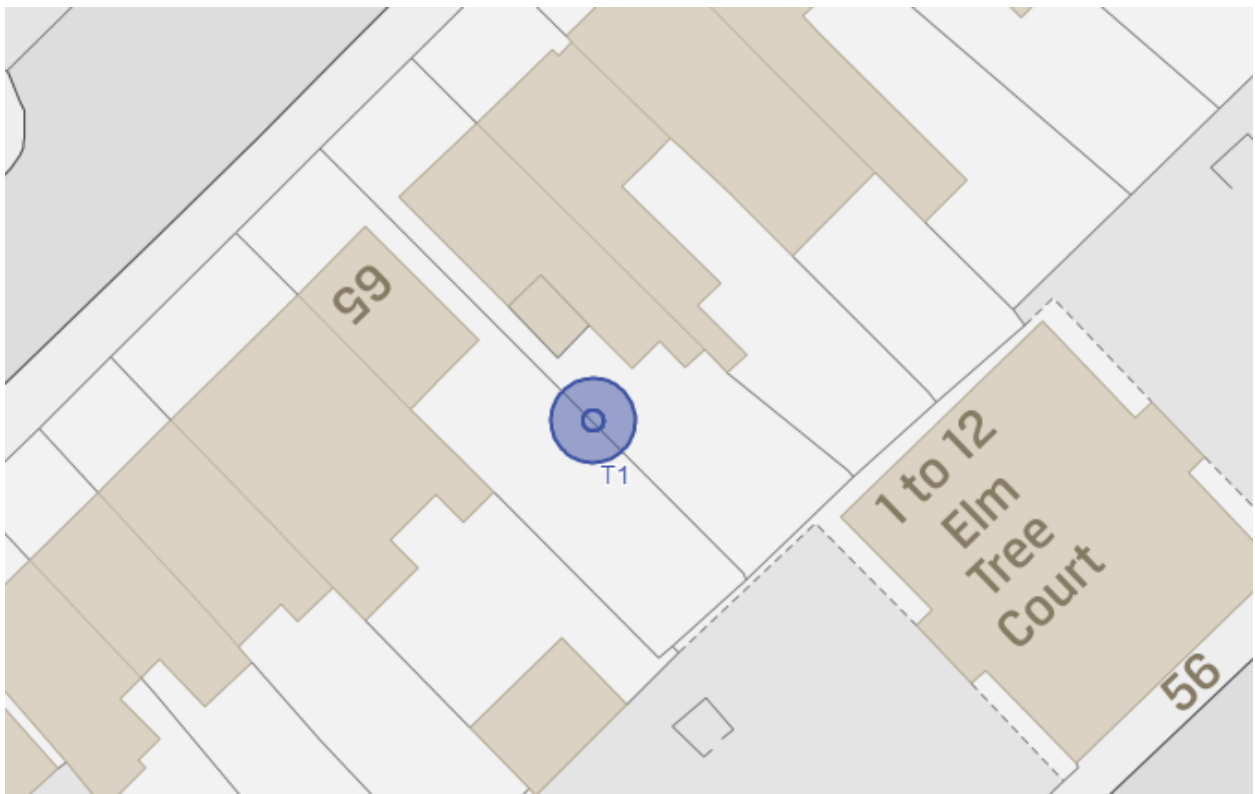
.....

Authorised by the Council to sign in that behalf

**SCHEDULE**  
**Specification of trees**

**Tree specified as an Individual**  
**(within a black circle on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	Boundary, 63 & 65 Warner Road London SE5 9NE





TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)							
Survey Data Sheet & Decision Guide							
Date:	22.03.21		Surveyor:	LB			
Tree details							
TPO Ref (if applicable):	618	Tree/Group No:	T1	Species:	Sycamore		
Location:	63/65 Warner Road SE5 9NE						
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 w hich are an existing or near future nuisance			
c) Relative public visibility & suitability for TPO							
Very large trees w ith 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 w ith limited view only				3	Suitable		
Young, small, or medium/large trees visible only w ith 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 w ith identifiable historic, commemorative or habitat importance				3			
Trees of particularly good form, especially if rare or unusual				2			
Trees w ith 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:	18		Date:		
1-6 TPO indefensible					TPO Served:		
7-10 Does not merit TPO		Recommend:	TPO		Confirmed:		
11-14 TPO defensible			Do Not TPO				
15+ Definitely merits TPO		Date:	22.03.2021				

**PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN)  
MUNICIPAL YEAR 2021-22**

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

Name	No of copies	Name	No of copies
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Councillor Maria Linforth-Hall (Vice-chair)	1		
Councillor Sirajul Islam	1	Communications	By email
Councillor Victoria Mills	1	Louise Neilan, media manager	
Councillor David Noakes	1		
Councillor Sandra Rhule	1		
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