

## Planning Sub-Committee A

Wednesday 21 September 2022

6.30 pm

Ground Floor Meeting Room GO2 - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor John Batteson  
Councillor Natasha Ennin  
Councillor Ketzia Harper  
Councillor Adam Hood  
Councillor Richard Livingstone

### Reserves

Councillor Maggie Browning  
Councillor Gavin Edwards  
Councillor Jason Ochere  
Councillor Chloe Tomlinson  
Councillor Irina Von Wiese

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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:** Gerald Gohler on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 13 September 2022



# Planning Sub-Committee A

Wednesday 21 September 2022

6.30 pm

Ground Floor Meeting Room GO2 - 160 Tooley Street, London SE1 2QH

## Order of Business

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| 1.       | <b>INTRODUCTION AND WELCOME</b>   |          |
| 2.       | <b>APOLOGIES</b>  |          |
| 3.       | <b>CONFIRMATION OF VOTING MEMBERS</b>   |          |
|          | A representative of each political group will confirm the voting members of the sub-committee.                          |          |
| 4.       | <b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>   |          |
|          | Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting. |          |
| 5.       | <b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>  |          |
|          | The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.               |          |
| 6.       | <b>MINUTES</b>  | 1 - 5    |
|          | To approve as a correct record the minutes of the meeting held on 5 July 2022.  |          |
| 7.       | <b>DEVELOPMENT MANAGEMENT ITEMS</b>   | 6 - 9    |

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| <b>7.1.</b>     | <b>SEAVINGTON HOUSE, CHAMPION HILL, SOUTHWARK LONDON</b>                     | 10 - 60         |
| <b>7.2.</b>     | <b>MARLBOROUGH PLAYGROUND, 11- 25 UNION STREET, SOUTHWARK LONDON SE1 1SD</b> | 61 - 101        |

### **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: 13 September 2022

## 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 three 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 three-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: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)



## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 5 July 2022 at 6.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Kath Whittam (Chair)  
 Councillor Jane Salmon (Vice-Chair)  
 Councillor John Batteson  
 Councillor Natasha Ennin  
 Councillor Ketzia Harper  
 Councillor Adam Hood  
 Councillor Richard Livingstone

**OTHER MEMBERS PRESENT:** Councillor Kimberly McIntosh

**OFFICER SUPPORT:** Sadia Hussain (Legal Officer)  
 Dennis Sangweme (Development Management)  
 Dipesh Patel (Development Management)  
 Gemma Perry (Development Management)  
 Liam Bullen (TPO Officer)  
 Maria Lugangira (Principal Constitutional Officer)  
 Gerald Gohler (Constitutional Officer)

### 1. INTRODUCTION AND WELCOME

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

### 2. APOLOGIES

There were apologies for lateness from Councillor Natasha Ennin.

### 3. CONFIRMATION OF VOTING MEMBERS

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

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

The following member made a declaration regarding the agenda item below:

#### **9.1 Burgess Park Community Sports Pavilion, Burgess Park Community Sport Ground, 106 Cobourg Road, London SE5 0JB.**

Councillor Ketzia Harper, non-pecuniary, as this item was in her ward.

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

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

- Members' pack
- Addendum report relating to items 8 (tree preservation order) and 9.1 (development management item).

### 6. MINUTES

#### **RESOLVED:**

That the minutes of the meeting held on 25 January 2022 be approved as a correct record of the meeting and signed by the chair.

At this point Councillor Natasha Ennin joined the meeting and confirmed that she was a voting member of the sub-committee.

### 7. TREE PRESERVATION ORDER 644 CONFIRMATION REPORT - RYLSTONE, GROVE PARK, SE5 8LT

Report: see pages 6 to 28 of the agenda pack.

The meeting heard the officer's presentation of the report.

Members asked questions of the officer.

There were no objectors, supporters or ward councillors present at the meeting and wishing to speak.

**RESOLVED:**

That the provisional tree preservation order reference 644 be confirmed, unamended.

**8. TREE PRESERVATION ORDER 645 CONFIRMATION REPORT - 2 BELVOIR ROAD, LONDON SE22 0QY AND LAND TO THE EAST OF 2 BELVOIR ROAD, LONDON SE22 0QY**

Report: see pages 29 - 46 of the agenda pack and pages 1 to 3 of the addendum report.

The meeting heard the officer's presentation of the report.

Members asked questions of the officer.

There were no objectors, supporters or ward councillors present at the meeting and wishing to speak.

**RESOLVED:**

That the provisional tree preservation order reference 645 be confirmed, unamended.

**9. 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 agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the 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 can be clearly specified.



**9.1 BURGESS PARK COMMUNITY SPORTS PAVILION, BURGESS PARK  
COMMUNITY SPORT GROUND, 106 COBOURG ROAD, LONDON SE5 0JB**

**Planning application number: 21/AP/3625**

Report: see pages 51 to 87 of the agenda pack and pages 3 to 5 of the addendum report.

**PROPOSAL**

*Construction of a ball court with perimeter fencing and installation of x2 LED floodlights. The ball court will provide a pitch for wheelchair sports which also functions as a court for basketball, to be included as part of the new Burgess Park Sports Centre Hub.*

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

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

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

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

Councillor Kimberly McIntosh addressed the sub-committee and responded to questions from members of the sub-committee.

Members of the sub-committee further debated the application and asked questions of officers.

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

**RESOLVED:**

1. That planning permission be granted subject to the conditions set out in the report.
2. That the informative be amended to reflect that planning consent has been granted on the understanding that a full consultation about the re-provision of a barbecue area will be undertaken by the parks department and that the results of this consultation be implemented.

The meeting ended at 8.23 pm.

**CHAIR:**

**DATED:**

|                                    |                                |                                   |  |
|------------------------------------|--------------------------------|-----------------------------------|--|
| <b>Item No.</b><br>7.              | <b>Classification:</b><br>Open | <b>Date:</b><br>21 September 2022 | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>               |                                | Development Management            |  |
| <b>Ward(s) or groups affected:</b> |                                | All                               |  |
| <b>From:</b>                       |                                | Proper Constitutional Officer     |  |

## RECOMMENDATIONS

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

## BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F 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 sub-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 Levelling Up, Housing and Communities 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 the Secretary of State ( vis the Planning Inspectorate) 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 means that the director of planning and growth is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the sub-committee and issued under the signature of the director of planning and growth constitutes a planning permission. Any additional conditions required by the sub-committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning sub-committee.
13. A resolution to grant planning permission subject to legal agreement means that the director of planning and growth 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 law and governance, and which is satisfactory to the director of planning and growth. Developers meet the council's legal costs of such agreements. Such an agreement is entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as determined by the director of law and governance. 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, to local finance considerations and to any other material considerations when dealing with applications for planning permission. Local finance considerations

are discussed further in paragraph 18 below and material considerations in paragraph 17.

15. Where there is any conflict with a policy contained in the development plan, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (s38(5) Planning and Compulsory Purchase Act 2004).
16. 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 for Southwark is now the London Plan 2021 and the Southwark Plan 2022.
17. Case law has established that to be *material* the considerations must (i) relate to a planning purpose and not any ulterior purpose. A planning purpose is one that relates to the character and use of land (ii) must fairly and reasonably relate to the development permitted and (iii) must not be so unreasonable that no reasonable planning authority would have regard to them.
18. Section 143 of the Localism Act 2011 amended Section 70 of the Town and Country Planning Act 1990 and provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through Community Infrastructure Levy (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.
19. Regulation 122 of the Community Infrastructure Levy (CIL) regulations 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 in 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. Planning permissions cannot be bought or sold. Benefits which provide a general benefit to the community rather than being proposed for a proper planning purpose affecting the use of the land, will not satisfy the test.

20. 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.
21. The National Planning Policy Framework (NPPF) was last updated in July 2021. The NPPF is supplemented by detailed planning practice guidance (PPGs) on a number of

planning topics. The NPPF is a material planning consideration in the determination of planning applications.

## BACKGROUND DOCUMENTS

| Background Papers  | Held At  | Contact                              |
|--|--|--------------------------------------|
| Council assembly agenda<br>23 May 2012                             | Constitutional Team<br>160 Tooley Street<br>London<br>SE1 2QH    | Virginia Wynn-Jones<br>020 7525 7055 |
| Each planning sub-committee item has a separate planning case file | Development Management<br>160 Tooley Street<br>London<br>SE1 2QH | Planning Department<br>020 7525 5403 |

## APPENDICES

| No.  | Title |
|------|-------|
| None |       |

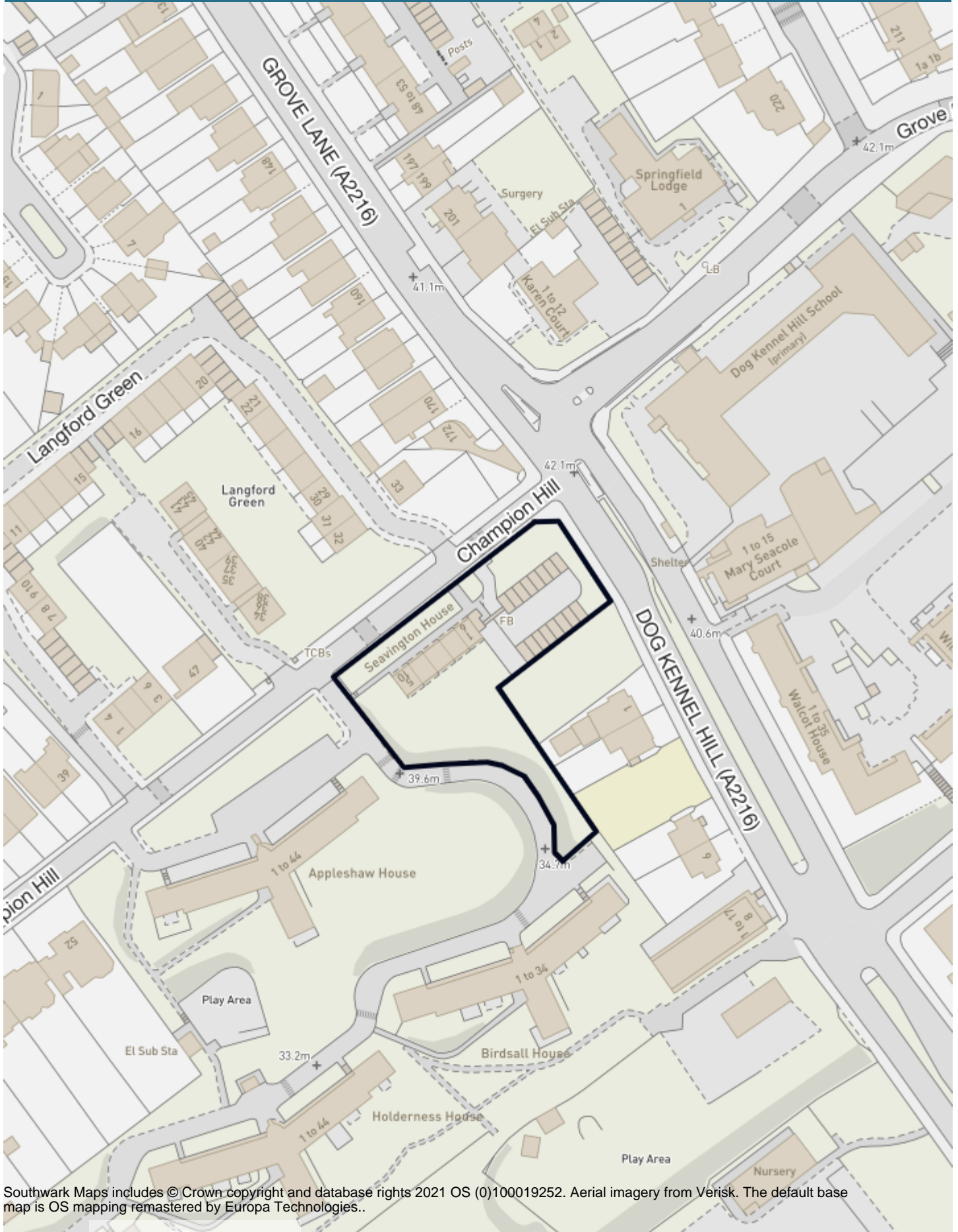
## AUDIT TRAIL

|   |   |                          |              |
|---|---|--------------------------|--------------|
| <b>Lead Officer</b>   | Chidilim Agada, Head of Constitutional Services                     |                          |              |
| <b>Report Author</b>  | Sadia Hussain, Acting Deputy Head of Law (Property and Development) |                          |              |
| <b>Version</b>  | Final   |                          |              |
| <b>Dated</b>  | 31 August 2022  |                          |              |
| <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>                    |   |                          | 27 June 2022 |

# Agenda Item 7.1



22/AP/0174 - SEAVINGTON HOUSE, CHAMPION HILL, LONDON, SE5 8D



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| <b>Item No.</b><br>7.1                   | <b>Classification:</b><br>Open  | <b>Date:</b><br>21 September 2022 | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>                     | <b>Development Management planning application:</b><br>Application for: Full Planning Application 22/AP/0174<br><br><b>Address:</b><br>SEAVINGTON HOUSE, CHAMPION HILL, SOUTHWARK, LONDON<br><br><b>Proposal:</b><br>Demolition of 16 garages and 10 bedsits and redevelopment of the site for the construction of 5 terraced three storey houses and a 19 unit four storey block of flats providing a total 24 new homes at 100% social rent |                                   |  |
| <b>Ward or groups affected:</b>          | Champion Hill   |                                   |  |
| <b>From:</b>                             | Director of Planning and Growth   |                                   |  |
| <b>Application Start Date</b> 25/01/2022 |   | <b>PPA Expiry Date</b> 30/06/2022 |  |
| <b>Earliest Decision Date</b> 03/03/2022 |   |                                   |  |

## 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 21 December 2022 the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 110 of this report.

## BACKGROUND INFORMATION

### Site location and description

3. The application site is Seavington House a two storey building which contains 10 one bedroom bedsits, with 16 garages to the east of the site. It also comprises paving, soft landscaping and planting. The site covers 2630 sq. m. and is bound by Dog Kennel Hill to the east, Champion Hill to the north and an estate access road to the west.

Existing site location plan



4. The surrounding area is predominantly residential in land use, with the exception of Dog Kennel Hill Primary School located on the east side of Dog Kennel Hill. The Champion Hill Estate sits to the west of the site which is characterised by five storey residential buildings. The wider surrounding area is characterised by two to five storey residential buildings.
5. A parcel of land, 1A Dog Kennel Hill, immediately to the south of the site benefits from planning permission 10/AP/1891 for the erection of a five storey building including basement car park to provide 9 x 3 bedroom houses, private amenity space, soft land hard landscaping and boundary treatment, which has been subject to recent variations. There is also an application currently pending consideration 20/AP/0359 for the erection of a six storey building comprising 31 residential units (14 x 1 bed, 12 x 2 bed and 5 x 4 bed).

Photograph of existing Seavington House



6. The site is subject to the following designations:
- Dog Kennel Hill Controlled Parking Zone (CPZ)
  - Air Quality Management Area
  - Central Southwark Critical Drainage Area
  - Urban Density Zone
7. The site does not contain any listed buildings and is not in a conservation area. The Camberwell Grove Conservation Area is to the north east, across Champion Hill. The nearest listed building is Champion Cottage, Grade II listed, located to the west across Champion Hill. Dog Kennel Hill Park further to the south is designated as Metropolitan Open Lane (MOL) and a Site of Importance for Nature Conservation (SINC).

### **Details of proposal**

8. The proposed development is for the demolition of Seavington House (10 one bedroom bedsits) and 16 garages, and the construction of a four storey block containing 19 flats and a three storey terrace containing five houses.
9. All of the 24 new homes would be social rented homes and form part of the Council's New Homes Delivery Programme which seeks to deliver 11,000 new homes by 2043.
10. The proposed dwelling mix is for 3 x 1 bedroom dwellings, 3 x 2 bedroom dwellings and 7 x 3 bedroom dwellings.
11. The proposal would also provide extensive landscaping to surround the buildings, including a communal garden with planting and a woodland area.

Refuse storage and cycle storage associated with the development are also proposed.

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

12. Summarised below are the material planning consideration raised by members of the public.
13. 47 objections have been received relating to the following matters:
14. Design quality and site layout:
  - Building lines / too close to the road
  - Inappropriate height, scale and massing
  - Out of character with surrounding area
  - Impact on heritage
15. Quality of accommodation and provision of private/communal outdoor space:
  - Small size of homes
  - Small size of amenity space
  - Noise and pollution
16. Neighbouring amenity impacts:
  - Proximity to 1A Dog Kennel Hill
  - Privacy impacts
  - Daylight and sunlight impacts
  - Noise
17. Transport, parking, highways, deliveries and servicing matters:
  - Close to a busy junction / creates a blindspot
  - Lack of car parking
  - Impact of deliveries
  - Increase in traffic
  - No wheelchair accessible parking
18. Ecology and biodiversity:
  - Loss of green space
  - Loss of trees / ecology
  - Impact on TPO trees
19. 49 support comments have been received relating to the following matters:
20. Principle of development and proposed land uses:
  - Efficient use of land
  - Existing homes have reached end of life

21. Affordable housing and viability:
- Support affordable housing
  - Support family sized homes
22. Design quality and site layout:
- Appropriate height
  - Adds to character of local area
  - Respects building lines
23. Quality of accommodation and provision of private/communal outdoor space:
- New playspace
24. Transport, parking, highways, deliveries and servicing matters:
- Improve pedestrian safety
25. Ecology and biodiversity:
- New planting
  - Urban Greening Factor of 0.58
  - Green roof
26. Other matters:
- Use of PVs
27. These matters are addressed in the relevant parts of this report.

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

28. 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**

29. 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
- Energy and sustainability
- Ecology and biodiversity
- Planning obligations (S.106 undertaking or agreement)
- Consultation responses, and how the application addresses the concerns raised
- Community impact and equalities assessment
- Human rights

30. These matters are discussed in detail in the ‘Assessment’ section of this report.

### **Legal context**

31. 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 2021 and the Southwark Plan 2022. 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.
32. 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**

33. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) 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**

34. The proposal seeks the demolition of an existing block of 10 one bedroom flats and 16 garages, and the construction of 24 residential dwellings. The proposed residential land use has already been established on site. Garages are not protected within planning policy meaning the loss of the garages on site does

not give rise to any land use issues.

35. The number of homes on the application site would increase from 10 to 24. The proposed development would make an efficient use of land to provide additional, and improved, social rented housing. The proposed layout of the site is shown below.

Site plan



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

36. All of the 24 dwellings would be council homes at social rent. The proposed housing mix is as follows:

| Unit size | No. of social rented units |
|-----------|----------------------------|
| 1 bedroom | 9 (37.5%)                  |
| 2 bedroom | 7 (29%)                    |
| 3 bedroom | 3 (12.5%)                  |
| 4 bedroom | 5 (21%)                    |
| All units | 24                         |

37. 62.5% of the new homes would have two or more bedrooms which exceeds the minimum 60% requirement as set out in Policy P2 of the Southwark Plan 2022. Furthermore, 33.5% of homes would have 3 bedrooms which exceeds the 25% minimum requirement in the urban zone. The housing mix is policy compliant.
38. There are no wheelchair accessible units proposed on site due to the level changes on the site and the inability to provide on-site wheelchair accessible car parking. As such, the shortfall of 9 habitable rooms (10% of habitable rooms

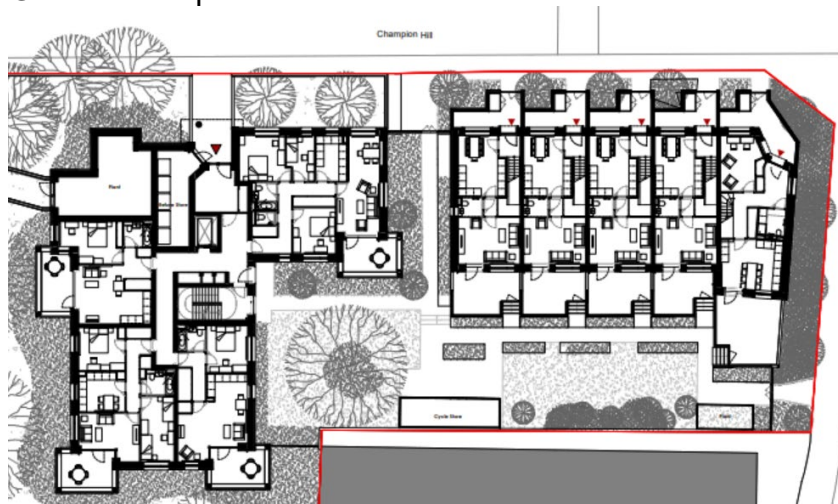


on site) would be offset via a financial contribution of £90,000. This is to be secured via a unilateral undertaking.

## Quality of residential accommodation

39. The proposed development would provide 24 new homes across the two buildings. Five terraced houses are proposed, and 19 homes are proposed within a flatted development. All dwellings would meet, or exceed, the Nationally Described Space Standards in terms of GIA, and in terms of individual room sizes. All of the homes would be at least dual aspect, providing sufficient levels of daylight and sunlight for future occupiers.

40. Ground floor plan



41. Every home would have access to private amenity space. Four of the houses would have access to 15 sq. m. rear gardens, and one house would have access to a 26 sq. m. rear garden. Whilst it is acknowledged that the Southwark Plan 2022 requires houses to have 50 sq. m. gardens, future occupiers of the houses would also have access to the communal amenity space, as well as play space. All of the flats would have access to balconies. The Southwark Plan 2022 states that flats should have access 10 sq. m. of private amenity space, and three bedroom flats must have access to 10 sq. m. For the 19 flats, 186 sq. m. of private balcony space would be provided. The 4 sq. m. shortfall in private amenity space would again be offset within the communal amenity space.

42. Communal amenity space of 275 sq. m. would be provided to the rear of the terraced properties. This far exceeds the minimum policy requirement of 50 sq. m., offsets the minor shortfalls in the size of private amenity spaces proposed and provides additional space for future occupiers of the houses. The proposal would be subject to a condition for a landscape management plan to ensure high quality landscaping for future occupiers. The wider site would also include new tree planting and a woodland area.

43. Overall the proposed development would provide a high quality of both internal and external accommodation for future occupiers.

## Design, layout and heritage assets

44. At an overall height of four storeys, stepping down to three storeys, the proposed development would sit well within its surroundings. The four storey block to the west of the site would sit below the five storey blocks of the Champion Hill Estate and slightly above the three storey properties across Champion Hill. The three storey lower element of the proposal would be at the junction of Dog Kennel Hill and Champion Hill, whereby the closest buildings range from two to four storeys, stepping up to five storeys further south along Dog Kennel Hill. Furthermore, the proposed development is of an appropriate scale to make a townscape statement on the notable corner.

45. View from Grove Hill Road



46. A consistent architectural design is proposed across the two buildings. The town houses have an aligned fenestration with brick detailing around the windows at second floor and read clearly as terraces, as shown below. Since the planning application was submitted the design of the rear of the house has been improved to ensure the detailing is provided on all elevations, with bricks again used to effectively highlight the fenestration. The inset corner makes a feature at the junction, ensuring appropriate sightlines and creating a small area of public realm in front of the private front gardens to the terraces.

47.



View of the terraces

48. The top floor of the block of flats would be set back reducing its visual impact, with a lift shaft and other roof plants further set back, as shown below.

49. View of the flatted development



50. The site is opposite the boundary of the Camberwell Grove Conservation Area and also in proximity of a Grade II listed building at 47 Champion Hill. Although the proposed development would be visible from these locations, it would not cause any harm to the heritage assets or their settings as the proposed buildings are set back from the main road, and are of an appropriate scale given the context of the surrounding area.

51. The proposed brick choice and colour would be consistent with other buildings in the area and would create a high quality scheme. Conditions have been recommended for details of external facing materials to be submitted. A

condition has also been recommended for details of the proposed biodiversity roof to be submitted.

## Landscaping and trees

52. The proposed landscaping strategy includes an area of communal amenity space within a courtyard to the rear of the terraced properties. Tree planting is proposed across the site, with a woodland area to the south.
53. As identified within the submitted Arboricultural Impact Assessment, 13 trees would need to be removed to facilitate the proposed development. This includes one Category U tree, six Category B trees and six Category C trees. Important high value amenity trees on the site, covered by a Tree Preservation Order (TPO) would be retained.
54. The proposed scheme would exceed tree loss mitigation requirements by supplementing all tree loss in term of girth at the time of planting, in accordance with planning policy. The tree replacement strategy includes a mix of 19 street trees and courtyard trees and 360 sq. m. of woodland, comprising 121 new trees, on the bank adjacent to the estate road. This is a long term planting strategy, with the tree girths to increase with each cutting rotation providing new woodland habitats.
55. Tree planting plan



56. Conditions have been recommended for a landscape management plan, full details of tree planting and a woodland management plan to be submitted.

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

57. The proposed development would provide 275 sq. m. of formal communal amenity space on site, not including playspace. This quantity exceeds the 50

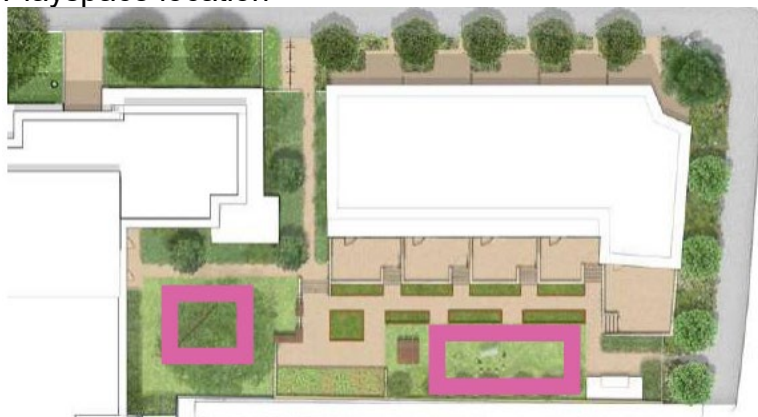
sq. m. minimum requirement as set out by planning policy, and is sufficient to offset the minor shortfalls in private amenity space. Furthermore, the extensive landscaping across the site, including the 360 sq. m. woodland area, would provide a high quality external environment for future occupiers.

58. Landscape plan



59. As determined by the GLA calculator, the expected child yield of the development is 31.1 and for ages 0-4 it is 11.1. The proposed development would provide 110.6 sq. m. of doorstep play on site for ages 0-4, which therefore meets policy requirements for ages 0-4. This is shown on the landscape plan above, and specifically outlined in the plan below.

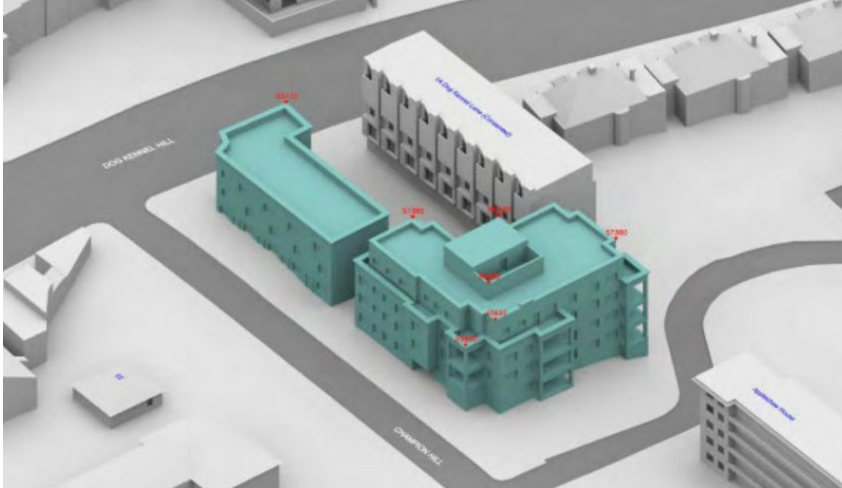
60. Playspace location



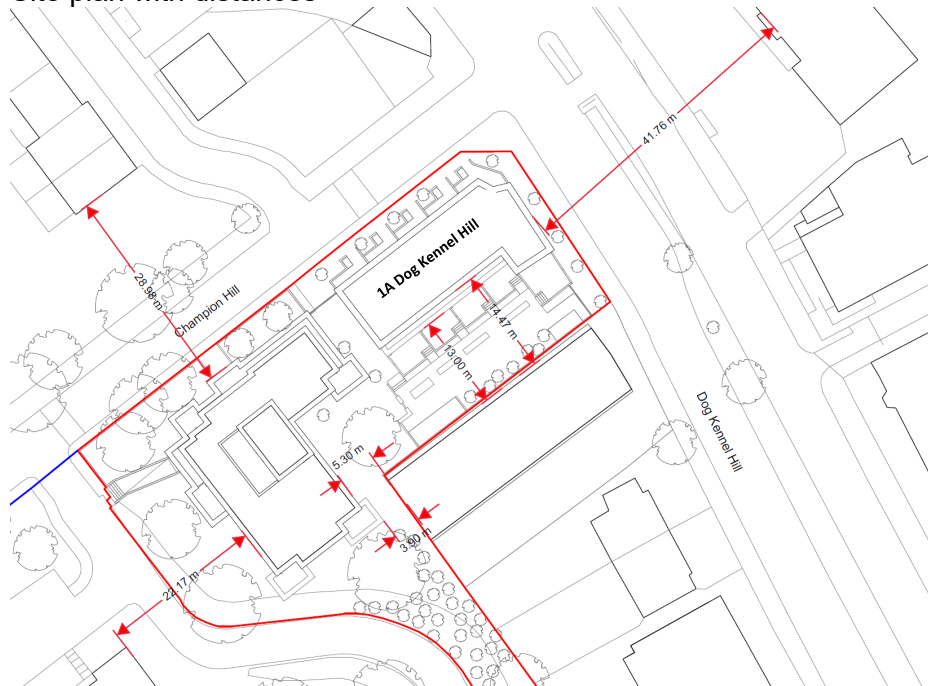
61. The proposal would provide the doorstep play required for ages 0-4 on site, whilst playspace for older children would be provided off site within the wider Champion Hill Estate. It cannot be provided on site due to physical site constraints, including the need to avoid root protection areas of existing trees. The offsite playspace is to be secured via Unilateral Undertaking and full details will be required.

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

62. The nearest buildings to the application site are Appleshaw House, 1-15 Mary Seacole Court, 33 Langford Green, 34-38 Langford Green and 1A Dog Kennel Hill (10/AP/1891), which is currently vacant but benefits from planning permission and has a further application pending consideration (20/AP/0359).
63. Proposed scheme in context



64. Site plan with distances



### Privacy, outlook and sense of enclosure

65. All neighbouring buildings, with the exception of 1A Dog Kennel Hill, are located across highways and over 12 metres from the proposed development and therefore comply with the minimum 12 metre separation distance at the

front of a building as set out in the 2015 Technical Update to the Residential Design Standards SPD 2011.

66. The consented scheme (10/AP/1891) at 1A Dog Kennel Hill for 9 x 3 bedroom houses, and the scheme pending consideration (20/AP/0359) for 31 flats, are both of a similar footprint, though with different layouts. The consented scheme was granted at appeal and is situated close to the boundary edge.
67. The separation distance at ground floor between the rear of the terraced houses and 1A Dog Kennel Hill is approximately 13 metres. All homes within the proposed scheme and the two potential schemes at 1A Dog Kennel Hill are dual aspect and future occupiers would have various options for outlook.
68. The proposed terraces would contain living rooms to the rear of the ground floor which would have outlook into private gardens, with the communal amenity space and 1A Dog Kennel Hill beyond. Within the consented scheme at 1A Dog Kennel Hill the ground floor includes the front doors to the houses and toilets to the north, therefore not giving rise to any direct overlooking. Within the scheme pending consideration at 1A Dog Kennel Hill, the ground floor includes large open plan kitchen / living / diners, which are dual aspect rooms with substantial outlook to the rear. A condition has been recommended for details of boundary treatment to be submitted.
69. Bedrooms are proposed on the upper floors of the terraces. The upper floors are set back and the separation distance from 1A Dog Kennel Hill would therefore be approximately 14.47 metres. The upper floors of the consented scheme at 1A Dog Kennel Hill (10/AP/1891) include dual aspect living rooms at first floor and bedrooms above. The upper floors of the scheme pending consideration (20/AP/0359) are bedrooms and the dining areas of open plan living / kitchen / diners.
70. There would be some level of overlooking between the application site and 1A Dog Kennel Hill. As set out, at ground floor this would be mitigated by private and communal gardens and boundary treatments, and the internal layout of the proposals. The proposed houses have been designed with bedrooms on the upper floors which are not principal living spaces and as such, some degree of overlooking would not unacceptably impact the overall quality of accommodation. Similarly, within the consented schemes at 1A Dog Kennel Hill, bedrooms, dining rooms or open plan and dual aspect living rooms are proposed on the upper floors. Furthermore, all of the homes would be dual aspect and would not be confined to poor outlook or overlooking from all elevations. On balance, the proposed development has been well designed to be set as far from the consented scheme at 1A Dog Kennel Hill and with an appropriate internal layout, and therefore would not give rise to unacceptable impacts in terms of privacy, outlook and sense of enclosure.

### Daylight and sunlight

71. A Daylight and Sunlight Assessment has been submitted which considers the impact of the proposed development upon Appleshaw House, 1-15 Mary

Seacole Court, 33 Langford Green, 34-38 Langford Green and 1A Dog Kennel Hill (consented and pending).

72. The assessment finds that all neighbouring properties, with the exception of the schemes at 1A Dog Kennel Hill, would fully comply with BRE guidance. There would be no harmful impacts on the existing surrounding properties.

### 1A Dog Kennel Hill

73. BRE Guidelines state that the impact on the Vertical Sky Component (VSC) value of a window is considered acceptable if the VSC value is higher than 27% or if it is no less than 0.8 times its former value (20%). BRE Guidelines also state that in terms of daylight distribution a reduction of 0.8 times may be deemed to adversely affect daylight.
74. BRE Guidelines state that a well-designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy a similar access to daylight, and in doing so it will also keep its own natural light when adjoining land is developed. Both the consented scheme (10/AP/1891) and scheme pending consideration (20/AP/0359) at 1A Dog Kennel Hill are designed less than a metre from the site boundary. Given this proximity to the application site boundary, the 'mirror-image' test, an alternative test in BRE Guidance, has also been applied.
75. The 'mirror-image' test states that to ensure new development matches the height and proportions of existing buildings, the VSC, Daylight Distribution and Annual Probable Sunlight Hours (APSH) targets could be set to those for a 'mirror-image' building of the same height. The VSC values of the windows as a result of the proposed development at Seavington House are then assessed against the 'mirror-image' targets.
76. BRE Guidelines state that windows serving habitable rooms that face within 90 degrees of due south should be assessed for Annual Probable Sunlight Hours (APSH), where the APSH received a window should be at least 25% of the total available, including at least 5% in winter. The elevation of 1A Dog Kennel Hill facing the application site is orientated within 90 degrees due north and is therefore not assessed in terms of APSH.

### 1A Dog Kennel Hill (consented scheme)

77. The VSC results for windows and the DD results for rooms within the consented scheme at 1A Dog Kennel Hill are set out in the table below:

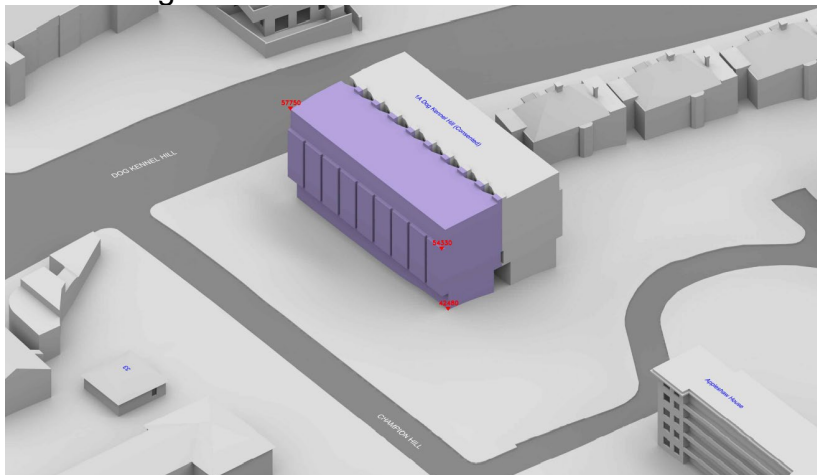
| Vertical Sky Component (VSC) |      |               |        |        |      |
|------------------------------|------|---------------|--------|--------|------|
| Window                       |      |               | Loss   |        |      |
| Total                        | Pass | BRE Compliant | 20-30% | 31-40% | 41%+ |
| 27                           | 10   | 37%           | 7      | 7      | 3    |
| Daylight Distribution (DD)   |      |               |        |        |      |
| Room                         |      |               | Loss   |        |      |
| Total                        | Pass | BRE Compliant | 20-30% | 31-40% | 41%+ |



|    |    |     |   |   |   |
|----|----|-----|---|---|---|
| 27 | 23 | 85% | 2 | 1 | 1 |
|----|----|-----|---|---|---|

78. The existing VSC values of the scheme are assessed against the VSC values with the proposed development at Seavington House in place. The results show that 17 windows would fail to meet BRE Guidelines in terms of VSC values. These windows serve dining rooms and bedrooms. Three windows would experience significant losses of over 41%. As the rooms are dual aspect, the Daylight Distribution has also been assessed. The results find that only four rooms would not comply with BRE Guidelines, equating to 15%. These are three dining rooms and a bedroom. Two of the rooms would experience losses of 25.2% and 26.4% which are not significantly beyond BRE Guidelines, whilst the further two rooms would experience losses of 40.9% and 55.1%. The principal living spaces within these units would not experience any impacts on daylight levels as a result of the proposed development. The affected dining rooms and bedrooms are not principal living spaces and the loss of daylight would not have a significant impact on the overall quality of accommodation of the flats. 85% of rooms would not experience any daylight losses beyond that set out in BRE Guidelines as being unacceptable.
79. Given the relationship between the two sites the 'mirror-image' test has also been carried out. The image below shows the 'mirror-image' of the consented scheme at the consented 1A Dog Kennel Hill scheme, equidistant from the boundary line of the application site.

'Mirror-image' consented scheme



80. The 'mirror-image' test changes the existing VSC values of the windows within 1A Dog Kennel Hill for the VSC values with the proposed development in place to be assessed against. Using the 'mirror-image' test the existing VSC values are very low, ranging from 0 to 12.48. The VSC values with the proposed development in place range from 14.59 to 39.23. In this context, all of the windows would therefore either experience no loss in VSC values or would experience a significant increase. This test shows that the proposed development at Seavington House would actually cause an improvement to the existing VSC values at 1A Dog Kennel Hill in comparison to a 'mirror-image' of itself equidistant from the site boundary.

81. Overall, the assessment against BRE Guidelines shows that the daylight levels received by the consented scheme at 1A Dog Kennel Hill would not be to unacceptable levels as a result of the proposed development.

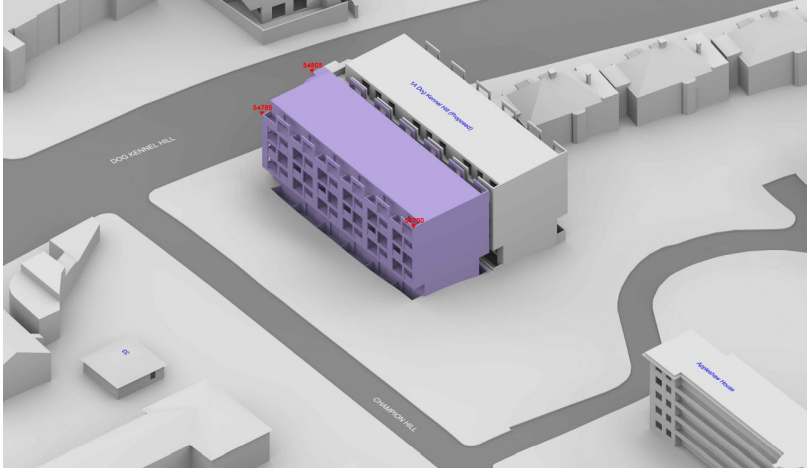
**1A Dog Kennel Hill (to be updated in line with line with BRE guidance June 2022)**

82. The VSC results for windows and the DD results for rooms within the scheme currently pending consideration at 1A Dog Kennel Hill are set out in the table below:

| Vertical Sky Component (VSC) |      |               |        |        |      |
|------------------------------|------|---------------|--------|--------|------|
| Window                       |      |               | Loss   |        |      |
| Total                        | Pass | BRE Compliant | 20-30% | 31-40% | 41%+ |
| 84                           | 49   | 58%           | 2      | 7      | 26   |
| Daylight Distribution (DD)   |      |               |        |        |      |
| Room                         |      |               | Loss   |        |      |
| Total                        | Pass | BRE Compliant | 20-30% | 31-40% | 41%+ |
| 53                           | 39   | 74%           | 4      | 2      | 8    |

83. The results show that 35 windows out of a total 84 windows assessed would fail to meet BRE Guidelines in terms of VSC. These windows serve bedrooms and the dining areas of open plan living / kitchen / diners. 26 windows would experience VSC value losses of over 41%. The biggest losses would be experienced in bedrooms. The Daylight Distribution has been assessed and finds that 39 rooms would comply with BRE Guidelines, equating to 74%. Of those that fail to comply, four would experience losses of 20-30% which are all bedrooms and are losses that are not significantly beyond BRE Guidelines. The two rooms which would experience losses of 31-40% are both bedrooms with losses of 34% and 34.3%. The eight rooms with the biggest losses are again bedrooms. The reason for the significant losses in Daylight Distribution is because the bedrooms are single aspect rooms. Overall, 14 bedrooms would not comply with BRE Guidelines in terms of Daylight Distribution. None of the principal living spaces with the development would experience unacceptable losses of daylight, with VSC values and Daylight Distribution in compliance with BRE Guidelines. Bedrooms are not considered to be principal living spaces. On balance, the proposal would not adversely impact on the overall quality of accommodation of the proposed scheme at 1A Dog Kennel Hill in terms of daylight levels.
84. Given the relationship between the two sites the 'mirror-image' test has also been carried out. The image below shows the 'mirror-image' of the consented scheme at 1A Dog Kennel Hill, equidistant from the boundary line of the application site.

### 'Mirror-image' proposed scheme



85. The 'mirror-image' test changes the existing VSC values of the windows within 1A Dog Kennel Hill for the VSC values with the proposed development in place to be assessed against. Using the 'mirror-image' test the existing VSC values are very low, ranging from 0 to 28.87. The VSC values with the proposed development in place range from 4.56 to 31.61. In this context, all of the windows would experience either the same VSC values or higher VSC values. This test shows that the proposed development at Seavington House would actually cause an improvement to the existing VSC values at the proposed 1A Dog Kennel Hill scheme in comparison to a 'mirror-image' of itself equidistant from the site boundary.

### Summary

86. There would be some level of overlooking created between the proposed development and either the consented scheme or proposed scheme at 1A Dog Kennel Hill. This has been mitigated by situating the building closer to Champion Hill, designing appropriate layouts avoiding overlooking to principal rooms between the developments and ensuring appropriate boundary treatment at ground floor. The proposal would not result in any overlooking or privacy impacts to any other neighbouring buildings. Similarly, no neighbouring properties would experience any daylight and sunlight impacts, with the exception of the schemes at 1A Dog Kennel Hill. Whilst there would be some level of impact to the daylight received by the schemes at 1A Dog Kennel Hill, in terms of Daylight Distribution 85% of rooms would still comply with BRE Guidelines within the consented scheme and 74% of rooms would still comply with BRE Guidelines within the proposed scheme. Furthermore, the 'mirror-image' test shows that the proposed development would be an improvement on daylight levels when compared to mirror images of 1A Dog Kennel Hill.
87. Overall, whilst there would be some degree of impacts on amenity to 1A Dog Kennel Hill, the proposed development at Seavington House has been well designed to continue to allow 1A Dog Kennel Hill to 'borrow' light from the application site and to mitigate potential overlooking and privacy impacts.

## **Transport and highways**

88. The proposed development would be car free, with no designated car parking on site. Future occupiers would be restricted from obtaining parking permits within the Dog Kennel Hill Controlled Parking Zone (CPZ) which would be secured via legal agreement.
89. Using the TRICS (Trip Rate Information Computer System) database it is estimated that the proposed development would generate some 2 additional two-way vehicle movements in the morning or evening peak hours. It is however noted that the application site at present includes 10 garages which would be removed. Furthermore, the proposed development would be car free and future occupiers would unlikely to be vehicle owners. It is therefore reasonable to assume that the proposed development would not result in any significant additional impacts on the local highway network in terms of trip generation.
90. The site layout includes the buildings being set back from both Champion Hill and Dog Kennel Hill, retaining the existing pavement width and creating an area of defensible grass and street trees. The corner of the terraced house on the junction of Champion Hill and Dog Kennel Hill has been designed to be cut away, both reducing the visual impact of the development and allowing appropriate sight lines for vehicle users at the junction. Pedestrian footpaths have been integrated into the landscape design for pedestrian access through the site.
91. The proposed cycle parking would consist of a long-stay cycle store within the communal amenity space, which is both secure and weatherproof. This would provide 44 cycle parking spaces and would be accessible for all future occupiers of the development. An additional two Sheffield stands will also be provided for short-stay cycle parking. A condition has been recommended for cycle storage to be installed in line with the approved plans.
92. The proposal would provide refuse storage at ground floor, adjacent to the main entrance to the flatted development. This would be easily accessible for occupiers of the building, and for collection on Champion Hill. The terraced houses would have individual refuse and recycling storage within their front gardens for collection on Champion Hill. A condition has been recommended for refuse arrangements to be provided in line with the submitted Servicing and Refuse Management Plan.
93. 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**

94. A noise assessment has been submitted which predicts the noise levels at the façades of the two proposed buildings, using measured noise levels at a

nearby location. Mechanical Ventilation with Heat Recovery (MVHR) units are proposed which require no direct openings within the façades and as such, the required noise levels are predicted to be satisfied without any additional design measures necessary, though in-duct attenuation will be provided on the MVHRs to limit noise levels. The proposed Air Source Heat Pump (ASHP) units have noise levels below the level at which a low impact would be experienced.

95. Overall, the proposed noise levels would be low, complying with recommended noise limits. A condition has been recommended for the development to be carried out in accordance with the submitted noise assessment and that set noise levels are not exceeded. A condition has also been recommended for a validation test of any proposed plant to be carried out and for the results to be submitted.

## **Energy and sustainability**

### **‘Be Lean’**

96. ‘Be Lean’ requires development to use less energy and manage demand during operation. The heat loss of the building is to be kept low by using a combination of high performance building fabric, air tightness and low thermal bridging. The building would use Mechanical Ventilation with Heat Recovery (MVHR) to provide fresh air to the homes whilst minimising the heat loss through this ventilation.

### **‘Be Clean’**

97. ‘Be Clean’ expects development to exploit local energy resources and supply energy efficiently and cleanly. The site lends well to a communal system which serves both the flatted development and the terraced houses. There is a trench required between the apartments and the houses for other services which a Low Temperature Hot Water (LTHW) network take advantage of. The layout of the apartment blocks allows the LTHW pipework, travelling to heat interface units (HIUs) in each dwelling, to run in communal risers and hallways avoiding the need to run in other residents’ dwellings and hence avoiding issues with maintenance. As a result, a site wide heat network is proposed as it is considered feasible and contributes to on site carbon reduction.

### **‘Be Green’**

98. ‘Be Green’ seeks to maximise opportunities for renewable energy by producing, storing and using renewable energy on site. The development proposes the use of Photovoltaic Panels (PVs) to generate electricity and Air Source Heat Pumps (ASHPs) which generate Low Temperature Hot Water (LTHW) to be used for heating and hot water. This technology would make use of the expansive roof spaces on the two separate buildings. The use of other types of renewable energy were explored. As the electricity grid decarbonises the viability for Combined Heat and Power (CHP) decreases and gas fired CHP are also associated with high NOx emissions which is inappropriate as the site is within an Air Quality Management Area. CHP is also not suitable on such a

small site. Solar Thermal panels do not work in conjunction with ASHPs which were selected as an appropriate technology for the site. A Ground Source Heat Pump (GSHP) would require a number of boreholes to accommodate Seavington House. The site has number of protected mature trees that need to be retained. The borehole, their radius of influence and pipework would struggle to avoid tree root protection zones. Biomass combustion and the emissions required to transport fuel to site will likely result in an increase in local air pollution through the increased production and emission of particulates and NOx gases, and there is insufficient spaces for wind turbines which would also give rise to vibration impacts.

99. The proposed development would achieve a 58% carbon reduction over Part L 2013 regulations. In order to achieve zero carbon as required by planning policy, 346 tonnes of carbon would need to be offset. A financial contribution payment of £32,870 is to be secured via Unilateral Undertaking. In accordance with the 'Be Seen' requirement of the London Plan 2021 and Southwark Plan 2022, the energy performance would also be monitored as part of the legal agreement.

### **Ecology and biodiversity**

100. The proposed brown roof and soft landscaping across the site would contribute to biodiversity net gain. The Urban Greening Factor of the proposed development would be 0.58 which exceeds policy requirements of 0.4. Conditions have been recommended for details of hard and soft landscaping, a biodiversity brown roof, external lighting, 12 universal nesting bricks and 6 bat tubes to be submitted.
101. The proposed landscaping improvements include a mix of semi-natural vegetation, flower-rich perennial planting, hedges and shrubs, grassed areas and new trees. In addition, a 360 sq. m. woodland area is proposed, with a woodland management plan secured via condition. The proposed development would result in biodiversity net gain.

### **Air quality**

102. An Air Quality Assessment has been submitted which finds that baseline air quality conditions are likely to meet air quality objectives, however the dust risk assessment has identified that construction activities may have occasional dust soiling and health impacts on local receptors and that these can be minimised or removed with appropriate mitigation measures. A condition has been recommended for the development to achieve full compliance with the mitigation measures set out in the air quality assessment. The proposed development would be air quality neutral from building and transport emissions.

### **Ground conditions and contamination**

103. The submitted Site Investigation Report found some low level contamination on site and that a clean cover system is necessary. A condition has therefore been recommended for a detailed remediation strategy and verification report

to be submitted.

## Flood risk

104. The application site is not located in a flood risk zone, though it is located within Central Southwark Critical Drainage Area. The proposed development would result in a slight reduction in the sites impermeable area to approximately 840 sq. m. and therefore a reduction to the unrestricted surface water runoff rates.
105. Rainwater harvesting in the form of water butts are proposed within the communal amenity space and permeable paving is to be used for all footpaths to control surface water.

## Fire safety

106. Fire safety details have been submitted in accordance with Policy D12 of the London Plan 2021. The fire strategy includes the implementation of a stay-put evacuation strategy with appropriate travel distances, and the provision of fire detection and alarm systems. All loadbearing elements of the flatted development structure would achieve at least 60 minutes of fire resistance, whilst the terraced houses would be designed with a minimum of 30 minutes fire resistance given their height. The compartment walls separating the dwellings within the terraces would achieve at least 60 minutes fire resistance. All internal wall and ceiling linings would comply with Building Regulations and fire doors would be used throughout. The buildings would be appropriately designed to mitigate and control fire spread.
107. Fire vehicle access would be via Champion Hill and an external fire hydrant would be provided at the entrance to the estate road to the west of the application site.

## Planning obligations (S.106 undertaking)

| 108.  | Planning obligation           | Mitigation  | Applicant's position |
|---|-------------------------------|---|----------------------|
| <b>Housing, Viability and Amenity Space</b>       |                               |   |                      |
|   | Affordable housing provision  | 100% social rented homes  | Agreed               |
|   | Wheelchair accessible housing | £90,000 financial contribution  | Agreed               |
|   | Children's playspace          | 400.2 sq. m. off-site playspace                                       | Agreed               |
| <b>Transport and Highways</b>                     |                               |   |                      |
|   | Parking permit restriction    | Removal of all parking permit rights in CPZ except blue badge permits | Agreed               |
| <b>Energy, Sustainability and the Environment</b> |                               |   |                      |

|                    |  |        |
|--------------------|--|--------|
| Carbon offset fund | Off-set contribution of £32,870  | Agreed |
| 'Be Seen'          | Monitoring, reporting and verifying of energy performance  | Agreed |
| <b>Other</b>       |  |        |
| Administration fee | Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum. | Agreed |

109. The planning obligations agreed would satisfactorily mitigate against the adverse impacts of the proposed development.

110. In the event that a satisfactory legal agreement has not been entered into by 21 December 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, Policy IP3 (Community Infrastructure Levy (CIL) and Section 106 Planning Obligations) of the Southwark Plan 2022 and Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015).

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

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

112. Environmental Protection Team:

- Advise conditions for residential internal noise, contamination and a Construction Environmental Management Plan (CEMP)
- Air quality assessment shows acceptable levels

113. Design and Conservation Team:

- Height, scale and massing is considered acceptable
- Design details are supported
- Material samples should be submitted

114. Ecologist:

- Bat survey and PEA acceptable



- Advise conditions for swift nesting bricks, bat tubes and a green roof for biodiversity
115. Transport Planning Policy:
- Proposal would not generate a significant transport impact
  - Advise that further details of cycle parking and a Construction Environmental Management Plan (CEMP) are required
116. Urban Forester:
- Advise Arboricultural Method Statement and hard and soft landscaping conditions
117. Flood Risk Management:
- Requested further information to confirm compliance with the drainage hierarchy which has been provided and found acceptable

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

118. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.
119. Thames Water:
- Advise a condition for details of any piling works to be submitted.

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

120. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
121. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
122. 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.
123. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
124. This proposal would provide 24 new social rented units comprising 9 x 1 bedroom homes, 7 x 2 bedroom homes, 3 x 3 bedroom homes and 5 x 4 bedroom homes. Local households in housing need would be able to bid for the proposed new housing at Seavington House through the Local Lettings initiative and as such, the proposal would result in a significant community benefit.

### **Human rights implications**

125. 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.
126. 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**

127. 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.
128. 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

|      |  |     |
|------|--|-----|
| 129. | 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

130. The proposed development would make an efficient use of an existing vacant site to provide 24 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.
131. 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  |
|--|--|--|
| Southwark Local Development Framework and Development Plan Documents | Chief Executive's Department<br>160 Tooley Street<br>London<br>SE1 2QH | Planning enquiries telephone:<br>020 7525 5403<br>Planning enquiries email:<br>planning.enquiries@southwark.gov.uk<br>Case officer telephone:<br>0207 525 0254<br>Council website:<br><a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a> |

**APPENDICES**

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

**AUDIT TRAIL**

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | Stephen Platts, Director of Planning and Growth |                          |
| <b>Report Author</b>  | Abbie McGovern, Planning Officer                |                          |
| <b>Version</b>  | Final   |                          |
| <b>Dated</b>  | 7 September 2022                                |                          |
| <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                       |
| <b>Date final report sent to Constitutional Team</b>                    |   | 8 September 2022         |

## 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>        | Elisha Stewart<br>London Borough of Southwark | <b>Reg. Number</b> | 22/AP/0174 |
| <b>Application Type</b> | Local Authority Development                   | <b>Case Number</b> | H2006      |
| <b>Recommendation</b>   | GRANT subject to Legal Agreement              |                    |            |

### Draft of Decision Notice for the following development:

Demolition of 16 garages and 10 bedsits and redevelopment of the site for the construction of 5 terraced three storey houses and a 19 unit four storey block of flats providing a total 24 new homes at 100% social rent

### In accordance with application received on 24 January 2022 and Applicant's Drawing Nos.:

SITE LOCATION PLAN MLUK-765-A-P-XX-0100 received 24/01/2022

#### Existing Plans

EXISTING SITE PLAN MLUK-765-A-P-XX-0110 received 24/01/2022

EXISTING ELEVATIONS MLUK-765-A-P-XX-0130 received 24/01/2022

EXISTING SECTIONS MLUK-765-A-P-XX-0131 received 24/01/2022

#### Proposed Plans

TYPICAL TREE PIT DETAILS 01 L-DE-401-20198-D01 PL01 received 24/01/2022

GA PLAN - GROUND FLOOR L-S-001-16145-PGA01 PL01 received 24/01/2022

HARD LANDSCAPING PLAN L-PL-010-20198-PH10 received 24/01/2022

PLANTING PLAN L-PL-003-20198-PP03 PL01 received 24/01/2022

LANDSCAPING DETAILS L-PL-301-20198-SE01 PL01 received 24/01/2022

PROPOSED SITE PLAN MLUK-765-A-P-XX-1010 received 24/01/2022

PROPOSED SITE ELEVATIONS MLUK-765-A-P-XX-1030 received 24/01/2022

PROPOSED SITE SECTIONS MLUK-765-A-P-XX-1031 received 24/01/2022

LEVEL 3 PROPOSED TENURE PLAN MLUK-765-A-P-XX-1103 received 24/01/2022

LEVEL 4 PROPOSED TENURE PLAN MLUK-765-A-P-XX-1104 received 24/01/2022

LEVEL 00 PROPOSED GA PLAN MLUK-765-A-P-XX-1200 received 24/01/2022

LEVEL 1 PROPOSED GA PLAN MLUK-765-A-P-XX-1201 received 24/01/2022

LEVEL 2 PROPOSED GA PLAN MLUK-765-A-P-XX-1202 received 24/01/2022

LEVEL 3 PROPOSED GA PLAN MLUK-765-A-P-XX-1203 received 24/01/2022

LEVEL 4 PROPOSED GA PLAN MLUK-765-A-P-XX-1204 received 24/01/2022

PROPOSED ROOF PLAN MLUK-765-A-P-XX-1205 received 24/01/2022  
 PROPOSED SECTION 01 TERRACE MLUK-765-A-P-XX-2100 received 24/01/2022  
 PROPOSED SECTION 02 APARTMENT BUILDING MLUK-765-A-P-XX-2101  
 received 24/01/2022  
 PROPOSED SECTION 03 LONG SECTION MLUK-765-A-P-XX-2102 received  
 24/01/2022  
 PROPOSED NORTH ELEVATION MLUK-765-A-P-XX-3100 received 24/01/2022  
 PROPOSED COURTYARD ELEVATIONS MLUK-765-A-P-XX-3103 received  
 24/01/2022  
 BAY STUDY MLUK-765-A-P-XX-3200 received 24/01/2022  
 BAY STUDY MLUK-765-A-P-XX-3201 received 24/01/2022  
 BAY STUDY MLUK-765-A-P-XX-3202 received 24/01/2022  
 BAY STUDY HOUSE MLUK-765-A-P-XX-3203 received 24/01/2022  
 BAY STUDY CORNER HOUSE MLUK-765-A-P-XX-3204 received 24/01/2022  
 BAY STUDY - CIRCULATION CORE MLUK-765-A-P-XX-3205 received 24/01/2022  
 LEVEL 00 PROPOSED TENURE PLAN MLUK-765-A-P-XX-1100 received  
 24/01/2022  
 LEVEL 01 PROPOSED TENURE PLAN MLUK-765-A-P-XX-1101 received  
 24/01/2022  
 LEVEL 2 PROPOSED TENURE PLAN MLUK-765-A-P-XX-1102 received 24/01/2022  
 PROPOSED SOUTH ELEVATION MLUK-765-A-P-XX-3101 R0A received 03/05/2022  
 PROPOSED EAST AND WEST ELEVATIONS MLUK-765-A-P-XX-3102 R0A received  
 03/05/2022  
 LANDSCAPING SECTION 02 L-PL-302-20198-SE02 received 24/01/2022

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

- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.);
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- 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; Policy T7 (Deliveries, servicing and construction) of the London Plan 2021; and, Policies P50 (Highways impacts) and P56 (Protection of amenity) of the Southwark Plan 2022.

**Permission is subject to the following Grade Conditions**

4. Prior to any above grade works details of the external facing materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework 2021; Policy D4 (Delivering good design) of the London Plan 2021; and, Policy P13 (Design of Places) and Policy P14 (Design Quality) of the Southwark Plan 2022.

5. Before any above grade work hereby authorised begins, details of the biodiversity 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 roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban greening) of the London Plan 2021; Policy P59 (Green Infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan 2022.

6. Before any above grade work hereby authorised begins, a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the landscaping and biodiversity roof.

Reason:

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This is an mandatory criteria of BREEAM (LE5) to monitor long term impact on biodiversity a requirement is to produce a Landscape and Habitat Management Plan.

7. Prior to above ground works, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. All trees and shrubs will conform to the specification for nursery stock as set out in British Standard 3936 Parts 1 (1992) and 4 (1984). Advanced Nursery stock trees shall conform to BS 5236 and BS: 4428 Code of practice for general landscaping operations. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority



gives its written consent to any variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff in accordance with the National Planning Policy Framework 2021, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021 and Policies P60 (Biodiversity), P13 (Design of places), P14 (Design quality) and P56 (Protection of amenity) of the Southwark Plan 2022.

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

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework 2021, Policy D11 (Safety, security and resilience to emergency) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality) and Policy P16 (Designing out crime) of the Southwark Plan 2022.

9. Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In the interests of visual and residential amenity in accordance with the National Planning Policy Framework 2021, Policy D4 (Delivery good design) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design Quality), P15 (Residential design) and P56 (Protection of amenity) of the Southwark Plan (2022).

### **Permission is subject to the following Pre-Occupation Conditions**

10. Prior to occupation of the development hereby permitted, details of 6 bat tubes and 12 Swifit bricks shall be submitted to and approved in writing by the Local Planning Authority.. The details shall include the exact location, specification and design of the habitats. The tubes and 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 nesting tubes and bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2021, Policy G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P56 (Protection of amenity), P57 (Open space), P58 (Open water space), P59 (Green infrastructure), P60 (Biodiversity), P66 (Reducing noise pollution and enhancing soundscapes) and P69 (Sustainable standards) of the Southwark Plan 2022.

11. Prior to the occupation of the development hereby permitted, a Lighting Plan shall be submitted to and approved by the Local Planning Authority. The recommended lighting specification using LED's (at 3 lux) because they have little UV. The spectrum recommended is 80% amber and 20% white with a clear view, no UV, horizontal light spread ideally less than 70° and a time

Reason:

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), the National Planning Policy Framework 2021; Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan 2021; and, Policies P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

12. Prior to first occupation of the development hereby approved, a Woodland Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:
- A statement of the overall design vision for the woodland and for individual trees retained as part of the development including amenity classification, nature conservation value and accessibility
  - Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement where tree loss or vandalism occurs
  - Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas;
  - Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010);
  - Special measures relating to Protected Species or habitats (e.g. intensive operations to avoid March - June nesting season or flowering period)
  - Inspection for pests, vermin and diseases and proposed remedial measures;
  - Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat. All works shall adhere to 'BS5837: Trees in relation to demolition, design and

construction (2012)

- Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, in accordance with the National Planning Policy Framework 2021, Policies G1 (Green infrastructure, G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality), P57 (Open space) and P60 (Biodiversity) of the Southwark Plan 2022.

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

13. Prior to occupation this development shall achieve full compliance with the air quality assessment mitigation measures as detailed in Air Quality Assessment T3700.2 V1.1 prepared by Temple Group Ltd dated 08/12/2022

Reason:

To protect future occupiers from poor external air quality in accordance with the National Planning Policy Framework 2021, Policy SI 1 (Improving air quality) of the London Plan 2021 and Policy P65 (Improving air quality) of the Southwark Plan 2022.

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 rooms- 35dB LAeq T '

Dining room - 40 dB LAeq T '

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

' - Daytime - 16 hours between 07:00-23:00

The development shall be carried out in accordance with the approved Noise Assessment report issue 001 by Max Fordham LLP dated 11/11/2021.

Following completion of the development and prior to occupation, a validation test shall be carried out on a relevant sample (usual minimum of 10%) of premises

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; Policies D6 (Housing quality and standards) and D14 (Noise) of the London Plan 2021; and, Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

15. No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason:

In accordance with the National Planning Policy Framework 2021, Policy T6 (Car parking) of the London Plan 2021 and Policy P50 (Highways impacts) of the Southwark Plan 2022.

16. Before the first occupation of the residential units in this development hereby permitted, the refuse storage arrangements shown on the approved Servicing & Refuse Management Plan referenced 66200279-SWE-ZZ-XX-RP-TP-0001 Revision: 02 dated 11/11/2021 prepared by Sweco UK Ltd shall be provided and made available for use by the occupiers of the residential units and the facilities provided shall thereafter be retained for waste storage and shall not be 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 Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework 2021; Policy D4 (Delivering good design) of the London Plan 2021; and, Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

17. Before the first occupation of the building hereby permitted, the cycle 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:

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 Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework 2021; Policy T5 (Cycling) of the London Plan 2021; and, Policy P53 (Cycling) of the Southwark Plan 2022.

18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration shall be carried out to the terraced houses.

Reason:

To safeguard the character and the amenities of the premises and adjoining properties in accordance with the National Planning Policy Framework 2021, Policies D4 (Delivering good design) and HC1 (Heritage conservation and growth) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality) and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

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

19. a) The approved remediation scheme shall be carried out in accordance with recommendation of the Site investigation report (rev.1) by Soil Consultants Ltd referenced 10158/KOG dated 29 November 2021 prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- b) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.
- 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, in accordance with a-b above.

#### **Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework 2021 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan 2022.

20. 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 Specific plant 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 fully in accordance with the methodology of BS4142:2014.

Prior to the plant being commissioned a validation test shall be carried out following completion of the development. The results shall be submitted to the LPA for approval in writing. The plant and equipment shall be installed and

constructed in accordance with the approval given and shall be permanently maintained thereafter.

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; Policies D6 (Housing quality and standards) and D14 (Noise) of the London Plan 2021; and, Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

## **Informatives**

- 1 Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:  
"third-party independent and suitably-qualified" The Council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The Council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

The fire risk assessment/statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire risk assessment/statement not planning officers who make planning decisions.

## Relevant 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 D8 Public realm
- Policy D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G4 Open space
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage

- 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

### **Southwark Plan 2022**

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- Policy P1 Social rented and intermediate housing
- Policy P2 New family homes
- Policy P13 Design of places
- Policy P14 Design quality
- Policy P15 Residential design
- Policy P18 Efficient use of land
- Policy P50 Highways impacts
- Policy P53 Cycling
- Policy P56 Protection of amenity
- Policy P59 Green infrastructure
- Policy P60 Biodiversity
- Policy P61 Trees
- Policy P65 Improving air quality
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy P68 Reducing flood risk
- Policy P69 Sustainability standards
- Policy P70 Energy

### **SPDs**

Of relevance in the consideration of this application are:

- Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015)
- Sustainable Design and Construction SPD (2008)



**APPENDIX 3****Planning history of the site and nearby sites**

| <b>Reference and Proposal</b>  | <b>Status</b>                          |
|--|--|
| <p><b>18/AP/0532</b><br/> Redevelopment of the site involving the demolition of the existing two-storey residential block and single storey garages; and the construction of a 5-storey block on the corner of Champion Hill and Dog Kennel Hill and a 5/6-storey block on the corner of Champion Hill and the adjacent estate road, to provide 14 x 1 bed, 13 x 2 bed, 7 x 3 bed and 1 x 4 bed residential units (35 units) together with associated landscaping.</p> | Application<br>withdrawn<br>14/01/2019 |
| <p><b>21/EQ/0186</b><br/> Pre-application advice for the demolition of 16 garages and 10 bedsits and redeveloping the site with 5 terraced three storey houses and a four storey block of flats providing 24 units at 100% social rent</p>   | Enquiry closed<br>08/12/2021           |

## Consultation undertaken

**Site notice date:** 02/02/2022

**Press notice date:** 03/02/2022

**Case officer site visit date:** 02/02/2022

**Neighbour consultation letters sent:** 01/02/2022

### Internal services consulted

Design and Conservation Team [Formal]  
Ecology  
Environmental Protection  
Highways Development and Management  
Flood Risk Management & Urban Drainage  
Transport Policy  
Urban Forester  
Waste Management

### Statutory and non-statutory organisations

Environment Agency  
Metropolitan Police Service  
Thames Water

### Neighbour and local groups consulted

|  |  |
|--|--|
| Flat 34 Holderness House Champion Hill                     | Flat 12 Mary Seacole Court Dog Kennel Hill                 |
| Flat 20A Walcot House East Dulwich Estate Albrighton Road  | Flat 15 Mary Seacole Court Dog Kennel Hill                 |
| 18 Langford Green London Southwark                         | Flat 33 Birdsall House Champion Hill                       |
| Office 1 Grove Hill Road London                            | Flat 16 Birdsall House Champion Hill                       |
| Flat 30 Appleshaw House Champion Hill Estate Champion Hill | Flat 2 Karen Court Grove Lane                              |
| Apartment 15 8 Dog Kennel Hill London                      | Flat 24 Walcot House East Dulwich Estate Albrighton Road   |
| Flat 15 Holderness House Champion Hill                     | Flat 25 Appleshaw House Champion Hill Estate Champion Hill |
| Flat 10 Karen Court Grove Lane                             | 156 Grove Lane London Southwark                            |
| Flat 6 Seavington House Champion Hill                      | 35 Champion Hill London Southwark                          |
| Flat 8A Appleshaw House Champion Hill Estate Champion Hill | 201 Grove Lane London Southwark                            |
| Land At 1A Dog Kennel Hill London                          | 166 Grove Lane London Southwark                            |
| Flat 13 Mary Seacole Court Dog Kennel Hill                 | 158 Grove Lane London Southwark                            |

52 Champion Hill London Southwark  
 4 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 11 Karen Court Grove Lane  
 Flat 1 Karen Court Grove Lane  
 5 Dog Kennel Hill London Southwark  
 2 Dog Kennel Hill London Southwark  
 6 Dog Kennel Hill London Southwark  
 3 Dog Kennel Hill London Southwark  
 First Floor Flat 170 Grove Lane London  
 7 Springfield Lodge 1 Grove Hill Road  
 London  
 Apartment 7 8 Dog Kennel Hill London  
 Flat 10 Seavington House Champion Hill  
 16 Springfield Lodge 1 Grove Hill Road  
 London  
 36 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 24 Birdsall House Champion Hill  
 Flat 12 Appleshaw House Champion Hill  
 Estate Champion Hill  
 28 Langford Green London Southwark  
 Flat 20 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 40 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 30 Walcot House East Dulwich  
 Estate Albrighton Road  
 41 Langford Green London Southwark  
 11 Langford Green London Southwark  
 27 Langford Green London Southwark  
 Flat 34 Birdsall House Champion Hill  
 Flat 3 Walcot House East Dulwich Estate  
 Albrighton Road  
 Flat 1 Walcot House East Dulwich Estate  
 Albrighton Road  
 Apartment 14 8 Dog Kennel Hill London  
 1-2 The Parade Dog Kennel Hill London  
 Flat 18 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 2 172 Grove Lane London  
 Flat 40 Holderness House Champion Hill  
 Flat 8 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 14 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 29 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 6 Birdsall House Champion Hill  
 Flat 18 Holderness House Champion Hill  
 Apartment 11 8 Dog Kennel Hill London  
 19 Langford Green London Southwark  
 Flat 3 Holderness House Champion Hill  
 34 Langford Green London Southwark  
 Flat 22 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 31 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 26 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 11 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 1 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 32 Birdsall House Champion Hill  
 Flat 2 Mary Seacole Court Dog Kennel  
 Hill  
 44 Langford Green London Southwark  
 33 Langford Green London Southwark  
 10 Langford Green London Southwark  
 Flat 8 Holderness House Champion Hill  
 Flat 17 Holderness House Champion Hill  
 162 Grove Lane London Southwark  
 34 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 5 Seavington House Champion Hill  
 Flat 1 Seavington House Champion Hill  
 25 Langford Green London Southwark  
 Apartment 8 8 Dog Kennel Hill London  
 Flat 1 172 Grove Lane London  
 Flat 5 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 27 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 17 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 9 Walcot House East Dulwich Estate  
 Albrighton Road  
 Flat 8 Walcot House East Dulwich Estate  
 Albrighton Road  
 Flat 42 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 3 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 17 Appleshaw House Champion Hill  
 Estate Champion Hill

Flat 4 Birdsall House Champion Hill  
 Flat 30 Birdsall House Champion Hill  
 36 Langford Green London Southwark  
 Flat 9 Mary Seacole Court Dog Kennel Hill  
 Flat 14 Birdsall House Champion Hill  
 24 Langford Green London Southwark  
 23 Langford Green London Southwark  
 16 Langford Green London Southwark  
 Flat 23 Holderness House Champion Hill  
 47 Champion Hill London Southwark  
 Flat 16 Holderness House Champion Hill  
 Flat 14 Holderness House Champion Hill  
 Flat 11 Holderness House Champion Hill  
 Flat 3 Karen Court Grove Lane  
 Flat 7 Seavington House Champion Hill  
 Flat 2 Seavington House Champion Hill  
 Flat 6 Karen Court Grove Lane  
 37 Champion Hill London Southwark  
 18 Springfield Lodge 1 Grove Hill Road London  
 10 Springfield Lodge 1 Grove Hill Road London  
 8 Springfield Lodge 1 Grove Hill Road London  
 5 Springfield Lodge 1 Grove Hill Road London  
 Flat 28 Walcot House East Dulwich Estate Albrighton Road  
 Flat 10 Walcot House East Dulwich Estate Albrighton Road  
 Flat 22 Appleshaw House Champion Hill Estate Champion Hill  
 First Floor And Second Floor Flat 199 Grove Lane London  
 Flat 27 Birdsall House Champion Hill  
 Flat 17 Birdsall House Champion Hill  
 Flat 32 Walcot House East Dulwich Estate Albrighton Road  
 Flat 1 Birdsall House Champion Hill  
 Flat 8 Seavington House Champion Hill  
 21 Langford Green London Southwark  
 5 Langford Green London Southwark  
 37 Langford Green London Southwark  
 35 Springfield Lodge 1 Grove Hill Road London  
 6 Springfield Lodge 1 Grove Hill Road London  
 Flat 9 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 7 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 13 Birdsall House Champion Hill  
 Flat 6 Walcot House East Dulwich Estate Albrighton Road  
 Flat 4 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 28 Birdsall House Champion Hill  
 Flat 22 Birdsall House Champion Hill  
 32 Langford Green London Southwark  
 14 Langford Green London Southwark  
 Flat 43 Holderness House Champion Hill  
 Flat 36 Holderness House Champion Hill  
 Flat 33 Holderness House Champion Hill  
 Flat 19 Holderness House Champion Hill  
 164 Grove Lane London Southwark  
 Flat 12 Karen Court Grove Lane  
 38 Springfield Lodge 1 Grove Hill Road London  
 32 Springfield Lodge 1 Grove Hill Road London  
 Flat 8A Holderness House Champion Hill  
 29 Springfield Lodge 1 Grove Hill Road London  
 15 Springfield Lodge 1 Grove Hill Road London  
 2 Springfield Lodge 1 Grove Hill Road London  
 Apartment 12 8 Dog Kennel Hill London  
 Flat 43 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 39 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 7 Walcot House East Dulwich Estate Albrighton Road  
 Flat 32 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 19 Appleshaw House Champion Hill Estate Champion Hill  
 Flat 4 Holderness House Champion Hill  
 Flat 22 Holderness House Champion Hill  
 Flat 12 Holderness House Champion Hill  
 1 Langford Green London Southwark  
 Apartment 16 8 Dog Kennel Hill London  
 Apartment 5 8 Dog Kennel Hill London  
 Flat 14 Mary Seacole Court Dog Kennel Hill

Hill

Flat 33 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 13 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 44 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 34 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 28 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 7 Birdsall House Champion Hill  
 Flat 26 Birdsall House Champion Hill  
 Flat 25 Birdsall House Champion Hill  
 6 Langford Green London Southwark  
 29 Langford Green London Southwark  
 37 Springfield Lodge 1 Grove Hill Road  
 London  
 Apartment 18 8 Dog Kennel Hill London  
 Apartment 13 8 Dog Kennel Hill London  
 Flat 8 Mary Seacole Court Dog Kennel  
 Hill  
 Flat 31 Holderness House Champion Hill  
 Apartment 19 8 Dog Kennel Hill London  
 Flat 6 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 37 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 19 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 35 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 14 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 21 Birdsall House Champion Hill  
 Flat 2 Birdsall House Champion Hill  
 Flat 12 Birdsall House Champion Hill  
 Flat 9 Holderness House Champion Hill  
 Flat 44 Holderness House Champion Hill  
 Flat 37 Holderness House Champion Hill  
 Flat 8 Karen Court Grove Lane  
 39 Springfield Lodge 1 Grove Hill Road  
 London  
 17 Springfield Lodge 1 Grove Hill Road  
 London  
 12 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 25 Walcot House East Dulwich

Estate Albrighton Road  
 Flat 20 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 33 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 18 Birdsall House Champion Hill  
 Flat 11 Mary Seacole Court Dog Kennel  
 Hill  
 7 Langford Green London Southwark  
 Flat 7 Mary Seacole Court Dog Kennel  
 Hill  
 Flat 11 Birdsall House Champion Hill  
 Flat 10 Birdsall House Champion Hill  
 40 Langford Green London Southwark  
 39 Langford Green London Southwark  
 38 Langford Green London Southwark  
 17 Langford Green London Southwark  
 Flat 5 Holderness House Champion Hill  
 Flat 35 Holderness House Champion Hill  
 Flat 24 Holderness House Champion Hill  
 Flat 13 Holderness House Champion Hill  
 Flat 4 Seavington House Champion Hill  
 Flat 4 Karen Court Grove Lane  
 Flat 8A Birdsall House Champion Hill  
 Flat 10 Mary Seacole Court Dog Kennel  
 Hill  
 1 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 21 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 31 Birdsall House Champion Hill  
 Flat 35 Walcot House East Dulwich  
 Estate Albrighton Road  
 1 Dog Kennel Hill London Southwark  
 Flat 41 Holderness House Champion Hill  
 Flat 28 Holderness House Champion Hill  
 Flat 10 Holderness House Champion Hill  
 15 Langford Green London Southwark  
 43 Langford Green London Southwark  
 30 Langford Green London Southwark  
 33 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 41 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 2 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 15 Appleshaw House Champion Hill  
 Estate Champion Hill

Flat 13 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 3 Birdsall House Champion Hill  
 Flat 20 Birdsall House Champion Hill  
 Flat 4 Mary Seacole Court Dog Kennel  
 Hill  
 8 Langford Green London Southwark  
 3 Langford Green London Southwark  
 22 Langford Green London Southwark  
 20 Langford Green London Southwark  
 13 Langford Green London Southwark  
 Flat 6 Holderness House Champion Hill  
 Flat 39 Holderness House Champion Hill  
 Flat 29 Holderness House Champion Hill  
 Flat 27 Holderness House Champion Hill  
 Flat 26 Holderness House Champion Hill  
 160 Grove Lane London Southwark  
 Flat 1 Holderness House Champion Hill  
 Flat 7 Karen Court Grove Lane  
 24 Springfield Lodge 1 Grove Hill Road  
 London  
 11 Springfield Lodge 1 Grove Hill Road  
 London  
 Apartment 17 8 Dog Kennel Hill London  
 Apartment 10 8 Dog Kennel Hill London  
 Apartment 9 8 Dog Kennel Hill London  
 Apartment 6 8 Dog Kennel Hill London  
 Apartment 4 8 Dog Kennel Hill London  
 Apartment 3 8 Dog Kennel Hill London  
 Apartment 1 8 Dog Kennel Hill London  
 3 The Parade Dog Kennel Hill London  
 45 Langford Green London Southwark  
 4 Dog Kennel Hill London Southwark  
 27 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 12 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 21 Holderness House Champion Hill  
 Flat 26 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 23 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 5 Walcot House East Dulwich Estate  
 Albrighton Road  
 Flat 27 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 10 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 15 Birdsall House Champion Hill  
 Flat 32 Holderness House Champion Hill  
 Flat 5 Karen Court Grove Lane  
 12 Langford Green London Southwark  
 9 Langford Green London Southwark  
 4 Langford Green London Southwark  
 30 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 34 Walcot House East Dulwich  
 Estate Albrighton Road  
 22 Springfield Lodge 1 Grove Hill Road  
 London  
 14 Springfield Lodge 1 Grove Hill Road  
 London  
 9 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 15 Walcot House East Dulwich  
 Estate Albrighton Road  
 Flat 4 Walcot House East Dulwich Estate  
 Albrighton Road  
 Flat 38 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 18 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 23 Birdsall House Champion Hill  
 42 Langford Green London Southwark  
 35 Langford Green London Southwark  
 2 Langford Green London Southwark  
 Flat 42 Holderness House Champion Hill  
 Basement and Ground Floor Flat 199  
 Grove Lane London  
 40 Springfield Lodge 1 Grove Hill Road  
 London  
 13 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 3 Mary Seacole Court Dog Kennel  
 Hill  
 31 Langford Green London Southwark  
 26 Springfield Lodge 1 Grove Hill Road  
 London  
 Flat 6 Mary Seacole Court Dog Kennel  
 Hill  
 Flat 9 Karen Court Grove Lane  
 Flat 20 Holderness House Champion Hill  
 Flat 23 Appleshaw House Champion Hill  
 Estate Champion Hill  
 Flat 5 Birdsall House Champion Hill  
 Flat 19 Birdsall House Champion Hill

19 Springfield Lodge 1 Grove Hill Road  
London  
Flat 16 Walcot House East Dulwich  
Estate Albrighton Road  
Flat 24 Appleshaw House Champion Hill  
Estate Champion Hill  
Flat 16 Appleshaw House Champion Hill  
Estate Champion Hill  
Flat 8 Birdsall House Champion Hill  
Flat 29 Birdsall House Champion Hill  
Flat 7 Holderness House Champion Hill  
Flat 25 Holderness House Champion Hill  
Flat 3 Seavington House Champion Hill  
25 Springfield Lodge 1 Grove Hill Road  
London  
Apartment 2 8 Dog Kennel Hill London  
Ground Floor Flat 170 Grove Lane  
London  
Flat 31 Walcot House East Dulwich  
Estate Albrighton Road  
Flat 29 Walcot House East Dulwich  
Estate Albrighton Road  
Flat 11 Walcot House East Dulwich  
Estate Albrighton Road  
Flat 2 Walcot House East Dulwich Estate  
Albrighton Road  
Flat 36 Appleshaw House Champion Hill  
Estate Champion Hill

Flat 21 Appleshaw House Champion Hill  
Estate Champion Hill  
Flat 9 Birdsall House Champion Hill  
26 Langford Green London Southwark  
Flat 38 Holderness House Champion Hill  
Flat 30 Holderness House Champion Hill  
39 Champion Hill London Southwark  
Flat 2 Holderness House Champion Hill  
168 Grove Lane London Southwark  
154 Grove Lane London Southwark  
Flat 9 Seavington House Champion Hill  
31 Springfield Lodge 1 Grove Hill Road  
London  
28 Springfield Lodge 1 Grove Hill Road  
London  
23 Springfield Lodge 1 Grove Hill Road  
London  
21 Springfield Lodge 1 Grove Hill Road  
London  
20 Springfield Lodge 1 Grove Hill Road  
London  
3 Springfield Lodge 1 Grove Hill Road  
London  
Flat 5 Mary Seacole Court Dog Kennel  
Hill  
Flat 1 Mary Seacole Court Dog Kennel  
Hill

## Consultation responses received

### Internal services

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

### Statutory and non-statutory organisations

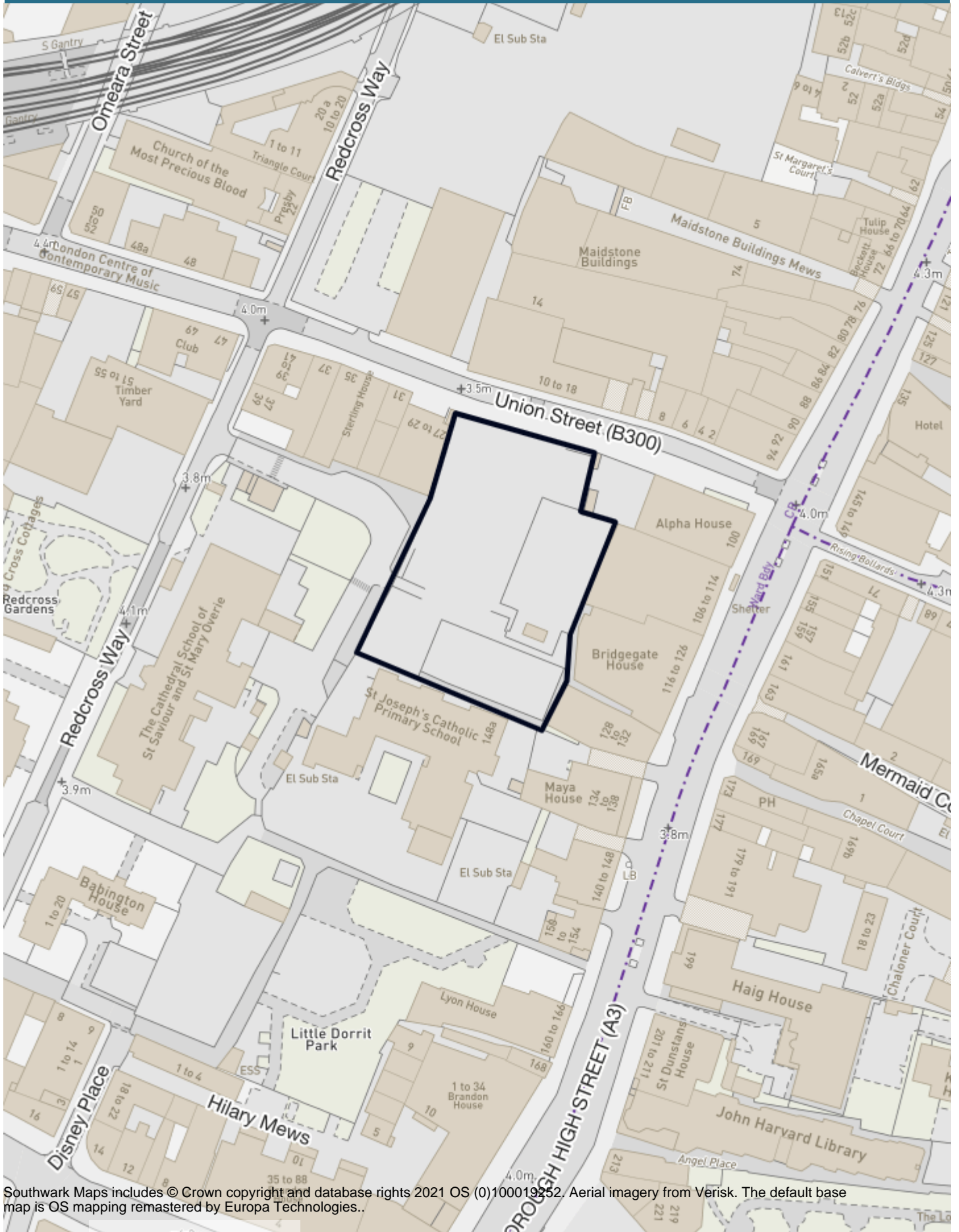
Environment Agency  
Metropolitan Police Service  
Thames Water

### Neighbour and local groups

|  |   |
|--|---|
| 12 Beaulieu Close London SE5 8BA       | 153 Grove Lane, London                    |
| 39 Burrow Rd London SE22 8DU           | Flat 97 Ruskin Park House Champion Hill   |
| 45 Grove Lane London SE58SP            | London                                    |
| 152 Ruskin Park House London SE5 8tl   | 1245 Ruskin Park House London SE5 8tl     |
| 47 Champion Hill London SE58BS         | 2 Beaulieu Close, Denmark Hill Denmark    |
| 28 Langford Green London se5 8bx       | Hill London                               |
| 158 Grove Lane London SE5 8BP          | 7 The Hamlet London SE5 8AW               |
| 56 Grove Lane London                   | 17 Beaulieu close London se58ba           |
| 21 Sunnymead Road London SW15 5HY      | 23 Langford Green London SE5 8BX          |
| 7 Beaulieu Close London SE5 8BA        | 1A Grove Park London SE5 8LT              |
| 158 Grove Lane London SE5 8BP          | 166 Grove lane London SE58BP              |
| 35 Langford Green Champion Hill London | 13 Evesham Walk Camberwell se5 8sj        |
| 5 Grove Hill Road London SE58DF        | 25 Richmond Road London N112QR            |
| 197-199 Grove Lane London              | 3 Beaulieu Close London SE5 8BA           |
| 1 Champion Grove Camberwell Se58bw     | 31B Champion Hill London SE5 8BS          |
| 97 Ruskin Park House Champion Hill     | 18 Beaulieu Close London SE58BA           |
| Lindon                                 | 8 Buxted Road London SE22 8DQ             |
| 60 Grove Lane London SE5 8ST           | Flat 6, Morris Court, Denmark Hill Estate |
| 95 Ruskin Park House Champion Hill     | Morris Court London                       |
| London                                 | 5 Love Walk SE5 8AD London                |
| 16 Bramham House East Dulwich Estate   | 65 Ivanhoe Rd Camberwell SE5 8DH          |
| London                                 | 51 Champion Grove London SE5 8BN          |
| 3 Close Lea Rastrick Brighthouse       | 201 Grove Lane Camberwell SE5 8BP         |
| 61 Grove Lane London SE5 8BG           | 7 The Hamlet Champion Hill LONDON         |



34 Champion Hill SE5 8AP  
 11 Beaulieu Close Champion Hill  
 Camberwell  
 158 Grove Lane London SE5 8BP  
 9 Ivanhoe Road London SE5 8DH  
 34 Northway Road London Se5 9an  
 26 Langford Green Champion Hill  
 SE58BX  
 Apartment 4, 8 Dog Kennel Hill London  
 SE22 8AA  
 34 Langford Green Camberwell SE5 8BX  
 17 Beaulieu Close London SE58BA  
 29Ashbourne grove East Dulwich London  
 9 Appleshaw House London  
 153 Grove Lane London SE5 8BG  
 193 Camberwell Grove London SE5 8JU  
 214 Camberwell Grove London SE5 8RJ  
 Flat 33, Walcot House, East Dulwich  
 Estate London SE22 8AD  
 25 Birdsall House, Champion Hill,  
 Champion Hill Champion Hill London  
 165 Ruskin Park House London  
 45 McNeil Road London SE5 8PL  
 20 The Hamlet Champion Hill London  
 1 Springhill London Se58aj  
 165 Shardeloes Road London SE14 6RT  
 165 Camberwell,, Grove London SE5 8JS  
 47 Ivanhoe Road Ivanhoe Road LONDON  
 18 Malfort Road Camberwell London  
 164 Camberwell Grove London SE5 8RH  
 164 Camberwell Grove London SE5 8RH  
 38 Langford Green London SE5 8BX  
 56 GROVE LANE LONDON SE58ST  
 124 ruskin park house london SE5 8TL  
 18 Beaulieu Close London SE5 8BA  
 35 Langford Green London Southwark  
 Flat 2 Karen Court 203 Grove Lane  
 LONDON  
 47 Champion Hill London SE5 8BS  
 3 Close Lea Brighthouse West Yorkshire  
 28 Grove Lane London SE5 8ST  
 158 Grove Lane Camberwell London  
 25 The Hamlet London SE58AW  
 Flat 9 184 Camberwell Grove London  
 124B Grove Park London SE5 8LD  
 33 Champion Hill London Southwark  
 168 grove lane Camberwell London  
 Flat 14, Wilton House, East Dulwich  
 Estate, Wilton House Wilton House  
 London  
 31 Abbotswood Road London  
 on behalf of SE5 Forum and Camberwell  
 Identity Group 18 Grove Lane London  
 Flat 32 Melbreak House East Dulwich  
 Estate London  
 7, Anderton Close LONDON  
 81A Grove Park London SE5 8LE



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50 m

Scale =

7-Sep-2022

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|   |  |                                    |  |
|---|--|------------------------------------|--|
| <b>Item No.</b><br>7.2                    | <b>Classification:</b><br>Open   | <b>Date:</b><br>21 September 2022  | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>                      | <p><b>Development Management planning application:</b><br/>Application 22/AP/2071 for: Full Planning Application</p> <p><b>Address:</b> MARLBOROUGH PLAYGROUND, 11-25 UNION STREET, SOUTHWARK LONDON, SE1 1SD</p> <p><b>Proposal:</b> Redevelopment of site for the construction of two storey Cafe (Use Class E.b) with ancillary facilities, erection of roof apparatus (PV panels and plant), renewal of existing game areas, provision of cycle parking and associated landscaping for outdoor games, viewing terraces and planting and associated highway works with pedestrian ramp access.</p> <p>This application is a DEPARTURE APPLICATION: The proposed development is a departure from Policy P57 (Open Space) of the Southwark Plan (2022).</p> |                                    |  |
| <b>Ward(s) or groups affected:</b>        | Borough and Bankside   |                                    |  |
| <b>From:</b>                              | Director of Planning and Growth  |                                    |  |
| <b>Application Start Date:</b> 05/07/2022 |  | <b>PPA Expiry Date:</b> 07/10/2022 |  |
| <b>Earliest Decision Date:</b> 02/09/2022 |  |                                    |  |

## RECOMMENDATION

1. That planning permission be granted subject to conditions and a S106 legal agreement.
2. That in the event that a legal agreement is not signed by 31 March 2023 the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 78 of this report.

## BACKGROUND INFORMATION

### Site location and description

3. The application site is approximately 0.35Ha and is located along Union Street. The existing site is designated as Borough Open Land (BOL) as it is an area of local importance to Southwark, is a clear distinguishable open space and provides good public access. Some of the existing facilities on-site include multi-sports game areas, an all-weather sports pitch, basketball and table tennis areas and a beach volleyball court.

#### 4. Existing site layout plan



#### 5. Other site designations include

- Area Vision – Bankside and the Borough
- Article 4 Part 20 – Demolition and construction of new dwellings
- Article 4 CAZ
- Article 4 Town Centre – SF4
- Air Quality Management Area (AQMA)
- Archaeological Priority Zone (APZ) – Borough, Bermondsey and Rivers
- Business Improvement District (BID) – Better Bankside
- Borough Open Land (BOL)
- Central Activity Zone (CAZ)
- Conservation Area – Borough High Street
- District Town Centre – Bankside and Borough District Town Centre
- Environment Agency Flood Zone – Flood Zone 2 & 3
- London View Management Framework (LVMF) – Alexandra Palace viewing terrace to St Paul's Cathedral
- Opportunity Area – Bankside, Borough and London Bridge Opportunity Area
- Smoke Control Zone

### Details of proposal

6. Redevelopment of site for the construction of two storey Cafe (Use Class E.b) with ancillary facilities, erection of roof apparatus (PV panels and plant), renewal of existing game areas, provision of cycle parking and associated landscaping for outdoor games, viewing terraces and planting and associated highway works with pedestrian ramp access.

### Other important features

- Two storey building with undercroft (allowing access from Union Street into Marlborough Playground)
- Maximum height: 8-9m
- Ground floor footprint 220sqm GEA (approximately 6.6% of the site area), overall 278sqm GIA
- Ground floor area includes: community café, toilets and ancillary storage
- First floor area includes: two exercise studios, one outdoor exercise space office, viewing deck and spectator seating (pavilion area at first floor)

### Vision and context

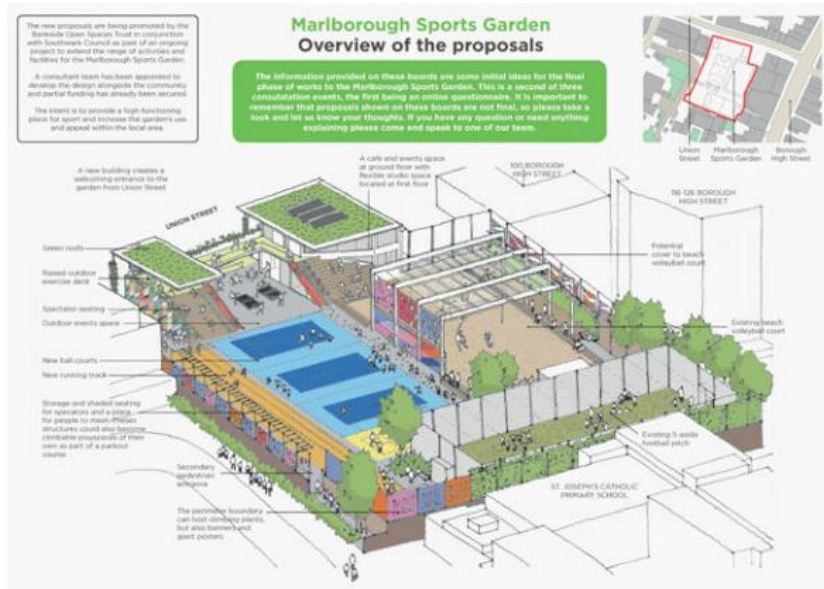
7. The applicant Bankside Open Spaces Trust (BOST) have ensured the project remains focussed on the needs of the community and centred around the public health agenda. Eight primary schools (c.3000 pupils) are within walking distance of Marlborough Playground and children are the biggest users of space. This has informed the overall vision of the proposal, including the types of facilities and programmes needed to create an environment where it is easier to eat well, exercise more, development a love for sports and establish healthy eating practices.
8. The facilities and services offered would be freely available to school pupils, other children and young people. This would be achieved by the commercial renting out of the facilities at peak times, subsidising the use of the playground for other groups.
9. An extensive public consultation took place, including engagement from various stakeholders. BOST structured the community engagement exercises into three stages:
  - a) Discover
  - b) Development and
  - c) Deliver.
10. Discover – During this phase it was concluded that 77% of respondents wished to see further facilities provided at Marlborough. In order of popularity this included:
  - 80% permanent toilets
  - 65% further seating (included covered)
  - 60% café
  - 50% more plants and greenery
  - 40% indoor facilities (e.g. Tai Chi and Qi Gong)

These desires were then taken to the Development phase of engagement.

11. **Development** – During this phase, indicative designs were presented as only initial and open to feedback in order to change if desired. Children and adults were encouraged to provide feedback and this was conducted using various

methods to increase engagement. Children were asked to draw an idea on how they imagined a sport or activity they wished to do that is was not part of the Marlborough Sports Playground. Adults were asked to fill in a simple questionnaire. The most popular aspects raised were needing facilities for refreshments and permanent toilets.

12. Presentation board presented to members of the public

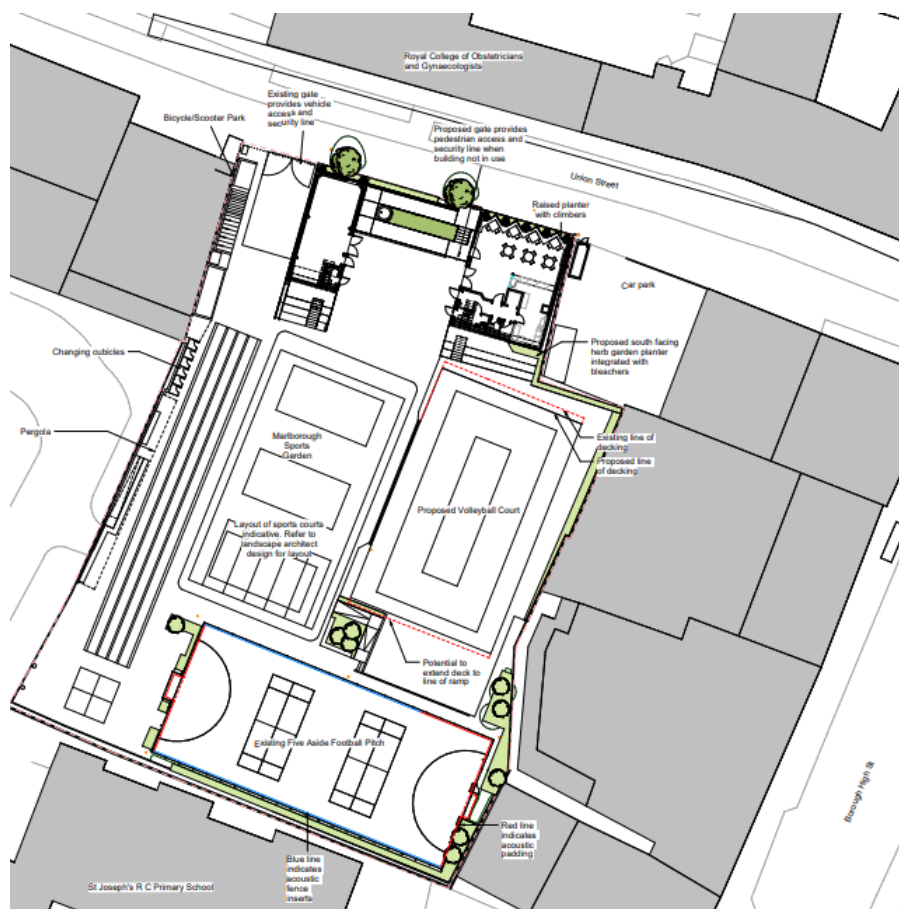


13. Example of children's drawing during engagement



14. Deliver – During this phase BOST and architects worked together to ensure the proposal would provide the key elements of what came out of the public consultation.

## 15. Proposed site plan



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

16. 30 contributions were received, 12 objections and 18 in support of the development. Summarised below are the material planning considerations raised by members of the public.

17. Objections (12)

- Negative impact upon conservation area, increased noise disturbance would cause pollution for residents, principle of development is inappropriate as departure from plan, poor quality design, significant reduction in open space harms openness, development would reduce accessibility for public not increase it.

18. Supportive (18)

- Enhanced facilities for community to use, would increase accessibility for children and vulnerable adults wishing to use open space, facilities would be upgrade to shipping containers/portaloos cabins, good quality design provides inclusivity, functioning would increase community engagement with BOST.



19. A site visit was carried out by the Case Officer with residents who objected to the application. This was to ensure key issues residents raised were understood in context and real time. The on-site meeting with helpful in emphasising the issues residents had concerns with (listed in section 14). As part of the assessment of this application, the LPA have ensured suitable mitigation to some of the issues raised which have now been included as part of the proposed development.

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

20. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. This site history is found in Appendix 3.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

21. The main issues to be considered in respect of this application are:
- Principle of development on Borough Open Land
  - Design and impact upon the character and appearance of Borough High Street and Union Street conservation areas
  - Impact of the proposed development on amenity of adjoining occupiers
  - Transport and highways
  - Ecology and biodiversity
  - Archaeological matters
  - Planning obligations (S106)
  - Mayoral and Borough Community Infrastructure Levy
  - Consultation responses and community engagement
  - Equalities impact and human rights
22. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal context**

23. 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.

24. 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**

25. The statutory development plans for the Borough comprise the London Plan (2021), the Southwark Plan (2022). The National Planning Policy Framework (2021). A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **ASSESSMENT**

### **Principle of development on Borough Open Land**

26. The London Plan (2021) Policy G4 (Open Space) affords Borough Open Land (identified of a similar size, scale and use to Marlborough Playground) protection from inappropriate development. Furthermore, Policy P57 (Open Space) of the Southwark Plan (2022) states that:

“Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL) unless in exceptional circumstances when:

1. It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect it is openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sports or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with it is MOL function; or
2. It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or
3. It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces”.

27. The principal of healthy sporting facilities and activities would continue which is supported, although the provision of a community café and indoor recreational studios would not represent ancillary on-site facilities. Whilst it is acknowledged that café facilities are located on other open spaces in London and around the Borough, this development is not comparable to other larger open spaces. This development therefore represents a departure from Policy P57 of the Southwark Plan (2022). However it would provide other notable benefits to the community. This would include employment opportunities from the community café and increased accessibility of use of the indoor and outdoor facilities at heavily subsidised or free rates. Overall given the balance of benefits and how policies P45 (Healthy developments) and P47 (Community Uses) of the Southwark Plan (2022) encourage this form of development, the proposal is considered to generate benefit for residents – and as such the principal of development is supported.

## Design and impact upon the character and appearance of Borough High Street and Union Street conservation areas

### Context

28. The proposals include a building structure designed to make best use of the site and provide facilities for the users of the sports garden. The design is a two storey structure which seeks to provide a positive frontage to Union Street creating a gateway and a street presence to the playing pitches beyond. The sculptural and lively architectural qualities of the building and of the proposed landscaping and boundary treatments including railings, signage and windows facing the street would create a place of enjoyment in the street, and be a positive feature within the street scene.
29. Indicative image of proposed building front



30. Indicative image of proposed building back



31. The materials, using reclaimed brick and weathered steel, plus colour panels and corrugated metal draw elements of traditional building materials found locally, while providing visual interest and urban texture with colour and light enlivening the building. Planting softens the street elevation. Subject to external material samples and landscape design being controlled by pre-commencement conditions, the proposals would meet the requirements of P13 Design of Places and P14 Design Quality of the Southwark Plan 2022.

#### Union Street conservation area

32. The site lies adjacent to the Union Street conservation area. The adopted Conservation Area Appraisal details the sub areas within this zone. The Site lies within Sub Area 4, which is describes Union Street is “a relatively quiet, narrow street with a sense of enclosure created by the Predominately three storey buildings set at the back edge of pavement. Flat Iron Square and trees within it form a focal point at the western end of this section of the street. The street has varied character deriving from the differing ages and types of buildings along its length. The three storey early-mid nineteenth century terraces at either end of the street are more domestic in scale and scale compared to the larger and more decorative later nineteenth century community buildings around the junction of Union Street with Redcross Way. There is however, generally a degree of continuity in the repetition of vertically proportioned windows along the street. Properties are predominately parapet-fronted, despite some variation in the numbers of storeys there is consistency in the heights of buildings at parapet/eaves level.
33. The Conservation Area Appraisal identifies sites within and adjacent to the conservation area that would benefit from sensitive enhancement. The application site is specifically mentioned, and described as an "unsightly industrial site with open metal railings fronting Union Street". This view is experienced in short and medium views on approaching the conservation area from the east and exiting it from the west. The site itself contributes little understanding to the significance of the conservation area. The significance of the conservation area, through change within its setting would be improved by the proposals of this development, and in this respect, the application would meet the requirements of P20 Conservation Areas of the Southwark Plan 2022

#### Borough High Street conservation area

34. The site lies outside the Borough High Street conservation area, but it immediately borders the Union Street frontage which is in the Borough High Street conservation area and close enough to effect its significance by change within its setting. The Borough High Street Conservation Area Appraisal describes properties on the west side of Borough High Street and north of Union Street (opposite the Site) as still showing "the burgage plot layout, including several listed buildings, many of which have later facades to much earlier plans". The appraisal refers to the linear character of Borough High Street creating contained vistas rather than broad prospects, although some open up at street intersections. In addition there are glimpses into alleys and yards off the High Street. This network of spaces is historic and is of significance to the conservation area.
35. The openness and expanse of the current play area on-site is due to later 20th century changes to the space through WWII bombing, post war clearance and shelter/subway access. This remains the predominant feature of the character of the application site. Any appreciation and understanding of how the site was used pre-Second World War has been obliterated with little reference to built form.

## Listed heritage assets

36. In terms of setting of listed buildings the closest designated building, approx. 15m to the west, is no 31-37 Union Street. A terrace of 18th century townhouses which front the street and high quality timber shopfronts at ground floor. Primarily their significance lies in their composition and intactness as a good example of classically designed townhouses from the Georgian expansion of Borough. They all have large rear extensions, dating from the Victorian period with some structures and fabric naturally superseded over the years. Their settings have been altered throughout history and now they form part of a wide rich urban fabric; of which amongst other similar scaled buildings, the site contributes to.
37. The proposed development, owing to its subservient scale and design would not alter this street experience of the grade II listed buildings to the extent that there would be harm to their significance. 31-37 Union Street would remain readable as a terrace of Georgian townhouses, within a varied and close knit urban setting. Overall the impact here would be neutral.
38. Kent House in Maidstone Buildings, a grade II listed series of hop warehouses is located approx. 80m to the north of the site. The buildings primary significance is as a converted warehouse dating from the 19th century when hops were a substantial part of the local trade and economy in Borough. The buildings primary aspect is the narrow Maidstone Buildings yard, an enclosed space formed from the historic street and yard network in the Borough High Street conservation area.
39. The proposed development owing to its distance and scale would not impact on the significance of this Grade II listed building. In conclusion with regards to listed buildings, the proposals would preserve the significance of the assets and comply with P20 Listed buildings and structures of the Southwark Plan 2022.

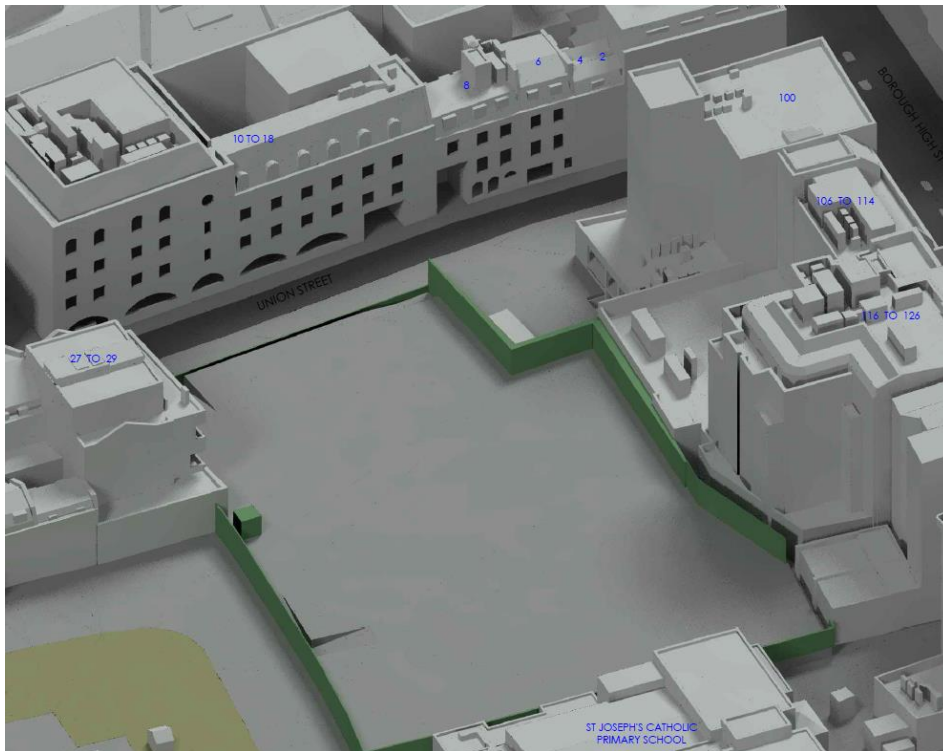
### **Impact of the proposed development on amenity of adjoining occupiers**

#### Daylight and sunlight

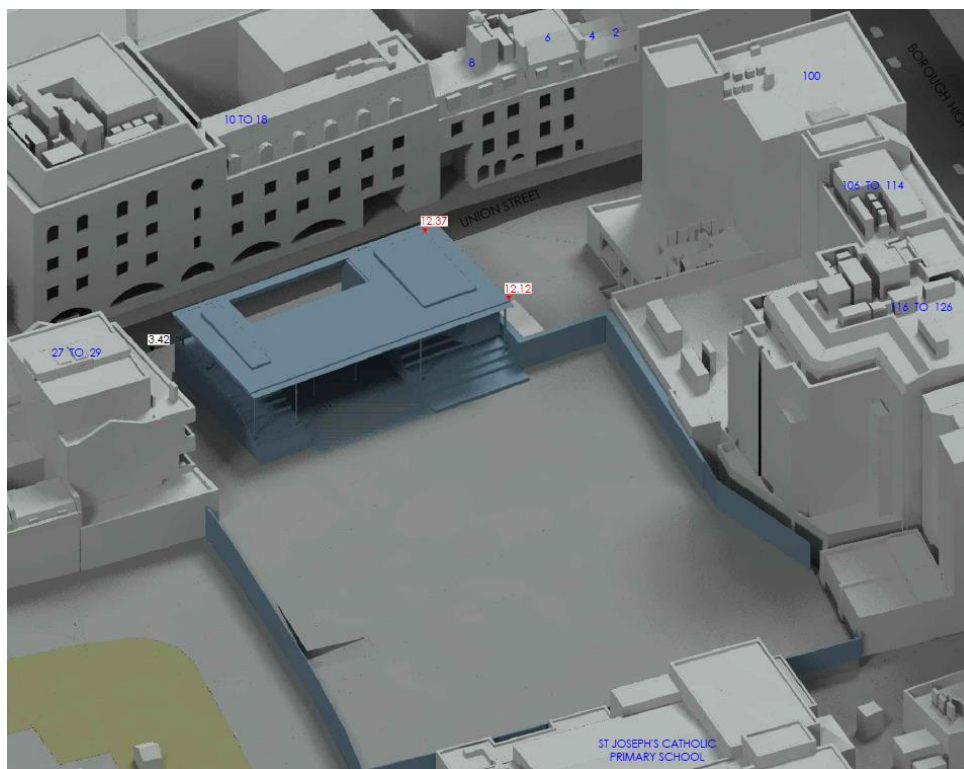
40. There is no specific national planning policy related to such matters however, the BRE Report "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (June 2022) is an established guidance document detailing industry standards considered appropriate for urban development analysis.
41. The two main measures to assess the impact of daylight from the development are VSC (Vertical Sky Component) and NSL (No Skyline). However no NSL measures have been provided as part of this Daylight and Sunlight Assessment.
42. VSC (daylight spot) – assessment of all rooms/windows within surrounding buildings that both face and overlook the proposed development. If this Vertical Sky Component is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the Vertical Sky Component with the new development in place is both less than 27% and less than 0.8 times its former value, then the occupants of the existing building will notice the reduction in the amount of skylight. It should

be noted that “notice” does not necessarily equate to the loss of light being a material reduction to the level of amenity enjoyed by the neighbouring building.

43. NSL (No Skyline) - is a measure of the distribution of diffuse daylight within a room. The NSL simply follows the division between those parts of a room that can receive some direct skylight from those that cannot. If from a point in a room on the working plane (a plane 850mm above the floor) it is possible to see some sky then that point will lie inside the NSL contour. Conversely, if no sky is visible from that point then it would lie outside the contour.
44. The neighbours most impacted from the development are:
- 6 Union Street (residential)
  - 8 Union Street (commercial)
  - 10 – 18 Union Street (commercial)
  - 100 Alpha House (commercial)
  - 27-29 Union Street (commercial)
45. Existing site 3D



## 46. Proposed site 3D



47. For the purpose of Planning, the tests within the BRE Guidelines are usually limited to habitable rooms within existing neighbouring residential buildings. A “habitable” room is defined as a Kitchen, Living Room or Bedroom. Bathrooms, hallways and corridors are excluded from this definition. Non-domestic and commercial buildings are also excluded, as it is generally accepted that these uses normally rely primarily on supplementary artificial lighting throughout the day; and are therefore not dependent on natural light for their main source of amenity.
48. For all other neighbouring buildings where records drawings have not been available, reasonable efforts and assumed room layouts for the purpose of the No Skyline Daylight Distribution Analysis were based on an external inspection and general nature and typology of the buildings.
49. 6 Union Street

| Vertical Sky Component (VSC – Daylight)          |      |                 |         |           |        |
|--|------|-----------------|---------|-----------|--------|
| Windows  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 6  | 6    | 100             | 0       | 0         | 0      |
| No Sky Line (Daylight Distribution and Sunlight) |      |                 |         |           |        |
| Rooms  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 3  | 3    | 100             | 0       | 0         | 0      |

## 50. 8 Union Street

| Vertical Sky Component (VSC – Daylight) |
|---|
|   |

| Windows  |      |                 | Loss    |           |        |
|--|------|-----------------|---------|-----------|--------|
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 10   | 10   | 100             | 0       | 0         | 0      |
| No Sky Line (Daylight Distribution and Sunlight) |      |                 |         |           |        |
| Rooms  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 5  | 5    | 100             | 0       | 0         | 0      |

## 51. 10 – 18 Union Street

| Vertical Sky Component (VSC – Daylight)          |      |                 |         |           |        |
|--|------|-----------------|---------|-----------|--------|
| Windows  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 31   | 28   | 90              | 3       | 0         | 0      |
| No Sky Line (Daylight Distribution and Sunlight) |      |                 |         |           |        |
| Rooms  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 19   | 19   | 100             | 0       | 0         | 0      |

## 52. 100 Alpha House

| Vertical Sky Component (VSC – Daylight)          |      |                 |         |           |        |
|--|------|-----------------|---------|-----------|--------|
| Windows  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 7  | 7    | 100             | 0       | 0         | 0      |
| No Sky Line (Daylight Distribution and Sunlight) |      |                 |         |           |        |
| Rooms  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 2  | 2    | 100             | 0       | 0         | 0      |

## 53. 27 – 29 Union Street

| Vertical Sky Component (VSC – Daylight)          |      |                 |         |           |        |
|--|------|-----------------|---------|-----------|--------|
| Windows  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 12   | 12   | 100             | 0       | 0         | 0      |
| No Sky Line (Daylight Distribution and Sunlight) |      |                 |         |           |        |
| Rooms  |      |                 | Loss    |           |        |
| Total  | Pass | BRE compliant % | 20-30 % | 31 – 40 % | 41 % + |
| 8  | 8    | 100             | 0       | 0         | 0      |

54. Overall in terms of daylight and sunlight, the proposed development would not harm the light amenity of neighbours and the development is in compliance with the BRE guidelines on daylight and sunlight.

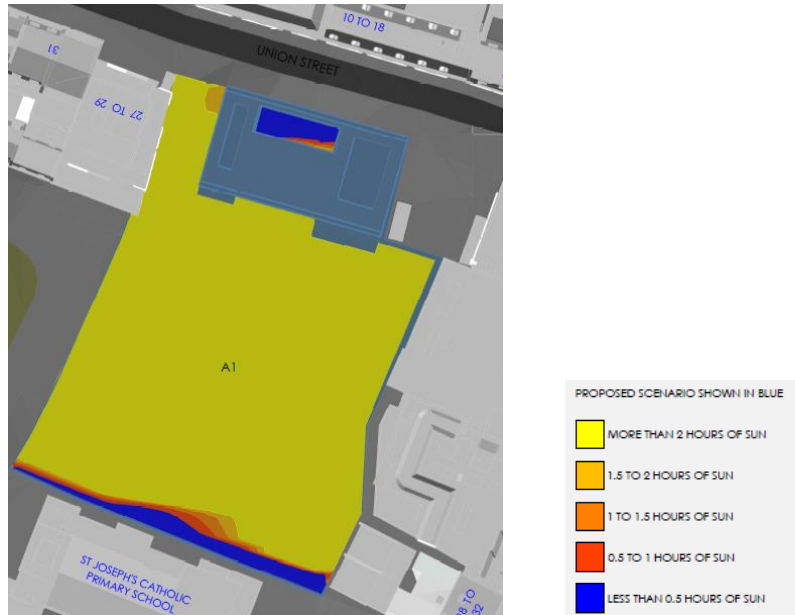
Overshadowing - sunlight amenity to open spaces within and surrounding the site

55. The BRE Guidelines state that for an amenity space to appear adequately sunlit throughout the year, at least half of the amenity area should receive at least two hours of sunlight on 21 March (based upon March equinox – approximate date of



when the sun crosses the celestial equator). If as a result of new development an existing amenity area does not meet the above, it should retain at least 80% of its former value with the proposal in place.

56. From the surveys undertaken, 91% of the playground area would receive more than 2 hours of sunlight, meeting BRE guidance.



#### Noise and vibration

57. The Noise Policy Statement for England (NPSE) applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise but does not apply to noise in the workplace. The Government recognises that the effective management of noise requires a co-ordinated and long-term approach that encompasses many aspects of modern society.
58. Methods for rating and assessing industrial and commercial noise is given in the BS 4142 Methods for rating and assessing industrial and commercial sound (2014). This guidance was developed for the purposes of; a) investigating complaints b) assessing the sound from new, modified or additional sources of sound and c) assessing sound at proposed new dwelling or premises used for residential purposes.
59. The BS4142 states that if the noise level is 10dB or higher than the existing background sound level, it is likely to be an indication of significant adverse impact. If the level is 5dB or above the existing background sound level, it is likely to an adverse impact. If the level does not exceed the background level, it is an indication of low impact.
60. Note: Policy D14 (Noise) of the London Plan (2021) states:

In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

1. Avoiding significant adverse noise impacts on health and quality of life.
  2. Reflecting the Agent of Change principle as set out in Policy D13 Agent of Change.
  3. Mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.
  4. Improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity).
  5. Separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation.
  6. Where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles.
  7. Promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.
61. Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Soutwark Plan (2022) states that development within designated open space should be designed to protect or enhance the positive aspects of the acoustic environment. The proposal includes details of sound reduction measures which include rubber mountings for fences and padded inner linings to cages. These measures are likely to produce a sound reduction of between 8dB – 15dB, which is a significant improvement over existing conditions. The requirement of quilted blanket lining is recommended to be secured through a pre-commencement condition.
62. The Acoustic Survey submitted provides the results of two conducted assessments on Thursday 10 February and Monday 14 February. This identified the noise levels of existing sports activities are currently high, with the sound levels comprising of ball strikes and shouting. Whilst the proposed scheme is unlikely to make this worse, the proposed development provides a good opportunity to include mitigation measures to limit these loud noise instances and frequencies.

63. Example image of quilt blanket (padded lining)



64. As part of the development, a new running track and hardcourt is proposed – the surface would be a Polymeric Type 4 surface, which is a shock absorbing material rather than the existing tarmac. This is also likely to contribute to a small reduction in sound level emissions.
65. Whilst it is acknowledged that noise is an existing issue on site, the development is unlikely to exacerbate noise to a detrimental degree for neighbouring amenity. The development provides good opportunity to include noise reduction mitigation which is supported. It would also allow a full-time presence of BOST on-site to help manage activities by:
- Responding to neighbouring complaints directly
  - Monitor and respond to any anti-social behaviour
  - Enforce neighbourly behaviour and community engagement

## **Transport and highways**

66. The application site has a PTAL score of 6b, which demonstrates excellent connectivity to TfL transport services. It is also located within the Bankside (C1) Controlled Parking Zone, which operates 08:00 – 23:00 Monday to Sunday [inclusive of Bank Holidays] and on the border with the Borough (C2) Controlled Parking Zone which operates 08:30 – 18:30 Monday to Friday. The proposal also includes ramp DDA access which is supported to increase accessibility.

### **Cycle parking**

67. The cycle parking proposed is located along the north eastern area of the site. Up to 48 cycle parking spaces are proposed, this would include parking for staff who work on-site. The council's preferred parking are Sheffield stands and it is recommended details of this be secured through an above grade condition.

#### Refuse storage

68. Unlike waste guidance for residential developments, the council does not have waste guidance for commercial schemes. The development includes 8 x 140 litre bins and 2 x 240 litre bins within the café space for food, general waste, recycling. This refuse provision however have not been illustrated on plans and therefore it is recommended further details are sought through an above grade condition.

#### Servicing and delivery

69. The operation on site is expected to have a delivery frequency of up to 21 per week, although this is not expected to occur every week. The site management team will be responsible for overseeing servicing and delivery operations on site. Whilst a Servicing and Delivery Plan has been provided, further details of this through an above grade condition is recommended.

#### Highway matters

70. The highways development team have reviewed the proposal; it would be necessary for the applicants to enter into a S278 agreement to mitigate and enhance the proposed development.

#### Construction management

71. Given the sensitive context of the site, a Construction Management Plan and Construction Logistics Plan shall be required to ensure health, safety and impacts from deliveries and servicing does not cause pollution or unreasonable disturbance during the construction phase. This is to be secure by way of two pre-commencement conditions.

### **Ecology, biodiversity and landscaping**

#### Ecology and biodiversity

72. The existing site is of limited (bio)ecological value, and new planting and a biodiverse roof would provide good opportunity for biodiversity net-gain. It is also advised to include nesting boxes-bricks and invertebrate features into the development, which have been recommended to be attached as conditions.

#### Landscaping

73. The proposal includes planting across the site, whilst limited details have been received it is recommended that a landscaping plan condition be attached to request further details and clarity over this. In principal the inclusion of such features is supported and represents good opportunity to provide greenery on-site.

### **Archaeological matters**

74. The Archaeological desk-based assessment presents a clear picture of the surrounding area, from historical data and from uniform results captured from borehole investigations. The application also details a piling strategy with cast in

situ piles. The proposed development would have a limited impact upon any potential archaeology, the piling caps founded (due to proposed depths) would be above any potential archaeology levels to impact. As such due to the programme of works, no special archaeological mitigation is necessary.

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

75. Policy IP3 (Community Infrastructure Levy (CIL) and Section 106 planning obligations) of the Southwark Plan (2022) and Policy DF1 (Delivery of the Plan and Planning Obligations) of the London Plan (2021) advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Policy IP3 of the Southwark Plan (2022) is reinforced by the adopted Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. The NPPF which echoes the Community Infrastructure Levy Regulation 122 which requires obligations be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development and
- Fairly and reasonably related in scale and kind to the development.

76. Following the adoption of Southwark's Community Infrastructure Levy (SCIL) on 1 April 2015, much of the historical toolkit obligations such as Education and Strategic Transport have been replaced by SCIL. Only defined site specific mitigation that meets the tests in Regulation 122 can be given weight.

77.

| Planning Obligation  | Applicant Position  |
|--|---------------------|
| Employment opportunities from community café   | Principally agreed. |
| Free and heavily subsidised use of facilities for residents, children and those of low income households | Principally agreed. |

78. In the event that an agreement has not been completed by 31 March 2023, the committee is asked to authorise the director of planning and growth to refuse permission, if appropriate, for the following reason:

In the absence of a signed S106 legal agreement there is no mechanism in place for mitigation against the adverse impacts of the development. This would otherwise have secured employment and public accessibility (for classes) and it would therefore be contrary policy DF1 (Delivery of the Plan and Planning Obligations) of the London Plan (2022), policy IP3 (Community Infrastructure Levy (CIL) and Section 106 planning obligations) of the Southwark Plan (2022) and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).

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

79. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole. Southwark's CIL will provide for infrastructure that supports growth in Southwark.
80. The site is located within Southwark CIL Zone 2, and MCIL2 Central London zone. Based on the GIA measurements obtained from the proposed floor plans, the gross amount of CIL is approximately £74,398.08. It should be noted that this is an estimate, and floor areas will be checked when related CIL Assumption of Liability is submitted after planning approval has been secured.
81. This figure is an estimate only, and would be calculated in more detail when CIL Additional Information and Assumption of Liability forms are submitted prior to implementation.

### **Community involvement and engagement**

82. The applicant conducted consultation with a wide range of local stakeholders, including residents, current site users, local businesses and community groups. The approach to consultation aimed to include local people that would have a influence into the final design, amenities and activities of what a future playground may include. A full report of Community Engagement has also been provided with Appendix 15 of the submitted Design and Access Statement.

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

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

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

84. 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.

85. 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**

86. 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.
87. This application has the legitimate aim of development. 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**

88. 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.
89. 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.

| <b>Positive and proactive engagement: summary table</b>  |     |
|--|-----|
| 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 agreed Planning Performance Agreement date? | YES |

## CONCLUSION

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

## BACKGROUND DOCUMENTS

| <b>Background Papers</b>   | <b>Held At</b>   | <b>Contact</b>   |
|--|--|--|
| Southwark Local Development Framework and Development Plan Documents | Chief Executive's Department<br>160 Tooley Street<br>London<br>SE1 2QH | Planning enquiries telephone:<br>020 7525 5403<br>Planning enquiries email:<br>planning.enquiries@southwark.gov.uk<br>Case officer telephone:<br>0207 525 0254<br>Council website:<br>www.southwark.gov.uk |

## APPENDICES

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



**AUDIT TRAIL**

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | Stephen Platts, Director of Planning and Growth |                          |
| <b>Report Author</b>  | Zaib Khan, Senior Planner                       |                          |
| <b>Version</b>  | Final   |                          |
| <b>Dated</b>  | 8 September 2022                                |                          |
| <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                       |
| <b>Date final report sent to Constitutional Team</b>                    |   | 8 September 2022         |

## RECOMMENDATION (DRAFT DECISION NOTICE)

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.

---

|                         |                                      |                    |            |
|-------------------------|--------------------------------------|--------------------|------------|
| <b>Applicant</b>        | Mr Daniel Bianchi<br>Cullinan Studio | <b>Reg. Number</b> | 22/AP/2071 |
| <b>Application Type</b> | Minor application                    |                    |            |
| <b>Recommendation</b>   | GRANT permission                     | <b>Case Number</b> | 1140-N     |

### Draft of Decision Notice

#### Planning permission is **GRANTED** for the following development:

Redevelopment of site for the construction of two storey Cafe (Use Class E.b) with ancillary facilities, erection of roof apparatus (PV panels and plant), renewal of existing game areas, provision of cycle parking and associated landscaping for outdoor games, viewing terraces and planting and associated highway works with pedestrian ramp access.

This application is a DEPARTURE APPLICATION: The proposed development is a departure from Policy P57 (Open Space) of the Southwark Plan (2022).

Marlborough Playground 11 -25 Union Street London Southwark

**In accordance with application received on 13 June 2022**

Time limit for implementing this permission and the approved plans

1. Development shall be carried out in accordance with the approved plans:

- MSG-CS-ZZ-00-DR-A-0200 REV 1      GROUND FLOOR PLAN
- MSG-CS-ZZ-00-DR-A-0201 REV 1      FIRST FLOOR PLAN
- MSG-CS-ZZ-RF-DR-A-0202 REV 1      ROOF PLAN - PROPOSED
- MSG-CS-ZZ-ZZ-DR-A-0501 REV 1      SHORT SECTIONS (SHEET 1)

- MSG-CS-ZZ-ZZ-DR-A-0502 REV 1      SHORT SECTIONS (SHEET 2)
- MSG-CS-ZZ-ZZ-DR-A-0601 REV 1      EAST AND WEST ELEVATIONS
- MSG-CS-ZZ-ZZ-DR-A-0605 REV 1      UNION STREET PROPOSED ELEVATION STUDY
- MSG-CS-ZZ-ZZ-ZZ-A-0500 REV 1      LONG SECTIONS – PROPOSED
- MSG-CS-ZZ-ZZ-ZZ-A-0600 REV 1      NORTH AND SOUTH ELEVATIONS
- MSG-CS-ZZ-ZZ-ZZ-A-0602 REV 1      CO-ORDINATION SECTION

Reason: for avoidance of doubt and proper planning.

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

Reason:

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

Permission is subject to the following Pre-Commencements Condition(s)

3. ACOUSTIC QUILTED BLANKETS

Prior to the commencement of use of the MUGA, details of the noise mitigation measures in the form of Acoustic Quilted Blankets shall be provided and approved by the Local Planning Authority. The Acoustic Quilted Blankets shall thereafter be retained and shall not be removed without the prior written consent of the Local Planning Authority.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise, in accordance with: Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); policy D14 (Noise) of the London Plan (2021); Policy P56 (Protection of amenity) and Policy P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan (2022).

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant and materials;
  - Storage of plant and materials used in constructing the development;

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling / disposing of waste resulting from demolition and construction works

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework (2019); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

5. The following samples shall be made available on site for inspection by the Local Planning Authority, and approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given.i) 1m<sup>2</sup> sample panel of brickwork, mortar and pointing ii) Brick for the repairs iii) Stucco repairs and repainting[add/delete as required] Reason:In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); P21 Conservation of the historic environment and natural heritage, P20 Conservation areas, P19 Listed buildings and structures, P13: Design of places; P14: Design quality and P15: Residential design of the Southwark Plan (2022).
  
6. Details of Swift nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission. No less than 6 nesting boxes / bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / 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 boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed 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 Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021); Policy G6 (Biodiversity and access to nature) of the London Plan

(2021); P56 Protection of amenity, P57 Open space, P58 Open water space, P59 Green infrastructure, P60 Biodiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan (2022).

Permission is subject to the following Grade Condition(s)

## 7. GREEN ROOFS FOR BIODIVERSITY

Part 1: Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) shall be: \* biodiversity based with extensive substrate base (depth 80-150mm); \* laid out in accordance with agreed plans; and \* planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage). The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Part 2: Full Discharge of this condition will be granted once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with: Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) of the London Plan 2021; Policy P59 (Green Infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

## 8. HARD AND SOFT LANDSCAPING

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, available rooting space, tree pits, 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 equivalent stem girth 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; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

## 9. CYCLE STORAGE DETAILS

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 Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T5 (Cycling) of the London Plan (2021); Policy P53 (Cycling) of the Southwark Plan (2022).

## 10. ECOLOGICAL MANAGEMENT PLAN

Before any above grade work hereby authorised begins, a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This is an mandatory criteria of BREEAM (LE5) to monitor long term impact on biodiversity a requirement is to produce a Landscape and Habitat Management Plan.

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

#### 11. SERVICE MANAGEMENT PLAN

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

Reason: To ensure compliance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) and Policy P50 (Highways Impacts) of the Southwark Plan (2022).

#### 12. Details of bee bricks and/or invertebrate hotels shall be provided and the details shall include the exact location, specification and design of the habitats. Bee bricks and/or invertebrate hotels 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 Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the invertebrate features and mapped locations and Southwark Council agreeing the submitted plans, and once the invertebrate features are installed in full in accordance to the agreed plans.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: G6 of the London Plan 2021, Policy P59 and P60 of the Southwark Plan 2022.

#### 13. DETAILS OF THE REFUSE STORAGE FACILITIES

Before the first occupation of the development hereby permitted begins, details of the arrangements for the storing of domestic and/or commercial refuse (whichever is applicable) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse storage facilities shall be provided and made available for use by the occupiers of the development and the facilities 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 Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P62 (Reducing Waste) and Policy P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan (2022).



## RELEVANT PLANNING POLICY

### National Planning Policy Framework (NPPF, 2021)

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 16 Conserving and enhancing the historic environment

### The London Plan (2021)

- Policy D1 London's form, character and capacity for growth
- Policy D3 Optimising site capacity through the design led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D14 Noise
- Policy S5 Sports and recreation facilities
- Policy HC1 Heritage conservation and growth
- Policy G4 Open Space
- Policy G5 Urban greening
- Policy SI13 Sustainable drainage
- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the Plan and Planning Obligations

### Southwark Plan (2022)

- Policy P13 Design of places
- Policy P14 Design quality
- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P21 Conservation of the historic environment and natural heritage
- Policy P23 Archaeology
- Policy P45 Healthy developments
- Policy P47 Community uses
- Policy P53 Cycling
- Policy P56 Protection of amenity
- Policy P57 Open Space
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

## RELEVANT PLANNING HISTORY

| Reference and Proposal  | Status                        |
|---|-------------------------------|
| <p><b>12/AP/2931</b><br/>Installation of a beach volleyball court, freestanding football pitch with two generator powered lights, spectator area decking, equipment storage shed, portable toilets and installation of perimeter fencing including partial replacement of existing brick wall.</p>  | <p>Granted<br/>05/12/2012</p> |
| <p><b>13/AP/1066</b><br/>Temporary installation of a modified shipping container (a 'GrowUp Box') with greenhouse above to demonstrate sustainable urban farming methods.</p>   | <p>20/06/2013</p>             |
| <p><b>15/AP/4732</b><br/>Alterations to site levels and refurbishment of current open space to provide new sports facilities with additional lighting and seating areas and replacement planting.</p>   | <p>Granted<br/>08/04/2016</p> |
| <p><b>16/AP/3908</b><br/>Non Material Amendments to planning permission 15/AP/4732 granted for "Alterations to site levels and refurbishment of current open space to provide new sports facilities with additional lighting and seating areas and replacement planting" to amend the fencing system to astroturf pitch from 4m height with roof net to 5m height with roof net and to amend the drainage design from rainwater harvesting to attenuation tank.</p> | <p>Agreed<br/>17/11/2016</p>  |
| <p><b>17/AP/0389</b><br/>Construction of a new vehicular ramped access to Marlborough Sports Garden from Union Street to include the instatement of new gates</p>   | <p>Granted<br/>27/03/2017</p> |

## CONSULTATION UNDERTAKEN

**Site notice date:** 04/08/2022

**Press notice date:** 11/08/2022

**Case officer site visit date:** 25/08/2022

**Neighbour consultation letters sent:** 06/09/2022

### Internal services consulted

Archaeology

Design and Conservation Team [Formal]

Ecology

Environmental Protection

Highways Development and Management

Section 106 Team

Flood Risk Management & Urban Drainage

Waste Management

Community Infrastructure Levy Team

### Neighbour and local groups consulted:

10-18 Union Street London Southwark

Fifth Floor Alpha House 100 Borough High Street

Third Floor Flat 6 Union Street London

Room 14A First Floor Alpha House 100 Borough High Street

2 Bridgegate House 116-118 Borough High Street London

92 Borough High Street London Southwark

Room 21 Second Floor Alpha House 100 Borough High Street

First Floor Flat 31 Union Street London

88A Borough High Street London Southwark  
 14 Bridgegate House 116-118 Borough High Street London  
 1 Bridgegate House 116-118 Borough High Street London  
 Room B2 Basement Alpha House 100 Borough High Street  
 Flat 3 92 Borough High Street London  
 Room 14B First Floor Alpha House 100 Borough High Street  
 Basement And Ground Floor 6 Union Street London  
 Flat 2 31 Union Street London  
 Flat 7 88 Borough High Street London  
 37A Union Street London Southwark  
 Flat 7 Maple Building 128-132 Borough High Street  
 Kitchen Basement Alpha House 100 Borough High Street  
 Third Floor 150-154 Borough High Street London  
 Basement And Ground Floor 31 Union Street London  
 Room 55 Fifth Floor Alpha House 100 Borough High Street  
 Basement And Ground Floor Sterling House 33 Union Street  
 Part Fifth Floor Maya House 134-138 Borough High Street  
 12 Bridgegate House 116-118 Borough High Street London  
 Flat E Sterling House 33 Union Street  
 Room G4 Ground Floor Alpha House 100 Borough High Street  
 Flat 5 Maple Building 128-132 Borough High Street  
 27-29 Union Street London Southwark  
 Room 46 Fourth Floor Alpha House 100 Borough High Street  
 Room 56 Fifth Floor Alpha House 100 Borough High Street  
 Room 51 Fifth Floor Alpha House 100 Borough High Street  
 Room 30 Third Floor Alpha House 100 Borough High Street  
 First Floor Maya House 134-138 Borough High Street  
 Room 23 Second Floor Alpha House 100 Borough High Street  
 Room 22 Second Floor Alpha House 100 Borough High Street  
 Monopoly Mortgages Ltd Alpha House 100 Borough High Street  
 Second Floor 150-154 Borough High Street London  
 First Floor Bridgegate House 124-126 Borough High Street

Room G3 Ground Floor Alpha House 100 Borough High Street  
 Flat 7 92 Borough High Street London  
 8 Bridgegate House 116-118 Borough High Street London  
 Ground Floor Right Maya House 134-138 Borough High Street  
 The Cathedral School Of St Saviour And St Mary Overy Redcross Way London  
 Flat B Sterling House 33 Union Street  
 Room B4 Basement Alpha House 100 Borough High Street  
 Room 32 Third Floor Alpha House 100 Borough High Street  
 St Josephs Catholic Primary School Little Dorrit Court London  
 A M House 106-114 Borough High Street London  
 Flat 2 88 Borough High Street London  
 2 Union Street London Southwark  
 Flat 6 92 Borough High Street London  
 Second Floor Maya House 134-138 Borough High Street  
 Fourth Floor Alpha House 100 Borough High Street  
 5 Bridgegate House 116-118 Borough High Street London  
 Basement And Ground Floor 116-118 Borough High Street London  
 Rooms 57 And 58 Fifth Floor Alpha House 100 Borough High Street  
 8 Union Street London Southwark  
 144A Borough High Street London Southwark  
 Ground Floor 140-148 Borough High Street London  
 Room 43 Fourth Floor Alpha House 100 Borough High Street  
 Rooms 10 To 13 First Floor Alpha House 100 Borough High Street  
 6 Bridgegate House 116-118 Borough High Street London  
 Basement And Ground Floor Maple Building 128-132 Borough High Street  
 Room 37 Third Floor Alpha House 100 Borough High Street  
 Flat 4 88 Borough High Street London  
 Basement And Ground Floor 92-94 Borough High Street London  
 Flat A Sterling House 33 Union Street  
 Room G1a Ground Floor Alpha House 100 Borough High Street  
 13 Bridgegate House 116-118 Borough High Street London  
 Flat 3 31 Union Street London

First Floor 150-154 Borough High Street London  
 St Josephs School House 148A Borough High Street London  
 37 - 39 Redcross Way London Southwark  
 Room 31 Third Floor Alpha House 100 Borough High Street  
 Flat 2 Maple Building 128-132 Borough High Street  
 Art House Redcross Way London  
 Basement And Ground Floor 37 Union Street London  
 Basement 140-148 Borough High Street London  
 Room 33 Third Floor Alpha House 100 Borough High Street  
 Flat 10 Maple Building 128-132 Borough High Street  
 Flat 8 Maple Building 128-132 Borough High Street  
 Flat 1 Maple Building 128-132 Borough High Street  
 Room 44 Fourth Floor Alpha House 100 Borough High Street  
 Room 42 Fourth Floor Alpha House 100 Borough High Street  
 Room 34 Third Floor Alpha House 100 Borough High Street  
 Meeting Room Basement Alpha House 100 Borough High Street  
 Second Floor And Third Floor Bridgegate House 124-126 Borough High Street  
 35 Union Street London Southwark  
 Flat 4 Maple Building 128-132 Borough High Street  
 Second Floor Flat 6 Union Street London  
 Second Floor Third Floor And Fourth Floor 140-148 Borough High Street London  
 Room 41 Fourth Floor Alpha House 100 Borough High Street  
 Flat 3 88 Borough High Street London  
 Fourth Floor Maya House 134-138 Borough High Street  
 Room 36 Third Floor Alpha House 100 Borough High Street  
 Ground Floor 150-154 Borough High Street London  
 St Saviours House 39-41 Union Street London  
 Flat 6 Maple Building 128-132 Borough High Street  
 Flat 1 88 Borough High Street London  
 Flat 8 88 Borough High Street London  
 Flat 5 88 Borough High Street London  
 Room 54 Fifth Floor Alpha House 100 Borough High Street

94 Borough High Street London Southwark  
 Flat 1 92 Borough High Street London  
 Flat D Sterling House 33 Union Street  
 Flat C Sterling House 33 Union Street  
 Room 13C First Floor Alpha House 100 Borough High Street  
 Flat 9 Maple Building 128-132 Borough High Street  
 90 Borough High Street London Southwark  
 Third Floor Maya House 134-138 Borough High Street  
 Room 45 Fourth Floor Alpha House 100 Borough High Street  
 Room 25 Second Floor Alpha House 100 Borough High Street  
 Flat 5 92 Borough High Street London  
 Flat 2 92 Borough High Street London  
 Room 35 Third Floor Alpha House 100 Borough High Street  
 Flat 4 92 Borough High Street London  
 Rooms 38 And 39 Third Floor Alpha House 100 Borough High Street  
 Room 24 Second Floor Alpha House 100 Borough High Street  
 Room B1 Basement Alpha House 100 Borough High Street  
 4 Bridgegate House 116-118 Borough High Street London  
 11 Bridgegate House 116-118 Borough High Street London  
 First Floor Bridgegate House 116 - 118 Borough High Street  
 Part Second Floor Left Hand Side 10 - 18 Union Street London  
 Flat 8 92 Borough High Street London  
 Car Parking Spaces Alpha House 100 Borough High Street  
 10 Bridgegate House 116-118 Borough High Street London  
 Flat 6 88 Borough High Street London  
 3 Bridgegate House 116-118 Borough High Street London  
 Room 52 Fifth Floor Alpha House 100 Borough High Street  
 Room 53 Fifth Floor Alpha House 100 Borough High Street  
 Fourth Floor 150-154 Borough High Street London  
 Rear Of 140-148 Borough High Street London  
 First Floor 140-148 Borough High Street London  
 Flat 3 Maple Building 128-132 Borough High Street

First Floor Flat 6 Union Street London

Ground Floor Left Maya House 134-138 Borough High Street

Room G2 Ground Floor Alpha House 100 Borough High Street

Landlord Part Fifth Floor Maya House 134-138 Borough High Street

9 Bridgegate House 116-118 Borough High Street London

7 Bridgegate House 116-118 Borough High Street London

London Doctors Clinic Ltd Alpha House 100 Borough High Street



## Consultation responses received

### Internal services

Archaeology

Design and Conservation Team [Formal]

Ecology

Highways Development and Management

Community Infrastructure Levy Team

### Neighbour and local groups consulted:

17 Tabard Street London SE1 4LA

Apartment 5 Bridgegate House 116-118 Borough High Street London

Flat 2 bridgegate house 116 - 118 borough high street london

17 Tabard Street London SE1 4LA

21 Faunce St London SE17 3TR

Flat 28 Breton House London SE1 3EF

100 Borough High Street London SE1 1LB

24 Redman House Lant street London

49 Collinson Court Great Suffolk Street London

Flat 8 Bridgegate House London SE1 1LB

1 Bridgegate House 116-118 Borough High Street London

103 Penton Place Walworth London

47 union street london se1 1sg

107 Roffo Court Boundary Lane London

Flat 37 Douglas Buildings Marshalsea Road London

Southwark London SE1

35 Trinity Church Square London SE1 4HY

Apartment 5, Bridgegate House, 116-118 Borough High Street London SE1 1LB

116-118 Bridgegate House Borough High Street London

Apartment 5 Bridgegate House 116-118 Borough High Street London

13 Bridgegate House 116-118 Borough High Street London

225 Stevenson Crescent SE16 3ew Catlin Street Southwark

47 Didbin Apartments 149 Blackfriars Road London

29 Ayres Street London SE1 1es

APARTMENT 110 METRO CENTRAL HEIGHTS 119 Newington Causeway LONDON

305 Rutherford Heights Rodney Road London

47 Collinson Court London SE1 1pa

34 St Vincent House Fendall Street London

35 Trinity Church Square London SE1 4HY

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**PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2022-23**

**NOTE:** Original held by Constitutional Team all amendments/queries to Gerald Gohler Email: gerald.gohler@southwark.gov.uk Tel: 020 7525 7420

| Name   | No of copies | Name                              | No of copies |
|--|--------------|-----------------------------------|--------------|
| <b>To all Members of the sub-committee</b>                                   |              |                                   |              |
| Councillor Kath Whittam (Chair)  | 1            | Environment & Social Regeneration | By email     |
| Councillor Jane Salmon (Vice-Chair)  | 1            | Environmental Protection Team     |              |
| Councillor John Batteson   | 1            |                                   |              |
| Councillor Natasha Ennin   | 1            |                                   |              |
| Councillor Ketzia Harper   | 1            | Communications                    | By email     |
| Councillor Adam Hood   | 1            | Louise Neilan, media manager      |              |
| Councillor Richard Livingstone   | 1            |                                   |              |
|  |              | <b>Total:</b>                     | 15           |
| <b>(Reserves to receive electronic copies only)</b>                          |              | <b>Dated:</b> 13 September 2022   |              |
| Councillor Maggie Browning   |              |                                   |              |
| Councillor Gavin Edwards   |              |                                   |              |
| Councillor Jason Ochere  |              |                                   |              |
| Councillor Chloe Tomlinson   |              |                                   |              |
| Councillor Irina von Wiese   |              |                                   |              |
| <b>Officers</b>  |              |                                   |              |
| Constitutional Officer, Hub 2, Level 2, Tooley Street                        | 7            |                                   |              |
| Planning Team - Philippa Brown / Affie Demetriou - Hub 2 Level 5, Tooley St. |              | By email                          |              |
| Margaret Foley, Legal Services Hub 2, Level 2, Tooley Street                 | 1            |                                   |              |