

Planning Sub-Committee B

Monday 12 September 2022

7.00 pm

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

Membership

Councillor Cleo Soanes (Chair)
Councillor Emily Tester (Vice-Chair)
Councillor Esme Hicks
Councillor Emily Hickson
Councillor Adam Hood
Councillor Richard Livingstone
Councillor Sandra Rhule

Reserves

Councillor Sam Dalton
Councillor Sabina Emmanuel
Councillor Victoria Mills
Councillor Charlie Smith
Councillor Irina Von Wiese

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Beverley Olamijulo on 020 7525 7234 or email: Beverley.olamijulo@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 1 September 2022



Planning Sub-Committee B

Monday 12 September 2022

7.00 pm

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

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 5
	To approve as a correct record the minutes of the meeting held on 14 June 2022.	
7.	DEVELOPMENT MANAGEMENT ITEMS	6 - 9
7.1.	9 HURLEY CRESCENT, SOUTHWARK, LONDON SE16 6AL	10 - 35

Item No.	Title	Page No.
7.2	2 SOMERFORD WAY LONDON SE16 6QW	36 - 66
7.3	GLENGALL WHARF GARDEN ,64 GLENGALL ROAD SOUTHWARK, LONDON SE15 6NF	67 - 88

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: 1 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 3 minutes each**.

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

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

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

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

Please note:

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

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

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

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



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Tuesday 14 June 2022 at 7.00 pm at Ground Floor Meeting Room GO2 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
Councillor Emily Tester (Vice-Chair)
Councillor Esme Hicks
Councillor Emily Hickson
Councillor Adam Hood
Councillor Richard Livingstone
Councillor Sandra Rhule

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
Dipesh Patel (Manager, Major Applications and New Homes)
Abbie McGovern (Development Management)
Ciara Lester (Development Management)
Alex Gillott (Legal Officer)
Gerald Gohler (Constitutional Officer)
Beverley Olamijulo (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

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

Agenda item 7.1 – 153 – 159 Abbeyfield Road, Southwark London SE16 2BS

Councillor Emily Tester (Vice-Chair), non-pecuniary, as the planning application was in her ward. Councillor Tester said she was not involved or had not received any correspondence about the scheme and said she would approach the application with an open mind.

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 and addendum report relating to item 7.1 – development management item.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 2 March 2022 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

Members noted the development management report.

RESOLVED:

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

7.1 153-159 ABBEYFIELD ROAD, SOUTHWARK, LONDON SE16 2BS

Planning application reference 21/AP/3577

Report: See pages 8 to 54 of the agenda pack and pages 1 to 3 of the addendum report.

PROPOSAL:

Demolition of a two storey former council office building and a temporary structure to rear and erection of part three, part six storey residential building containing 13 social rented affordable homes with associated landscaping works.

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

There were no objectors present at the meeting that wished to speak.

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

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

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

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

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

RESOLVED:

1. That planning permission be granted subject to the conditions and amendments set out in the report and addendum.
2. That the proposal be subject to a legal agreement and the completion of a unilateral undertaking.
3. That in the event that a legal agreement is not signed by 14 December 2022, the Director of Planning and Growth be authorised to refuse planning permission, if appropriate for the reasons set out in paragraph 102 of this report.

7.2 MARLBOROUGH CRICKET CLUB, DULWICH COMMON, LONDON SE21 7EX

Planning application reference 22/AP/0966

Report: See pages 55 to 79 of the agenda pack

PROPOSAL:

Replacement of existing nets and erection of a new three lane cricket net facility located approximately 30 metres to the south of the existing nets

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

There were no objectors present at the meeting that wished to speak.

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

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

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

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

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

RESOLVED:

That planning permission be granted subject to the conditions set out in the report.

7.3 DULWICH PARK CAFÉ, DULWICH PARK, COLLEGE ROAD, SE21 7BQ**Planning application reference 22/AP/1227**

Report: See pages 80 to 96 of the agenda pack

PROPOSAL:

Installation of a pre-fabricated single storey retail kiosk unit in association with existing cafe.

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

There were no objectors present at the meeting that wished to speak.

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

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

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

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

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

RESOLVED:

That planning permission be granted subject to the conditions set out in the report.

The meeting ended at 8.00 pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 12 September 2022	Meeting Name: Planning Sub-Committee B
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

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

BACKGROUND INFORMATION

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

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for 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 may be 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 committee and issued under the signature of the director of planning and growth constitutes a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement 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).

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.

16. 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.
17. 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.
18. 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.

19. 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.
20. 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 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525 5403

APPENDICES

No.	Title
None	

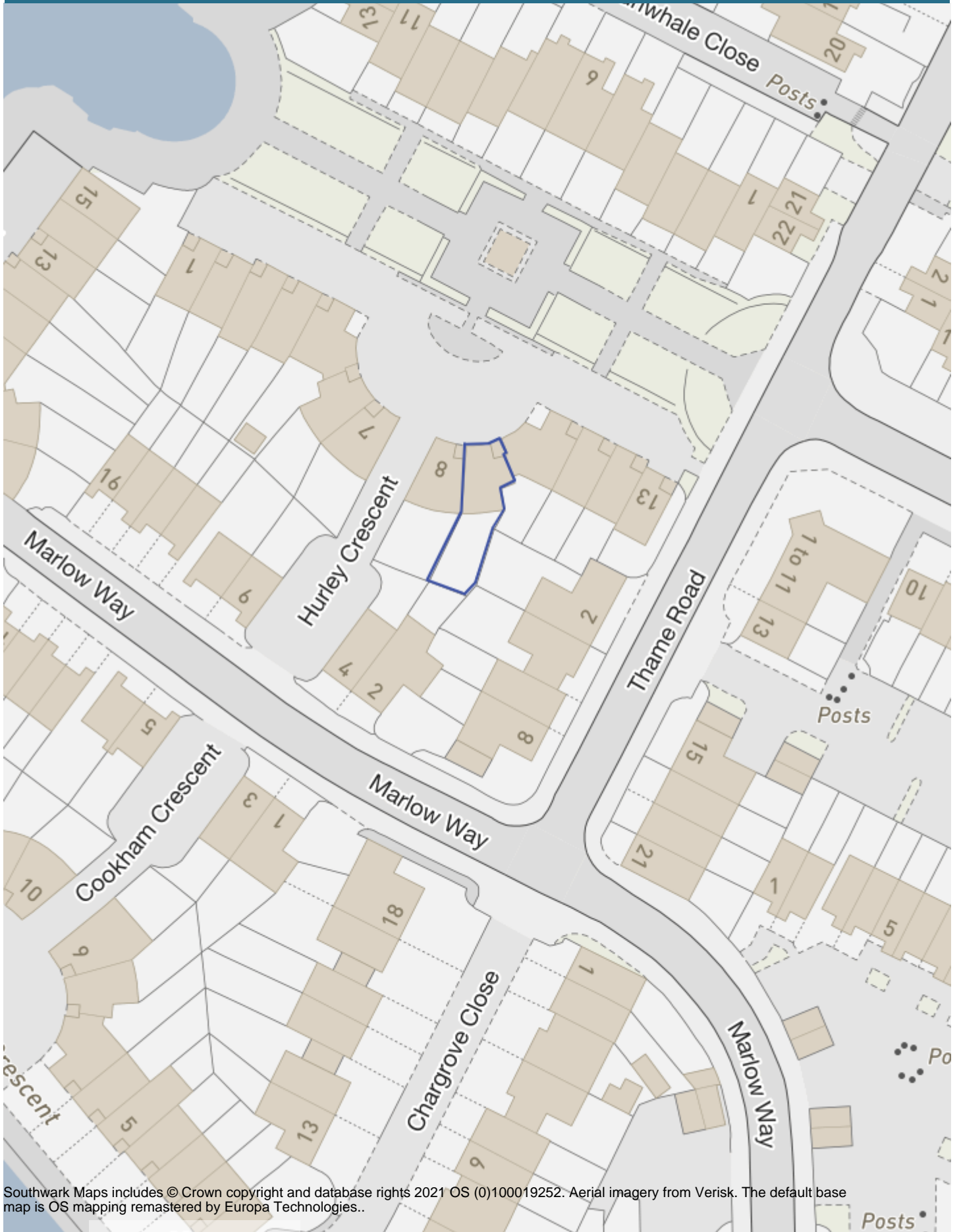
AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services		
Report Author	Sadia Hussain, Acting Deputy Head of Law (Property and Development)		
Version	Final		
Dated	31 August 2022		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Governance	Yes	Yes	
Director of Planning and Growth	No	No	
Cabinet Member	No	No	
Date final report sent to Constitutional Team			31 August 2022

Agenda Item 7.1



22/AP/0498- 9 HURLEY CRESCENT LONDON SE16 6AL



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Contents

Contents.....	1
EXECUTIVE SUMMARY	2
BACKGROUND INFORMATION	2
Site location and description.....	2
Details of proposal	4
Planning history of the site, and adjoining or nearby sites.	6
KEY ISSUES FOR CONSIDERATION	6
Summary of main issues	6
Legal context.....	6
Planning policy	6
ASSESSMENT	7
Principle of the proposed development in terms of land use.....	7
Design.....	7
Impact of proposed development on amenity of adjoining occupiers and surrounding area	9
Transport and highways.....	10
Environmental matters	11
Energy and sustainability	11
Mayoral and borough community infrastructure levy (CIL).....	12
Other matters	12
Consultation responses from members of the public and local groups	12
Community impact and equalities assessment	14
Human rights implications	15
Positive and proactive statement.....	15
Positive and proactive engagement: summary table.....	15
CONCLUSION.....	16
BACKGROUND DOCUMENTS	16
APPENDICES	16
AUDIT TRAIL	17

Item No. 7.1	Classification: Open	Date: 12 September 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 22/AP/0498 for: Full Planning Application Address: 9 HURLEY CRESCENT, SOUTHWARK, LONDON, SE16 6AL Proposal: Construction of a single storey rear extension, provision of raised terrace, increased height of boundary treatments, internal reconfiguration with partial garage conversion, complete with rear dormer loft extension and installation of roof lights to front roof plane.		
Ward(s) or groups affected:	Rotherhithe		
From:	Director of Planning and Growth		
Application Start Date: 25/02/22		PPA Expiry Date: 19/09/22	
Earliest Decision Date: 30/03/22			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

2. The application proposes the construction of a single storey rear extension, provision of raised terrace, alteration to boundary treatments, internal alterations including partial garage conversion complete with dormer extension and installation of roof lights.
3. The rear extension has been reduced in depth and height and with these amendments is considered to be acceptable in amenity, design, quality of accommodation and arboricultural terms.
4. Conditions have been attached to secure the submission of details for an increased boundary treatment to preserve privacy of adjoining neighbours and tree protection measures. The imposition of which is considered sufficient for the council to recommend the approval of planning permission.

BACKGROUND INFORMATION

Site location and description

5. The application property is No.9 Hurley Crescent, a modern terraced house

located in Rotherhithe near Surrey Water. The property forms part of a new housing estate granted permission by the London Docklands Development Corporation (LDDC), reference S/92/85. The property itself is set over three storeys, with the ground floor hosting a garage, study and utility room, the first floor plan hosting a living room and kitchen dining room with the second floor hosting bedrooms. The property is served with a rear garden covering approximately 61.6 sqm. The dwelling is finished in a light tone brown brick with hanging clay tiles to the roof and UPVC window frames.

6. The application site is unique in the shape of its residential curtilage, which due to the curved nature of the front elevation facing onto Hurley Crescent, steps the rear building line forward of its adjoining neighbour No.10 Hurley Crescent. The application site is bounded by the following properties:

- North: Hurley Crescent
- East: Nos 2 and 4 Thame Road
- South: No.2 Marlow Way
- West: No.8 Hurley Crescent

7. The application site is not located in a conservation area, or in the setting of any listed buildings or structures. The property is located within the following planning policy constraints;

- Environment Agency Flood Zone 2 and 3.

- 8.



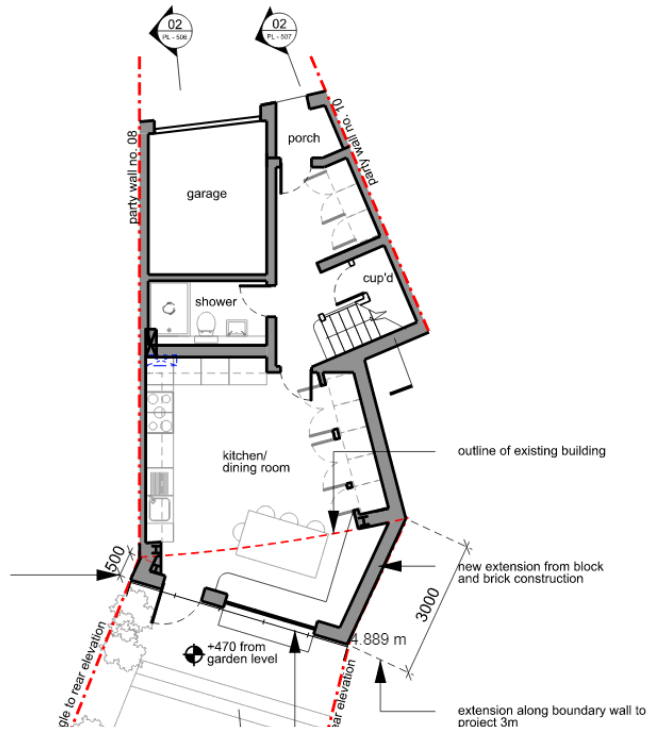
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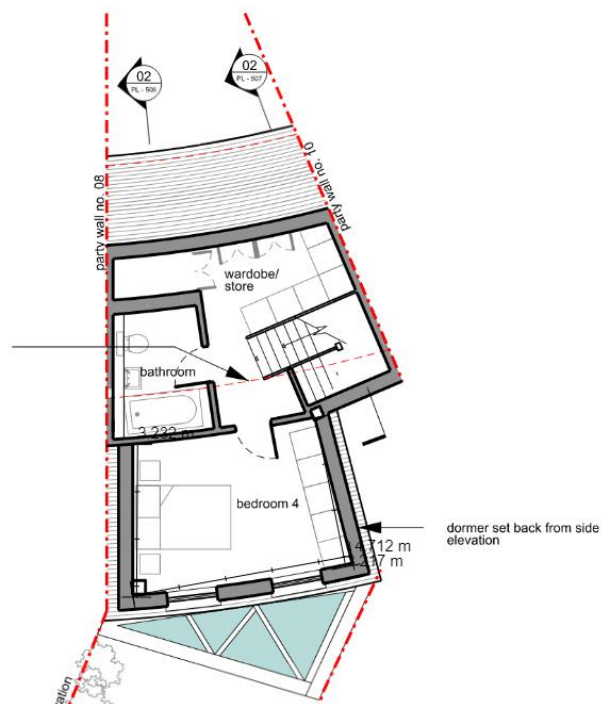
Details of proposal

10. The application seeks consent for the construction of a single storey rear extension, provision of a raised terrace space, increase in height to boundary treatments, internal re-configuration with partial garage conversion and rear dormer extension complete with the installation of roof lights to the front roof plane. The dimensions of the development are provided below:
11. Single storey rear extension:
 - Maximum depth: 3m
 - Maximum width: 4.8m
 - Eaves height: 2.4m
 - Maximum height: 3.3m
12. Rear dormer extension:
 - Maximum depth: 3.2m
 - Maximum width: 4.7m
 - Internal height: 2.5m
 - Added volume: 18.8m³
13. Any other important features;
 - Height of raised terrace: 470mm
 - Height of raised boundary treatment: 2.2m

14.



15.



Amendments to the application

16. During the course of the application the proposal has been amended to reduce the impact upon the adjoining neighbours. These relate to the following:

- Reduction in depth of the single storey rear extension to 3m
- Reduction in height of the single storey rear extension on the boundary with No.10 Hurley Crescent to 2.4m

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

There is no relevant planning history at the site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

17. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use
 - Design, including layout, building heights, landscaping and ecology
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight
 - Transport and highways, including servicing, car parking and cycle parking
 - Environmental matters, including construction management, flooding and air quality
 - Energy and sustainability, including carbon emission reduction
 - Mayoral and borough community infrastructure levy (CIL)
 - Community impact, equalities assessment and human rights

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

Legal context

18. 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.
19. 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

20. 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 3. 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

21. The application seeks consent for the construction of extensions to a residential property that are ancillary to the enjoyment of the dwelling house, as a C3 dwelling. As such, there are no concerns with regard to the principle of the land use, which will not cause a conflict in land use.

Design

22. Siting, scale and massing

The proposal has been reduced in size to alleviate concerns with regard to the amenity impact of the ground floor rear addition upon the neighbours at No.10 Hurley Crescent. With the amendments outlined above in place, it is considered that by reason of the modest scale of the addition, the proposal maintains clear subservience to the host property and does not represent an obtrusive addition to the local area. Whilst this steps forward of the rear building line, the impact of this is considered to be acceptable and would not be considered an obtrusive addition in the host property or adjoining terrace. In respect of the proposed dormer addition, it is noted that this is set back from the eaves and below the roof ridge, thereby being proportionate to the form of the main house and would demonstrate sufficient subservience.

- 23.



04 Aerial View from Thame Road Direction
scale 1:100 @ A3

Architectural design and materials

24. The proposal would be finished in materials to match the existing. The single storey rear extension would be constructed in yellow stock brick, with glass to the pitched roof and aluminium window and door frames. The dormer roof extension would be constructed in grey tiles to match the existing roof which would be considered acceptable and would allow the proposal to assimilate into the surrounding area. For the reasons outlined above, it is considered the works would accord with P13 'Design of places' and P14 'Quality in design' of the Southwark Plan (2022).

25.



Landscaping, trees and urban greening

26. The application site does not contain any trees to the rear garden. However, one tree is located in the rear garden of No.11 Hurley Crescent. It is not considered that the proposal will impact on this tree.

Ecology and biodiversity

27. In its current form the rear garden to the application site is slabbed over and therefore does not provide good conditions for the maintenance of biodiversity. For this reason it is considered that the proposal would be acceptable in this regard in accordance with P60 'Biodiversity' of the Southwark Plan (2022).

Fire safety

28. A planning fire safety strategy (PFSS) has been submitted in support of the application. This outlines that the proposal will not alter the access or egress arrangements to and from the property. In addition, the property can be accessed by fire personnel from Hurley Crescent, with space for an evacuation and assembly point at the front of the property directly to the north. The statement cites the passive and active measures to be utilised in the carrying out of the development such as the use of smoke and heat detectors, use of a protected fire route from the first and second floors as well as a sprinkler system. All materials used in the carrying out of the development would meet a minimum 30 minute rating and would comply with the appropriate building control inspector.

The proposal would preserve safe evacuation from the property with the use of fire alarms to warn occupants and the protected escape route from the newly formed third floor to the ground level. As outlined above, the proposal will not prejudice access to the property and would be within acceptable reach of fire appliances to address a fire at the property. For the reasons outlined above, the proposal is considered to accord with Policy D12(a) of the London Plan (2021).

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

Outlook and privacy

29. The principal impact of the proposal would be experienced by the occupants of No.10 Hurley Crescent. Due to the curvature of Hurley Crescent and the application site's location in the middle of this terrace, No.9 sits forward of the rear building line shared with No.10. For this reason, the rear facing ground floor windows to No.10 and the experience of the garden space is already characterised by the presence of the flank elevation to No.9 Hurley Crescent. No.10 shares a short length of the flank boundary with No.9 that is not occupied by the main house of No.9, however the proposal would extend along this boundary. When considering the impact of this upon the occupants of No.10 Hurley Crescent, the relationship that already exists with regard to the proximity of the façade of No.9 to the garden of No.10 will not be detrimentally intensified as a result of the rear extension. In addition, the proposal has been reduced in height to 2.4m on this boundary to minimise the impact upon outlook to the neighbouring residents. With regard to the neighbours at No.8 Hurley Crescent, it is noted that the proposed extension would be to a height of 3.3m, but for a modest depth of 500mm. For this reason, the proposal is not considered to enclose the outlook of these residents.
30. The proposal includes the provision of a small terrace area that continues the ground level of the main property, to a height of approximately 470mm above the datum ground level. Concern has been raised that this would lead to an unacceptable level of overlooking to the neighbouring garden. The provision of this raised terrace is acceptable in principle, however it is considered necessary to secure the submission of details of a raised boundary treatment immediately adjacent to the terrace area by condition, in the interests of preserving privacy for the neighbouring residents at No.8 Hurley Crescent and No.2 Thame Road. Here it will be requested that the boundary fence achieves a height of 1.7m above the proposed terrace area, so as to prevent overlooking to a harmful degree.
31. To achieve the required privacy screening will require the height of the boundary treatment to be increased beyond the 2m allowed under permitted development rights. This will require a fence height of 2.2m for the depth of the terrace area which is 2m. Whilst this would have an impact upon the neighbours at No.8 Hurley Crescent and No.2 Thame Road, this would not be considered to lead to an unacceptable impact to outlook or receipt of daylight and sunlight.
32. Concern has been raised with regard to the potential for the dormer to overlook adjoining and facing neighbours to the side and rear. However, it is considered that due to the nature of the dormer, being set within the roof form of the host

property, this would not enclose the clearance distances between facing neighbours and would maintain the same relationship of mutual overlooking with adjoining and facing neighbours. As such, it is considered the proposed dormer would not lead to unacceptable overlooking impacts to facing neighbours at Nos. 2 and 4 Thame Road. For this reason, the proposal would not be considered to lead to an unacceptable overlooking impact.

Daylight and sunlight

33. As outlined above, the proposed ground floor rear extension would extend 500mm from the rear wall of the main house, to a height of 3.3m on the boundary with No.8. Whilst substantial in height, this is mitigated by the short depth of the addition and therefore would not be considered to harm the receipt of daylight and sunlight to No.8 Hurley Crescent. With respect to No.10 Hurley Crescent, when considering the impact of the works upon this property, it is noted that the siting of No.9, reduces the level of daylight received to the rear facing window and door to No.10. Therefore, the addition of the single storey rear addition is not considered to exacerbate this to an unacceptable degree. In addition, the reduced height of 2.4m on the boundary would be considered sufficient to minimise any daylight and sunlight impact as far as is reasonably practicable.

Overshadowing of amenity spaces

34. Following the reduction in depth and height of the proposed ground floor rear extension, it is considered the works would not lead to the overshadowing of the gardens to the adjoining neighbours to an unacceptable degree past that which is already experienced by the proximity of No.9 Hurley Crescent. It is noted that concern has been raised with regard to the potential of the proposed dormer extension to overshadow, the solar panels to the neighbouring property at No.10 Hurley Crescent. However, due to the scale and nature of the dormer addition, it is considered that this would not have a detrimental impact upon the surrounding properties.
35. For the reasons outlined above, the proposal would not be considered to lead to harmful amenity impacts by way of loss of outlook, daylight or sunlight or increased overshadowing, in accordance with P56 'Protection of amenity' of the Southwark Plan (2022).

Transport and highways

36. The application property contains a garage to the ground floor, the retention of which has been secured by condition in the parent permission issued by the LDDC. This prohibits the conversion of the garage without the written permission of the council. For this reason the application has been assessed in consultation with the council's Transport Policy Team, who have raised the following issues.

Servicing and deliveries

37. A request for the submission of a construction management plan has been requested. However, it is considered that due to the scale and nature of the proposals, this would not be considered proportionate. Concern has been raised

with regard to the arrangements for access to and from the property alongside the storage of plant and materials with regard to local parking conditions. The scale and nature of the works are such that this would not require contractors to be on site for an unreasonable amount of time.

Refuse storage arrangements

38. The transport comments received, request additional detail on the capacity of the refuse storage, however as this is a householder application that will not increase the number of residents in place, this would not be required in accordance with P62 'Reducing waste' of the Southwark Plan (2022).

Car parking

39. The proposals involve the internal reconfiguration of the ground floor which would reduce the garage space available. The comments received from the transport policy team have enquired whether this is currently used for the storage of a car and if so where this would be accommodated to allow for an assessment of any displacement parking. It was confirmed that the garage is not currently used for the storage of a car, but would instead be parked immediately to the front of the property. Whilst it is understood that the parent permission looked to secure the use of the garages at this new estate for the storage of cars in perpetuity, it is also acknowledged that in the years since permission was granted the size of the average car has increased, preventing their practical use for vehicle storage. When a site visit was undertaken, it was noted that the surrounding street scene was not overly congested with parked cars, as such in isolation the proposal would not be considered to lead to detrimental level of overspill parking. In accordance with P50 'Highway impacts' and P54 'Car parking' of the Southwark Plan (2022).

Environmental matters

Flood risk

40. The application site is located in flood zones 2 and 3, and is set a raised floor level to reduce risk to property. Whilst no flood risk assessment has been submitted, the proposal would allow for the movement of more sensitive uses such as bedrooms to be located at the upper floors, which is welcomed. With regard to the impact of the works, the scale of the additions are modest and therefore would not be considered to increase flood risk. In accordance with P68 'Reducing flood risk' of the Southwark Plan (2022).

Energy and sustainability

41. The application has not provided any specific material in response to P70 'Energy', which requires development to be; lean (energy efficient), clean (use low carbon energy supply) and green (utilise renewable forms of energy generation). However, it is considered that due to the scale of the proposed works, this would not be required. In accordance with P70 'Energy' of the Southwark Plan (2022).

Mayoral and borough community infrastructure levy (CIL)

42. The development would lead to the provision of less than 100 sqm of floor space and would not create any new residential units. For these reasons, the proposal is not liable for Mayoral or Borough CIL.

Other matters

43. Quality of accommodation

Concern has been raised that the scale of the rear extension is excessive and does not retain enough of the rear garden. However, it is noted with the reductions to the proposed rear extension covers approximately 6 sqm, and would retain approximately 50 sqm of the garden amenity space. In accordance with P15 'Residential design' of the Southwark Plan (2022).

44. Consultation

Concern has been raised that adequate consultation has not been undertaken to adjoining properties. However, following an examination of the record for this application, the council is assured that the appropriate letters of notification were sent in the first round of consultation. Furthermore, following the material amendments to the scheme, re-consultation letters to adjoining neighbours and re-consultation emails to those who contributed to the first round of consultation have been sent. Concerns have also been raised that the properties of No.6 and 8 Thame Road, have not been consulted. However, it is noted that as these are not adjoining properties and therefore would not be consulted under the provisions of the Development Management Procedure Order (2015).

45. Noise impact

An objection has raised concerns with regard to the impact of construction works upon noise levels locally. However, it is considered that this can be suitably controlled in accordance with the provisions of the Control of Pollutions Act (1974), which prescribes the hours in which works can be carried out.

46. Loss of value to neighbouring properties

The impact of the works upon the value of surrounding properties is not a material planning consideration that can be taken into account in the assessment of the proposal.

Consultation responses from members of the public and local groups

47. In total, 6 objections have been received, the issues raised have been categorised below:
- Design quality and impact on visual amenity of the area
 - The development is out of character with regard to scale and appearance
 - The proposal would interrupt a uniform appearance of the rear of

the terrace.

- Quality of accommodation:
 - The proposal would increase the footprint of the house to an excessive extent
- Neighbour amenity impacts
 - The height and depth of the single storey rear extension on the boundary with No.8 will adversely affect the enjoyment of the garden.
 - The single storey rear extension would overshadow neighbouring gardens
 - The raised patio will overlook the neighbouring garden at No.8.
 - The dormer extension will overlook the neighbouring garden at No.8
 - The proposed dormer extension will cast shade onto neighbouring solar panels.
- Transport, parking, highways and/or road safety issues;
 - Construction vehicles will lead to parking pressures.
- Environmental issues.
 - The carrying out of the construction work will be disruptive with regard to noise levels locally.
- Other matters
 - Loss of value to neighbouring properties.
 - The council has failed to notify all required adjoining neighbours.

Officer comment:

- See previous sections of the report for response to each point in turn.

Consultation responses from internal consultees

48. Transport comments:

Description of proposals: Single storey rear extension. partial garage conversion and internal reconfiguration at ground floor. Rear dormer loft extension with velux roof windows installed to front plane of roof.

Location Details: PTAL= 3. CPZ = Rotherhithe and Surrey Docks CPZ - implementation scheduled Summer 2020.

Comment:

The application will only be acceptable from a transport perspective once the applicant has addressed the following points:

1. The applicant needs to clarify if the pre-existing garage is used to accommodate a car and if so, where the car would be accommodated as a

result of the partial garage conversion. Any parking displacement impact would need to be considered (however minimal this might be).

2. The applicant should clearly mark up on plans the location and waste storage facility capacity.
3. The applicant will be required to provide details as to how it intends to manage the construction process associated with the construction works to minimise impact on the local highway network and community.

Transport Recommendations

The application will only be acceptable from a transport perspective, once the above mentioned issues are addressed.

Officer comment:

- See discussion above in transport section.

Consultation responses from external and statutory consultees

49. Due to the scale and nature of the works, no external consultations have been undertaken.

Community impact and equalities assessment

50. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
51. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
52. 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.
53. 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

54. 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.
55. This application has the legitimate aim of increasing residential floor space. 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

56. 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.
57. 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.

58. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
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	YES

recommendation in advance of the agreed Planning Performance Agreement date?

CONCLUSION

59. Overall, it is considered that the works in their amended form would be acceptable and would not lead to an unacceptable amenity impact for adjoining neighbours. The design is well considered and demonstrates sufficient subservience to the host property and would preserve the visual amenity of the surrounding area. Furthermore, the proposal is considered to be acceptable in all other regards. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

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

APPENDICES

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

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Ewan Lawless, Planning Officer	
Version	Final	
Dated	26 August 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		26 August 2022

APPENDIX 1**RECOMMENDATION**

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

Applicant	Mr & Mrs Treacy	Reg. Number	22/AP/0498
Application Type	Householder Application		
Recommendation	GRANT permission	Case Number	461-9

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

Construction of a single storey rear extension, provision of raised terrace, increased height of boundary treatments, internal reconfiguration with partial garage conversion, complete with rear dormer loft extension and installation of roof lights to front roof plane.

9 Hurley Crescent London Southwark SE16 6AL

In accordance with application received on 21 February 2022 and Applicant's Drawing Nos.:

Existing Plans

FLOOR PLAN, ROOF AND ELEVATIONS - EXISTING PL-002 received 21/02/2022

SECTIONS AND ELEVATION (FRONT) - EXISTING PL-003 received 21/02/2022

Proposed Plans

EXISTING AND PROPOSED GROUND FLOOR PLAN PL-500 - P00 received 12/08/2022

EXISTING AND PROPOSED FIRST FLOOR PLAN PL-501 - P00 received
12/08/2022

EXISTING AND PROPOSED SECOND FLOOR PLAN PL-502 - P00 received
12/08/2022

EXISTING AND PROPOSED LOFT FLOOR PLAN PL-503 - P00 received 12/08/2022

EXISTING AND PROPOSED FRONT ELEVATION PL-504 - P00 received
12/08/2022

EXISTING AND PROPOSED REAR ELEVATION PL-505 - P00 received 12/08/2022

Other Documents

EXISTING AND PROPOSED SECTION AA PL-506 - P00 received 12/08/2022

SITE AND LOCATION PLAN PL-550 - P00 received 12/08/2022

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-Occupation Condition(s)

3. Prior to the use of the raised terrace, here by granted permission, details of boundary treatments along the property boundary with No.8 Hurley Crescent and No.2 Thame Road, to a height of 2.2m, for the depth of the proposed terrace area, shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be retained thereafter and shall not be altered without the written consent of the local planning authority.

Reason:

In the interests of preserving the privacy of adjoining neighbours by averting an unacceptable overlooking impact from the use of the terrace area. In accordance with P56 'Protection of amenity' of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

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

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with: the Chapter 12 'Achieving well-designed places' of the National Planning Policy Framework (NPPF) (2021); Policy D4 'Delivering good design' of the London Plan (2021) and Policies P13 'Design of places' and P14 'Design quality' of the Southwark Plan (2022).

5. The development must be carried out in accordance with the provisions of the Planning Fire Safety Strategy prepared by Blakdog Ltd dated 24 February 2022 unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

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.

Consultation undertaken and responses received

Site notice date: n/a.

Press notice date: n/a.

Case officer site visit date: 28.07.2022

Neighbour consultation letters sent: 12/08/2022

Internal services consulted

Transport Policy

Statutory and non-statutory organisations

Neighbour and local groups consulted:

2 Marlow Way London Southwark

4 Thame Road London Southwark

10 Hurley Crescent London Southwark

2 Thame Road London Southwark

8 Hurley Crescent London Southwark

Re-consultation:

Consultation responses received

Internal services

Transport Policy

Statutory and non-statutory organisations

Neighbour and local groups consulted:

71 Merton Hall Road London SW19 3PX	8 Hurley Crescent London Southwark
10 Hurley Crescent London Southwark	8 Hurley Crescent, London SE16 6AL
10 Hurley Crescent London SE16 6AL	4 Thame Road London Southwark
10 Hurley Crescent London Southwark	

Relevant Planning Policy

National Planning Policy Framework (NPPF)

1. The revised National Planning Policy Framework ('NPPF') was published in 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.
2. Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications:
 - Chapter 2 Achieving sustainable development
 - Chapter 12 Achieving well-designed places.

The London Plan 2021

3. 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 D4 - Delivering good design
 - Policy D12 - Fire Safety

Southwark Plan 2022

4. 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:
 - P13 Design of places
 - P14 Design quality
 - P15 Residential design
 - P50 Highways impacts
 - P54 Car Parking
 - P56 Protection of amenity
 - P60 Biodiversity
 - P61 Trees
 - P62 Reducing waste
 - P68 Reducing food risk
 - P70 Energy

Area based AAP's or SPD's

5. Of relevance in the consideration of this application is:

- 2015 Technical Updated to Residential Design Standards SPD (2011)

Relevant planning history

No relevant planning history



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Contents

Contents.....	1
EXECUTIVE SUMMARY	2
BACKGROUND INFORMATION	3
Site location and description.....	3
Details of proposal	4
Consultation responses from external, internal and divisional consultees.....	6
Planning history of the site, and adjoining or nearby sites.	7
KEY ISSUES FOR CONSIDERATION	7
Summary of main issues	7
Legal context.....	8
Planning policy	8
National Planning Policy Framework (NPPF)	8
The London Plan 2021	9
Southwark Plan 2022	9
ASSESSMENT	10
Principle of the proposed development in terms of land use.....	10
Impact on the amenity of neighbouring occupiers.....	12
Good design and heritage	14
Human rights implications	17
Carbon concurrent	17
Positive and proactive statement.....	19
Conclusion.....	19
BACKGROUND DOCUMENTS.....	19
APPENDICES	20

Item No. 7.2	Classification: Open	Date: 12 September 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 21/AP/2514 for: Full Planning Application Address: 2 Somerford Way London SE16 6QW Proposal: Demolition of existing conservatory and construction of a dormer window to the existing house. Construction of a two-storey house to provide a 4-bedroom dwellinghouse with dormer windows.		
Ward(s) or groups affected:	Surrey Docks		
From:	Director of Planning and Growth		
Application Start Date	19/7/21	PPA Expiry Date	
Earliest Decision Date	25/6/22		

RECOMMENDATION

1. That planning permission be granted subject to conditions, and the applicant entering into an appropriate legal agreement to secure the new house as a self-build property.
2. In the event that the requirements of paragraph 1 above are not met by 31 December 2022, the Head of Development Management be authorised to refuse planning permission, if appropriate. The reason for refusal will be that the development fails to comply with the council's policy for social rented and intermediate homes P1 of the Southwark Plan 2022.

EXECUTIVE SUMMARY

3. The application is being dealt with at Planning Sub Committee as the development is contrary to the development plan, being construction of a new house that is located on Metropolitan Open Land MOL, and not complying with policies relating to acceptable development on MOL.
4. Permission is sought for alterations to an existing house and a new house adjoining it.
5. The side garden of the existing house is designated as MOL, the boundary of which sits on the flank wall of the existing house. The side garden of the house was created through sale of the land by the council to the then owner of the existing house in two parcels in 1983 and 1996. The land has the appearance of a domestic garden and is for the private use of the occupiers of the house. It

is not open to the public and serves and has served no purpose as open land for the enjoyment of the public since the sale/disposal by the council.

6. The location of the MOL boundary on the flank wall of the house is very longstanding and has not been re-drafted to take account of the creation of the side garden of the house which itself is longstanding. Whilst a new dwellinghouse is not development that is acceptable on designated MOL, the historic sale of the land and its use as a private garden for an extended period of time are considered to present very special circumstances that enable an exception to MOL policy to be made.
7. The new house provides an acceptable standard of accommodation and is of a design that fits in well with the local townscape. The applicant has confirmed that the house is 'self build' (a new house for the developers' family) and as such, is not required to make a contribution to affordable housing.

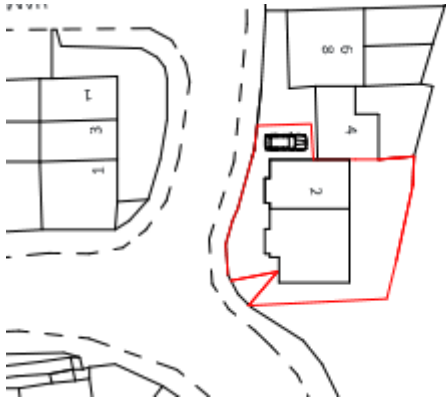
BACKGROUND INFORMATION

Site location and description

8. The application site is a two storey end of terraced house with a front and rear roof dormers. It has an existing single storey rear conservatory extension and ample land to the front, side and rear of the property. The curtilage of the property includes land to the side.
9. The site bounded:

To the east by: no.1 (on opposite side of the road)
To the south by: No.4
10. The land slopes up from the road. There are no significant changes between no. 2 and no. 4.
11. The site for the new house (side garden of the existing house) is designated as Metropolitan Open Land. The boundary of Russia Dock Woodland is on the flank of the existing house and the rear. The land for the new house is also designated as a Site of Importance for Nature Conservation and a local nature reserve. The site is located within an air quality management area, Flood Zone 3 and the Canada Water Action Area.
12. The street character is of houses with gardens, with a large area of well vegetated and tree-ed open space providing the side and rear setting to the existing dwelling.

13. Site layout: existing house no. 2 showing footprint of new house adjacent.



14. Existing house showing garden to side



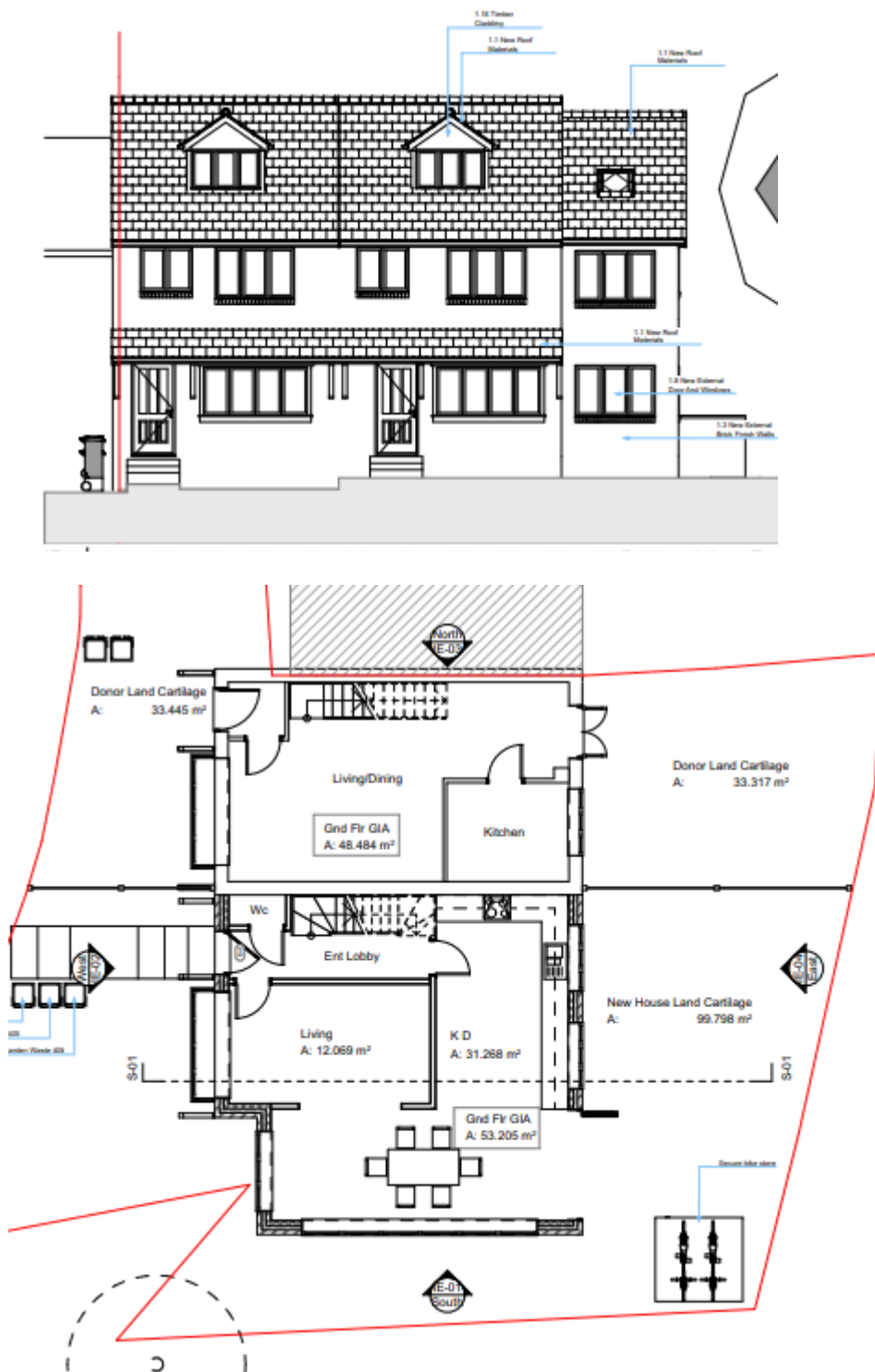
Details of proposal

15. Planning permission is sought for the demolition of existing rear conservatory to no. 2 to give an area of rear amenity space for the house; and construction of a dormer window to the existing house (full width of rear roof slope which has been subject to a previous certificate of lawful development)

and:

Construction of a two-storey house with front and rear dormer windows to the side of the existing house. The house will have a side/front/rear garden.

16. The new house will match the building line and height of no. 2 with a portion set back immediately adjacent to the new side garden. The materials will match the existing house. The overall appearance will be that the new house is a continuation of the terrace.



17. Amendments to the application

Various additional reports were required to support a full assessment of the proposal.

Consultation responses from members of the public and local groups

18. No responses received from members of the public.

Friends of Russia Dock Woodland - OBJECT

- Friends of Russia Dock Woodland have always supported the council's stance on protection of MOL & LNR
- RDW is surrounded by low level housing with residents back gardens backing directly onto the Woodlands for obvious biodiversity reasons
- This protection has to be adhered to
- An impressive 50ft RDW Willow and its roots would almost certainly be compromised by the above application.

Further comments received:

- Friends of Russia Dock Woodland are fully supportive of Southwark council's policy in protection of MOL/LNR inappropriate developments that be harmful to our award winning Woodland
- Any deviation from household gardens abutting the woodlands would be considered as an environmental step backwards and contravene the council's Biodiversity Action Plan (BAP)
- Other photographic evidence shown by the applicant ie 1 Somerford Way +16 Victory Way do not compare in any way with the 2 Somerford Way application. Non of them abut RDW - MOL/ LNR - Plus No1 is not a new house it is an extention abutting Downtown Rd
- Consultation should have been wider and the site notice was removed shortly after posting.

Consultation responses from external, internal and divisional consultees

19. Transport – Satisfied with the information submitted. No objection
20. Environmental agency – Require imposition of a pre-commencement conditions.
21. Environmental Protection Team –Require imposition of a pre-commencement condition.
22. Urban Forester - One off site C category willow is affected with minor incursion into its root protection area. Given the open grown position within a grassed area and management under cyclical crown reduction the proposed development is not considered to have a significantly adverse effect on the tree. A pre-commencement tree protection condition is recommended. Landscaping should be provided to provide screening and ensure front garden amenity is not dominated by hard surfaced car parking.

23. Ecology Officer - The development is adjacent to a Local Nature Reserve. Information has been provided to explain the impacts. Subject to conditions on swift bricks and small mammal gaps in the boundary fence, no objections. There should be no outside lighting to minimise any harmful impacts on bats.
24. Soutwark Council Parks – OBJECT
- The development is proposed on Metropolitan Open Land and development on MOL is contrary to GLA and LBS planning policy
 - It is adjacent to a nature reserve (Russia Dock Woodland) and both the building works and subsequent development will have a detrimental effect on the nature reserve, wildlife and people's enjoyment of the nature reserve at a time of increasing recognition of the value of green space and is contrary to LBS' response to the climate and biodiversity emergencies
 - It would impact the two adjacent willow trees which are a valued landmark in the local area and would probably lead to them being felled
 - Many other private residences have their boundary with the nature reserve, allowing this proposed development could set an unsustainable precedent.

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

25. Other than the grant of a certificate of lawful development under 21/AP/2514 for a rear dormer extension, there is no planning history. The rear dormer extension has not yet been constructed.
26. There is some uncertainty about how and when the side garden to the house became incorporated into the curtilage. This is relevant because the MOL and SINC designations include the side garden and the boundary lies on the flank wall of the existing house. Aerial photographs from the 1980's show a house with a rear garden only. A conservatory extension was constructed to the rear and at some point in the late 1980's there is indication of a side garden being created.
27. Title documents show that land was sold to the then owners of no. 2 in two parcels in 1983 and 1996 which is likely when the side garden was formalised. However the MOL boundary was not affected by this land sale and has remained on the side wall of the dwellinghouse.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

28. The main issues to be considered in respect of this application are:
- Land use considerations specifically the designation of the development site as Metropolitan Open Land, a site of importance for nature conservation and a local nature reserve
 - Affordable housing, as a new dwelling is created

- Consultation responses, and how the application addresses the concerns raised
- Impact on the amenity of neighbouring occupiers
- Good design and heritage
- Energy
- Fire safety regulations
- Transport
- Any other planning material considerations
- Community impact and equalities assessment
- Human rights implications, and
- Positive and proactive statement.

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

Legal context

30. 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.
31. The local planning authority may depart from the development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in [article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). In cases where the local planning authority intends to depart from development plan policy, [article 15\(3\) of the Development Management Procedure Order](#) sets out the publicity requirements which must be followed before the decision is taken. This application was publicised as a departure from the development plan policy in the Southwark News on 26.05.2022.
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

National Planning Policy Framework (NPPF)

33. The revised National Planning Policy Framework ('NPPF') was published in 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.

34. Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
- 35.
- Chapter 5 Delivering a Sufficient Supply of Homes
 - Chapter 8 Promoting Healthy and Safe Communities - note paragraph 103 states that policies for managing development within a Local Green Space (such as MOL) should be consistent with those for Green Belts.
 - Chapter 9 Promoting Sustainable Transport
 - Chapter 11 Making Effective Use of Land
 - Chapter 12 Achieving well-designed places
 - Chapter 13 Protecting Green Belt Land
 - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 Conservation and Enhancement of the Natural Environment

The London Plan 2021

36. 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:
- D4 - Delivering good design
 - D6 - Housing Quality and Standards
 - D12 - Fire safety
 - H1- Increasing Housing Supply
 - H2 - Small sites
 - H4 - Affordable Housing
 - G1 - Green Infrastructure
 - G3 - Metropolitan Open Land
 - G6 - Biodiversity and access to nature
 - G7 - Trees and Woodland
 - S1 12 - Flood risk management
 - T6.1 - Residential Parking

Southwark Plan 2022

37. 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:
- P1 – Social Rented and Intermediate Housing
 - P14 - Design quality
 - P15 - Residential design
 - P18 - Efficient use of land
 - P54 - Car Parking

- P56 - Protection of amenity
- P57 - Open Space
- P60 - Biodiversity
- P61 - Trees
- P70 - Energy

38. Of relevance in the consideration of this application is:

- 2015 Technical Updated to Residential Design Standards SPD (2011)
- Sustainable Design and Construction SPD (2009)
- S106 Supplementary Planning Guidance
- S106 Affordable Housing

ASSESSMENT

Principle of the proposed development in terms of land use

Relevant policy designations

39. Development on MOL.

Inappropriate development on MOL has been raised in both letters of objection.

40. MOL is given the highest protection from inappropriate development in the NPPF, the London Plan 2021 and the Southwark Plan 2022. The NPPF makes it clear that MOL should be treated in the same way as designated Green Belt Land.

41. Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. Para 148 states that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

42. Para 149 sets out the test for what is appropriate and therefore what would be allowed as development on the Green Belt (and MOL). This is also referred to in Policy P57 of the Southwark Plan 2022.

Appropriate development in MOL is considered to be:

- 43.
- a) buildings for agriculture and forestry
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- e) limited infilling in villages
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 44
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

44. Creation of a new private house is not listed as appropriate development and as such, it is considered that this development is contrary to the MOL policy. The development will only be acceptable should site circumstances, the nature of the development and any other material considerations indicate that the policy should, in very exceptional circumstances, be set aside.

45. The MOL/SINC/local nature reserve boundary has been on the flank wall of the existing house since at least the 2005 and there is no record of this boundary being changed via local plan inquiries. As such, it has a very longstanding open space designation that likely predates the creation of the side garden of the dwellinghouse. It is uncommon that part of a domestic curtilage would be bound by these planning designations and it may have arisen through the dwellinghouse acquiring, and then purchasing, part of Russia Dock Woodlands to create a side garden. This is enclosed by a fence and hedges and includes a garden shed and garden furniture. Its appearance is of a domestic garden within the curtilage of a house, rather than a publicly accessible element of open space, and this has been the case for many years.

Exception (g) to the policy listed above allows for limited infilling which does not have a greater impact on the openness of the Green Belt (or MOL). Given the location of the side garden and the fact that it is right on the boundary of MOL the proposed new house is considered to have a limited impact on the openness of the MOL. In addition, the side garden is fenced off and not currently functioning as MOL and this is a material consideration.

46. Para 143 of the NPPF states that when defining Green Belt boundaries, plans should not include land which it is unnecessary to keep permanently open. In this case the side garden is not open to the public at all and falls instead within the curtilage of 2 Somerford Way so it is unnecessary for it to be kept permanently open. Once the land was sold to the then owner of 2 Somerford Way many years ago, it is clear that it would no longer serve as publicly accessible open space as it was for purposes of creating a private side garden.

47. Considering the history of the creation of the side garden, its location, current appearance and function, it is considered that in this case, an exception to the MOL policy can be made. Once the land was sold and incorporated as a side garden, its function as open space ceased. It has long appeared as a domestic garden with an outbuilding. It is on the extreme edge of Russia Dock Woodland where the open space meets areas of housing. There is certainly a reasonably strong case that through the local plan process, the MOL boundary could be redrafted to exclude this small area.
48. Creation of a new house is considered positive and will make a small contribution to the housing stock in the borough.

Affordable housing and development viability

49. Policy P1 of the Southwark Plan 2022 requires that development creating new housing units makes a contribution to affordable housing in the borough. For small sites, this is likely to be a financial sum based on the number of habitable rooms in the new development.
50. An exception can be made in the case of 'self building' where the affordable housing payment is effectively deferred but becomes payable should the dwelling be sold into the private market at a later date. This is secured via a S106 agreement.
51. In this case, the proposed new dwelling has 4 bedrooms and a kitchen living dining room which, being over 31m², counts as 2 habitable rooms. Six habitable rooms are therefore created in the new development.

The affordable housing contribution is therefore:

$$35\% \times 6 \text{ (hab rooms)} \times \text{£}100,000 = \text{£}210,000.$$

52. Policy P1 became a material consideration when the Southwark Plan 2022 was adopted in February 2022. This application pre-dates the adoption of the Southwark Plan by a significant period having been submitted in July 2021.
53. It is considered reasonable given the age of the application that the 'claw back' for the affordable housing sum is limited to 3 years, which is the same as for a CIL payment on self building. This means that if the house is sold within 3 years of completion, then the affordable housing payment (indexed) will be payable. If it is sold after the 3 year period, then there is no requirement for the affordable housing payment.

Impact on the amenity of neighbouring occupiers

54. The proposed development is considered to comply with Policy P56 Protection of Amenity of the Southwark Plan 2022. The works to the existing house are a rear dormer extension that is already subject to a certificate of lawful development, and removal of a conservatory extension which current occupies most of the rear garden, thereby re-creating amenity space for no.2. This does not harm the amenity of neighbours.

55. The new house is effectively a sideways extension of the terrace towards the open space. Front and rear building lines, materials and heights are matched. Windows largely look front and rear and offer similar view points to existing. There is good separation to houses opposite.

Quality of accommodation

56. The proposed new house is of a generous size and complies with the relevant space standards set out in the Residential Design Standards SPD.

4b5p	Design Standard	Proposed Room size	Complies
Bed 1	7.0sqm	10.13sqm	yes
Bed 2	7.0sqm	11.37sqm	yes
Bed 3	7.0sqm	7.85sqm	yes
Bed 4	12.00sqm	21.76sqm	yes
Liv/Kit/Din	15sqm	31.26sqm	yes
Bathroom 1	3.5sqm	5.01sqm	yes
En-suite	3.5sqm	3.81sqm	
Shower	3.5sqm	3.71sqm	
Storage	2.75sqm	14.16 sqm	yes
Outdoor space	50sqm	approx. 100 sqm	yes

57. All rooms have good outlook and daylighting.
58. In terms of amenity space, the removal of the conservatory at no.2 frees up the garden of the house to how it was when the house was constructed. The size is 33.3qsm which is below the 50sqm standard but given this was how the house was in its original form, it is considered acceptable.
59. The new house has outside space of almost 100sqm which well exceeds the minimum standard.
60. The development is considered to comply with the relevant standards for new housing and is acceptable.
61. There are bin storage areas to the front and cycle parking shown.
62. No parking is provided for the house. The location has a low PTAL of 1a and it is likely that the occupier of the proposed house would find car use preferable. The area is not heavily parked. It is not considered that one additional house would harm local transport conditions to such an extent as to find the development unacceptable.

Good design and heritage

63. Design policies seek that development is appropriate for its context in terms of form, materials and siting.
64. The site is not located within a conservation area nor within the setting of any heritage assets.
65. Alterations to no. 2 - the removal of the conservatory and the dormer extension are acceptable and do not raise any significant design issues.
66. New House - the new house is larger than no. 2. It has a greater width, albeit that part of it is set back from the front building line, reducing its bulk. Materials, height and building lines are maintained, so the house reads as part of the existing terrace. Detailed design in terms of windows and doors matches the neighbour.
67. One element of the MOL policy is relevant to the consideration of the design of the development:
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

The new house is effectively an extension to no. 2. The proposal is a larger building than no. 2. Disproportionately large development is resisted on MOL. However, in this case, by maintaining height, building lines and materials, the proposal does not appear disproportionate to the terrace, and it is set in a generous garden which maintains the streetscene character of single dwellinghouses surrounded by gardens and greenery.

68. Given the garden to the rear and side of the proposed house, it is considered that the impacts on the setting of Russian Dock Woodland are softened. This can be further secured by requiring a landscaping proposal for the garden areas and boundary treatments, which can be secured by condition.
69. It is further recommended that all permitted development rights are removed by condition so that any extensions, alterations or outbuildings can be considered via a planning application, given the sensitivities of the location adjacent to designated open space.

Ecology

70. The site is located on the boundary of a SINC and a LNR. The impact on the SINC and the LNR has been raised in both letters of objection.
71. The Ecologist has reviewed the information provided by the applicant on the nature conservation interest in the site. Subject to conditions, the development is not considered harmful to nature conservation. A small mammal gap and swift bricks will be secured by condition. A condition is also recommended that the exterior of the building will not be security lit which will limit any impacts on bat

activity in the vicinity.

Trees

72. The arboricultural impact assessment has been reviewed and subject to a condition, there are no harmful impacts arising from the development. There is an incursion into the root protection area of the willow to the front of the site, but with appropriate controls, there should not be significant adverse impacts. A landscaping condition is also recommended to ensure that the site does not become dominated by hard surfacing.

Policy D12 (A) of the London Plan (2021) - Fire Safety

73. 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.
74. 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.
75. The applicant has provided a fire safety report. It has not been drafted by an individual with recognised fire safety qualifications. The following fire safety measures have been identified:
- The primary means of escape will be through the front door providing an escape route onto the street. There is also the secondary option of escaping via the ground floor rear door providing access to the rear and side garden areas.
76. The proposed new dwelling will have interlinked smoke and heat detectors to provide early warning and detection of fire.
77. The construction of the new dwelling will comply with Building Regs approved Document B (Fire Safety).
78. The site lies at the junction of Somerford Way and Downtown Road and there is sufficient on-street space around the site for a fire truck and equipment to park outside the property.
79. There are no lifts proposed as this development comprises a 2-storey single dwellinghouse.
80. Periodic testing of the smoke/fire alarms will be undertaken.
81. Building control approval will be required during construction of the proposals to ensure compliance.

82. Notwithstanding that this is a fairly basic assessment, not prepared by an individual with specialist fire safety qualifications, it deals with the key points of the planning policy. The proposal is for a two storey house with roof accommodation, the same as other houses in the short terrace and which does not present unusual risks in relation to fire safety and on balance, the information provided satisfies the requirements of planning policy. This is not a full assessment of the requirements of fire safety in new building, which will be dealt with comprehensively at Building Regulations stage.

Energy

83. Policy P70 Energy applies to this development. The policy requires all development to minimise carbon emissions in accordance with the energy hierarchy of be lean, be clean, be green.
84. An energy report has been provided which sets out some fairly limited energy reduction measures. Development is now subject to new building regulation energy measures. Given the small scale of the proposal it is not feasible for substantial green energy measures on site and the applicant considers options such as solar panels not to be cost effective.

S106 and CIL

85. The developer has stated that this new house is a 'self build' which is for personal/family use. This means that it is exempt from CIL and an affordable housing contribution. If the house is sold onto the open market within 3 years, it becomes CIL liable. Similarly, a S106 legal agreement is recommended that the affordable housing payment is required if the house is sold onto within the 3 year period.

Any Other Matters

86. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
87. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
88. 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:
- The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - 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, and
 - 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.
89. 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.
90. 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

91. 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.
92. This application has the legitimate aim of providing a new dwellinghouse. 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.

Carbon concurrent

Achieving net carbon zero development in Southwark

93. This application has taken measures to reduce carbon emissions on site with the aim of contributing to net carbon zero by 2050 in accordance with the adopted development plan.
94. These measures are summarised in the table below:

Net carbon zero: summary table	
Are carbon emission reductions covered in the main report?	No. The proposed development is a minor development and therefore is not required to provide minimum on site carbon saving figures.
Be Lean measures (energy efficient design and construction)	None.

Be Clean measures (low carbon energy supply)	None.
Be Green measures (on site renewable energy generation and storage)	None. The agent has stated that this is not cost effective.
Any other comments	A new house will be subject to up to date building regulations for energy efficiency

Meeting Southwark's Climate Change Strategy and Action Plan

95. In July 2021, the council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal.
96. The Strategy sets out 148 Action Points that the council will undertake to achieve its ambition to do all it can to achieve a net zero carbon borough by 2030 across five key priority areas:
- Greener Buildings: these actions relate to Southwark's built environment and new developments e.g., emissions from privately rented homes, commercial offices and private property development. They cover scope one and two emissions
 - Active and Sustainable Travel: these actions relate to surface transport across the borough, e.g., emissions from private car travel. They cover scope one, two and three emissions
 - A Thriving Natural Environment: these actions relate to the maintenance and security of the borough's natural environment e.g., increasing tree canopy coverage
 - A Circular Economy with Green Jobs: these actions relate to waste within the borough e.g. emissions from non-recyclable waste disposal
 - They cover scope one and two emissions
 - Renewable Energy: these actions relate to the provision of more renewable energy within the borough i.e. local installation of technologies such as solar PV.
97. The following action point/s have identified as relevant to this planning application:

Priority Area:	Thriving Natural Environment
Theme	Building and development works alongside and enhances our natural environment

Officer commentary:	Conditions are recommended to landscape the garden, provide swift bricks and small mammal gaps and to prohibit outdoor lighting to limit any impact on bats; safeguard trees
Priority Area:	Active and Sustainable Travel
Theme	Make cycling and walking easier
Officer commentary	The new house will provide cycle parking

Positive and proactive statement

98. The council has published its Plan 2022 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.
99. 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.

Conclusion

100. The proposal demonstrates conformity with the principles of sustainable development. It respects the amenity of neighbouring properties and is of an acceptable design. The reasons why an exception to MOL policy are relevant here have been explained. Accordingly, it is recommended that planning permission be granted.

BACKGROUND DOCUMENTS

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

APPENDICES

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

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Alison Brittain, Team Manager Enforcement	
Version	Final	
Dated	22 August 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		26 August 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.

Applicant	Bogdan Melanuic	Reg. Number	21/AP/2514
Application Type	Minor application		
Recommendation	GRANT subject to Legal Agreement	Case Number	443-2

Draft of Decision Notice

Grant subject to Legal Agreement for the following development:

Demolition of existing conservatory and construction of a dormer window to the existing house. Construction of a two-storey house to provide a 4-bedroom dwellinghouse with dormer windows. This application is a DEPARTURE from the local plan in that it is development on Metropolitan Open Land.

2 Somerford Way London Southwark SE16 6QW

In accordance with application received on 16 July 2021 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

EXISTING AND PROPOSED SOUTH ELEVATION PL.1 - B received 16/07/2021

EXISTING AND PROPOSED WEST ELEVATION PL.2 - B received 16/07/2021

EXISTING AND PROPOSED NORTH ELEVATION PL.3 - B received 16/07/2021

EXISTING AND PROPOSED EAST ELEVATION PL.4 - B received 16/07/2021

EXISTING AND PROPOSED SECTION S-01 PL.5 - A received 16/07/2021

PROPOSED SECOND FLOOR PLAN PL.11 - A received 16/07/2021

PROPOSED ROOF PLAN PL.13 - A received 16/07/2021

PROPOSED SITE PLAN PL.16 - B received 16/07/2021

PROPOSED GROUND FLOOR PLAN PL.7 - B received 16/07/2021

PROPOSED FIRST FLOOR PLAN PL.9 - B received 16/07/2021

Other Documents

Design and access statement received 16/07/2021

Time limit for implementing this permission and the approved plans

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

Reason:

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

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

3. Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme, based on the 'Phase 1 Environmental Site Assessment Report' by Enviro Solution Ltd (dated 12 January 2022, ref.CL101_V1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework (NPPF) (Paragraph 174). The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

4. Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority

.a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.

b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement.

Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Southwark Plan 2022: P56 Protection of amenity; P57: Open space; P58: Open water space; P59: Green infrastructure, P66 Reducing noise pollution and enhancing soundscapes, P13: Design of places; P14: Design

quality; P15: Residential design, P20: Conservation areas; P21: Conservation of the historic environment and natural heritage and P60 Biodiversity.

Permission is subject to the following Grade Condition(s)

5. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include proposed boundary treatments and these shall include a small mammal gap. 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 development. 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).

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

6. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

Permission is subject to the following Compliance Condition(s)

7. MATERIALS TO BE AS SPECIFIED

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation. The materials proposed shall match the materials of the adjoined house, no. 2 Somerford Way.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Strategic Policy 12 (Design and Conservation) of the Core Strategy (2011); and Saved Policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Plan (2007).

8.

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with the National Planning Policy Framework (NPPF) (Paragraph 174). Infiltrating water has the potential to cause remobilization of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework (NPPF) (Paragraph 174). The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to controlled waters.

11. 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 of the premises shall be carried out to the new house hereby approved, and no outbuilding shall be constructed or installed without the express permission of the local planning authority, to whom an application must be made. In addition, no external floodlighting shall be installed, either attached to the house or within the garden.

Reason: To safeguard the character and the amenities of the premises and setting of Russia Dock Woodlands, and to limit any harm to the local bat population, in accordance with Chapter 12 (Achieving good design) of the National Planning Policy Framework (2021); Policies D4 (Delivering good

design) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity) and Policy P60 Biodiversity of the Southwark Plan (2022).

12. 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 fewer than 2 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).

Informatives

Consultation undertaken and responses received

Site notice date: 25/05/2022

Press notice date: 26/05/2022

Case officer site visit date: 25/05/2022

Neighbour consultation letters sent: 26/07/2021

Internal services consulted

Community Infrastructure Levy Team

Ecology

Environmental Protection

Flood Risk Management & Urban Drainage

Transport Policy

Urban Forester

Ecology

Parks Department

Statutory and non-statutory organisations

Environment Agency

Neighbour and local groups consulted:

4 Somerford Way London Southwark

Friends of Russia Dock Woodland

Re-consultation:

Consultation responses received

Internal services

Community Infrastructure Levy Team

Ecology

Environmental Protection

Transport Policy

Urban Forester

Ecology

Parks Department

Statutory and non-statutory organisations

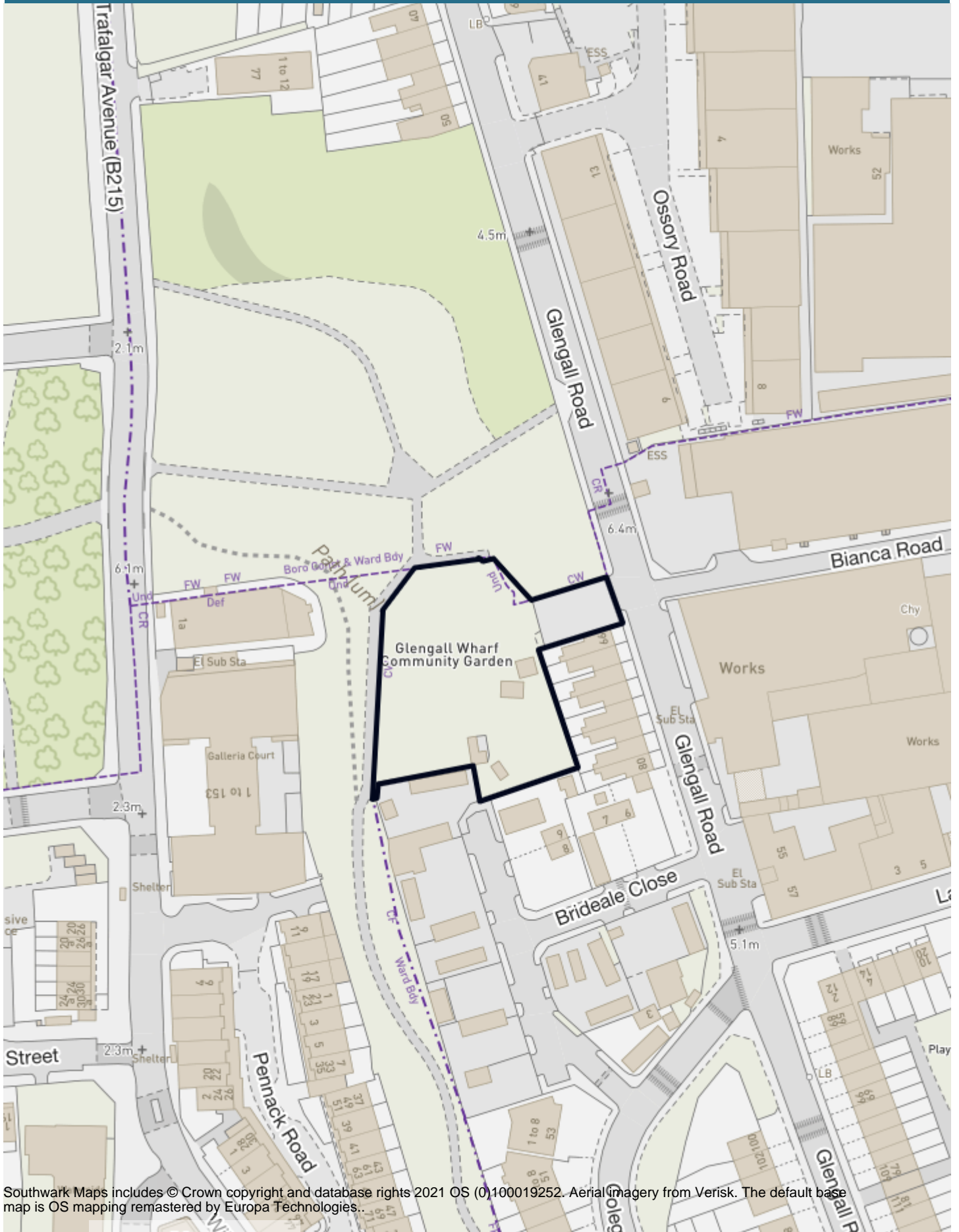
Environment Agency

Neighbour and local groups consulted:

Friends of Russia Dock Woodland

Relevant planning history

Reference and Proposal	Status
21/AP/2064 Certificate of lawful development (proposed) for the removal of the existing rear roof dormer and replacement with a larger dormer extension, and two rooflights to front roof slope.	GRANTED - Certificate of Lawfulness Prop 04/08/2021



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Scale =

Contents

Contents.....	1
EXECUTIVE SUMMARY	2
BACKGROUND INFORMATION	2
Site location and description.....	3
Details of proposal	3
Planning history of the site, and adjoining or nearby sites.	3
KEY ISSUES FOR CONSIDERATION	3
Summary of main issues	3
Legal context.....	4
Planning policy	4
ASSESSMENT	4
Principle of the proposed development in terms of land use.....	4
Impact on the openness of MOL	5
Design.....	5
Ecology and biodiversity.....	5
Transport and highways	5
Water resources.....	6
Fire safety regulations.....	6
Mayoral and borough community infrastructure levy (CIL).....	6
Community impact and equalities assessment	7
Human rights implications	8
Carbon concurrent	8
Positive and proactive statement.....	10
CONCLUSION.....	10
BACKGROUND DOCUMENTS.....	11
APPENDICES	11
AUDIT TRAIL	11

Item No. 7.3	Classification: Open	Date: 12 September 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 22/AP/1052 Planning Application Address: GLENGALL WHARF GARDEN, 64 GLENGALL ROAD, SOUTHWARK, LONDON SE15 6NF Proposal: Installation of a enclosed garden outbuilding / community room measuring 20ft x 8ft		
Ward(s) or groups affected:	Old Kent Road		
From:	Director of Planning and Growth		
Application Start Date: 07.04.2022		PPA Expiry Date: N/A	
Earliest Decision Date: 01.06.2022			

RECOMMENDATION

1. That planning permission is granted subject to conditions.

EXECUTIVE SUMMARY

2. The development proposes to construct a single story community facility (land use class F2), to provide an indoor teaching space that would better meet the needs of the local community and users of the site. Overall the proposed use, character and appearance of the building remains consistent with the inclusion of land within MOL and would preserve and enhance the openness of the site. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

3. The application site known as Glengall Wharf Garden (Burgess Park Food Project) is run by the volunteers and part time community gardeners. The site was founded in 2012 and provides a community garden for local residents.
4. There are currently no indoor structures on the site to provide a community teaching space for courses, workshops and sessions for members of the public. This limits the ability for this community provision to run effectively during winter months and bad weather. Therefore, funding has been raised by the applicants through a crowdfunding campaign and the Mayor of London's Make London funding, to deliver a new indoor teaching space.

Site location and description

5. The application site is located at Glengall Wharf Community Garden. The site is 0.26 hectare and is located on the Surrey Canal Walk on the south-eastern edge of Burgess Park, which is designated Metropolitan Open Land and a Site of Importance of Nature Conservation.
6. The site is predominately used for planting food and wildlife habitats, including raised food growing beds, hugel mounds, herb garden, forest garden, and ponds. Chickens and Bees are kept on the site. There is a covered shelter area with open sides, a shed, a yurt, a composting toilet and a small kitchen cabin. In addition there are two polytunnels used for food growing and a shipping container used for tool storage.

Details of proposal

7. The application proposes to construct a 15m² rectangular shaped timber outbuilding with mono-sloping green roof comprising a roof light and two solar panels. The outbuilding would be 20ft wide by 8ft deep by 10ft high and would be constructed from reclaimed, recycled and waste construction materials.
8. The outbuilding is on the eastern side of the site, close to the vehicle access point on Glengall Road and adjacent to a terrace of dwellings (66 - 82 Glengall Road). The new building would be positioned within a cluster of existing sheds / outbuildings on site. The dimensions of the proposed outbuilding are similar to the nearby existing cabin.

Consultation responses from members of the public and local groups

9. The application has received 22 public comments of support and no objections. Summarised below are the material planning considerations raised by members of the public. These matters are addressed in the subsequent parts of this report.

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

10. 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

11. The main issues to be considered in respect of this application are:
 - Principle of the proposed development in terms of land use
 - Impact on the openness of MOL
 - Design
 - Ecology and Biodiversity
 - Transport and highways
 - Water resources

- Fire safety regulations
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses
 - Community impact, equalities assessment and human rights
12. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

13. 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.
14. 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

15. 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 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
16. The site is located within the following policy designations:
- Old Kent Road Area Vision and Opportunity Area
 - Peckham and Nunhead Action Area
 - Air Quality Management Area
 - Site of Importance for Nature Conservation
 - Metropolitan Open Land

ASSESSMENT

Principle of the proposed development in terms of land use

17. The application proposes to contrast a new outbuilding within Burgess Park MOL. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2021) and the

Southwark Plan Policy P57. This includes the provision of appropriate ancillary facilities, which must be deemed essential for activities such as outdoor recreation. Therefore, the proposal meets the policy test for appropriate development in MOL.

18. The Southwark Plan Policies P45 and P47 support development for new community facilities, which are accessible for all members of the public and support opportunities for healthy activities. The new outbuilding would providing an ancillary facility for the site, providing an indoor teaching space associated with the community gardening activities and projects. Therefore, the principle of proposed development in terms of land use is acceptable, subject to the new facility positively contributing to the setting, accessibility and quality of the MOL and without affecting its openness or detracting from its character.

Impact on the openness of MOL

19. The new outbuilding sits within the established boundary for the Glengall Wharf Gardens. It would be modest in size and not overly prominent within its setting, being in line with the existing built structures and tucked behind a neighbouring row of terraced houses. The building would predominately be visible from the north and west but sufficiently screened by the Glengall Wharf Gardens site and surrounding buildings to the east, south and west.
20. Overall, the modest scale, simplistic design and appropriate placement of the outbuilding would not negatively affect the sense of openness of MOL and would be in keeping with its surroundings. The proposals are shown to be compliant with Policy P57 (Open Space) of the Southwark Plan 2022 and would contribute positively to the use of the community gardens, whilst still preserving the openness and character of the MOL.

Design

21. The new outbuilding is proposed to be timber frame with a cedar shingle facing material and aluminium frame openings. This roof is proposed to be covered with a wild flower planting and x2 solar panels. These external finishes are appropriate to the garden context and would soften the appearance of the building over time. Aluminium windows, a glazed access door and a roof light mean that the building has been designed to maximise natural daylight, and solar PV panels are proposed to facilitate internal lighting.

Ecology and biodiversity

22. The provision of a green roof would increase biodiversity on site, in addition to planting proposed around the new structure once it is built. The proposal would positively impact on the management and enhancements to the surrounding gardens which provide multiple habitats and soft landscaping. The additional urban greening would positively impact on local air quality.

Transport and highways

23. The application proposes to retain existing access onto the site and would provide level access for all users. The proposed development is not anticipated to increase the site's capacity in terms of number of staff, volunteers and visitors. Therefore the existing servicing and access arrangements would remain unchanged.

There are two existing car parking spaces and 12 existing cycle parking spaces on the site to be retained.

Water resources

24. The application is proposing rainwater harvesting on site located to the side and rear of the building. This measure would reduce demand for water use on site.

Fire safety regulations

25. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
26. 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.
27. A Fire Statement or Reasonable Exemption Statement has been provided for this proposal. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development

Mayoral and borough community infrastructure levy (CIL)

28. 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, primarily Crossrail. Southwark’s CIL will provide for infrastructure that supports growth in Southwark.

Consultation responses from internal consultees

29. Design and Conservation Team:
- Recommend approval, subject to the submission of amended plan drawings showing the correct maximum height of the outbuilding and submission of a satisfactory fire safety statement.
30. Transport Policy Team:
- The applicant should provide some further details as to the new community room/garden outbuilding capacity. This should include details of the frequency and

numbers envisaged attending any courses etc. It is unclear if there will be any significant uplift in trip generation associated with the site.

- The applicant should mark up on plans, the waste storage facility for the new community room, giving details of the capacity.
- Some indication should be given as to servicing and delivery arrangements and whether or not there will be any increase in such activity associated with the new building. An indication of the frequency of such activity should be given.
- The applicant will be required to provide details as to how it intends to manage the installation process associated with the works to minimise impact on the local highway network and community. The installation process should avoid deliveries during peak hour periods on the local highway network.
- The applicant will be expected to agree to a condition to make good any footway that is damaged during the installation process.

31. Parks and Cemeteries Team:

- No objection raised

32. Ecologist:

- No objection raised

Community impact and equalities assessment

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

34. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The development would have a significant benefit for wheelchair users as it would provide a facility designed for a particular need but accessible for other users too.

35. 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.

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

36. 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.
37. This application has the legitimate aim of constructing 15m² outbuilding for community use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Carbon concurrent

Achieving net carbon zero development in Southwark

38. This application has taken measures to reduce carbon emissions on site with the aim of contributing to net carbon zero by 2050 in accordance with the adopted development plan.
39. These measures are summarised in the table below:

Net carbon zero: summary table	
Are carbon emission reductions covered in the main report?	No. The proposed development is a minor development and does not provide onsite carbon saving figures
Be Lean measures (energy efficient design and construction)	None.
Be Clean measures (low carbon energy supply)	Yes. x2 Solar Panels are proposed on the roof of the new structure.
Be Green measures (on site renewable energy generation and storage)	Yes. x2 Solar Panels are proposed on the roof of the new structure.

Any other comments	The application proposes 50% of the construction materials to be reused/recycled.
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Meeting Southwark's Climate Change Strategy and Action Plan

40. In July 2021, the council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal.

The Strategy sets out 148 Action Points that the council will undertake to achieve its ambition to do all it can to achieve a net zero carbon borough by 2030 across five key priority areas:

- **Greener Buildings:** these actions relate to Southwark's built environment and new developments e.g. emissions from privately rented homes, commercial offices and private property development. They cover scope one and two emissions.
- **Active and Sustainable Travel:** these actions relate to surface transport across the borough, e.g. emissions from private car travel. They cover scope one, two and three emissions.
- **A Thriving Natural Environment:** these actions relate to the maintenance and security of the borough's natural environment e.g., increasing tree canopy coverage.
- **A Circular Economy with Green Jobs:** these actions relate to waste within the borough e.g. emissions from non-recyclable waste disposal. They cover scope one and two emissions.
- **Renewable Energy:** these actions relate to the provision of more renewable energy within the borough i.e., local installation of technologies such as solar PV

41. The following Action Point/s have identified as relevant to this planning application:

Priority Area:	Greener Buildings
Action Point:	Embed building technologies such as green roofs, facades and cool roofs to reduce carbon emissions and improve biodiversity and local air quality
Action Point reference number:	A.1.iii
Officer commentary:	Through the provision of a green roof.

Priority Area:	Thriving Natural Environment
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Action Point:	Retain and protect existing key open spaces and soil carbon stocks which store CO2 in the borough
Action Point Reference Number:	E.2.i
Officer commentary:	The proposal meets the policy test for appropriate development in Metropolitan Open Space (MOL) as it comprises ancillary essential recreational facilities that would contribute to the setting, accessibility and quality of the open space, preserving the openness of the space and without conflicting with the function of MOL.

Positive and proactive statement

42. The Council has published its development plan 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.
43. 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.

44. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
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?	YES

CONCLUSION

45. The development proposes to construct a single story community facility (F2), to provide an indoor teaching space that would better meet the needs of the local community and users of the site. Overall the proposed use, character and appearance of the building remains consistent with the inclusion of land within MOL and would preserve and enhance the openness of the site. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Consultation undertaken and Consultation responses received
Appendix 3	List of Planning Policies
Appendix 4	Relevant Planning History

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Mumtaz Shaikh, Planning Officer	
Version	Final	
Dated	26 August 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		26 August 2022

Recommendation

Applicant Mariama Abudulai
Glengall Wharf Garden

Planning permission is GRANTED for the following development:

Installation of a single storey enclosed garden outbuilding / community room measuring 20ft x 8ft

At Glengall Wharf Garden 64 Glengall Road London Southwark

In accordance with the valid application received on 7 April 2022 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

Conditions

Permission is subject to the following Approved Plans Condition:

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

Reference no./Plan or document name/Rev.	Received on:
GGW-ZZ-001 REV P01 PROPOSED PLANS	21/03/2022
THE LOCATION PLAN	21/03/2022

Reason:

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

Permission is subject to the following Time Limit:

Permission is subject to the following Compliance Condition(s)

- The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the

drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

4. The development authorised by this permission shall required to reinstate and make good of any footway that is damaged during the construction and demolition processes, in consultation with Highways Authority.

Reason:

To maintain a high quality public footway in accordance with Chapters 9 (Promoting sustainable transport) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021), Policies D4 (delivering good design) and T2 (Healthy streets) of the London Plan (2021); Strategic Policies 2 (Sustainable Transport) and 12 (Design and Conservation) of the Core Strategy (2011) and Saved Policies 3.12 (Quality in design), 3.13 (Urban design), 5.2 (Transport impacts) and 5.3 (Walking and cycling) of the Southwark Plan (2007).

Signed:

Stephen Platts

Director of Planning and Growth

Important Notes Relating to the Council's Decision

1. Conditions

- If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.

- Further information about how to comply with planning conditions can be found at:

https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12

- Please note that there is a right of appeal against a planning condition. Further information can be found at:

https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal

2. Community Infrastructure Levy (CIL) Information

- If your development has been identified as being liable for CIL you need to email [Form 1: CIL Additional Information](#), [Form 2: Assumption of Liability](#) and [Form 6: Commencement Notice](#) to cil.s106@southwark.gov.uk as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.

- **Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.**

- To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance:

<https://www.gov.uk/guidance/community-infrastructure-levy>

- All CIL Forms are available to download from Planning Portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

- Completed forms and any CIL enquiries should be submitted to cil.s106@southwark.gov.uk

3. National Planning Policy Framework

- In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a

positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

4. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, OR within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.
- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

5. Purchase Notice

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990

6. Provisions for the Benefit of the Disabled

- Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
 - i. Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - ii. Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - iii. Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.

7. Other Approvals Required Prior to the Implementation of this Permission.

- The granting of approval of a reserved matter or outstanding matter does not relieve developers of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities (including the London Borough of Southwark) entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property. In this connection applicants are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

8. Works Affecting the Public Highway

- You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

9. The Dulwich Estate Scheme of Management

- Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].

10. Building Regulations.

- You are advised to consult Southwark Building Control at the earliest

possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].

11. The Party Wall Etc. Act 1996.

- You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

12. Important

- This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.

Consultation undertaken and responses received

Site notice date: 20/03/2022

Press notice date: n/a.

Case officer site visit date: n/a

Neighbour consultation letters sent: 14/04/2022

Internal services consulted

Design and Conservation Team [Formal]
Transport Policy

Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

76A Glengall Road London Southwark
78B Glengall Road London Southwark
Basement Flat 68 Glengall Road London
78A Glengall Road London Southwark
80A Glengall Road London Southwark
Ground Floor Flat 72 Glengall Road
London
First Floor And Second Floor Flat 72
Glengall Road London
Ground Floor Flat 68 Glengall Road
London
66A Glengall Road London Southwark
Room 4 78B Glengall Road London
Flat A 70 Glengall Road London
Flat B 70 Glengall Road London
Basement Flat 72 Glengall Road London
66B Glengall Road London Southwark
Flat C 70 Glengall Road London
80B Glengall Road London Southwark

76C Glengall Road London Southwark
76B Glengall Road London Southwark
74B Glengall Road London Southwark
74A Glengall Road London Southwark
66C Glengall Road London Southwark
74C Glengall Road London Southwark
Top Floor Flat 68 Glengall Road London
7 Brideale Close London Southwark
70 Glengall Road London Southwark
9 Brideale Close London Southwark
6-7 Brideale Close London Southwark
80 Glengall Road London Southwark
78 Glengall Road London Southwark
74 Glengall Road London Southwark
72 Glengall Road London Southwark
68 Glengall Road London Southwark
66 Glengall Road London Southwark

Re-consultation:

Consultation responses received

Internal services

Design and Conservation Team [Formal]
Transport Policy

Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

48 Hunsdon Rd London SE14 5RE
Wickway Court Flat 86, Cator Street
London
Apartment 37, 1 Varcoe Road, 1 Varcoe
Road London
165 Upland Road London SE22 0DF
20 Fidler Place Bushey Wd234uf
8a oakley place London SE1 5AD
Flat E, 392 New Cross Road 392 New
Cross Road London
28 Highshore Road London SE155AF
Flat 20 Edmond Court London Se145lg
13 waterway avenue London Se13 7gb
64 Limes Grove London SE13 6DE
15 Glengall Road London SE15 6NJ
68 BROCKLEHURST STREET
LONDON SE14 5QS
Flat 16 Myatts Field Court 18 Mcdowall
Road London
41 Milestone House 434 Old Kent Road
London
36a bird in bush road peckham se156rw
38 Hastings Close London
36 Camilla Road London SE163NL
86c Glengall Road London Se156nh
25 BUSHWOOD DRIVE LONDON SE1
5RE
120 Waller Road London SE14 5LU
Cambridge House 1 Addington Square
London

List of Planning Policies

National Planning Policy Framework (the Framework)

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

The London Plan 2021

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D12 Fire safety
- Policy G3 Metropolitan Open Land
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 12 Flood risk management
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction

Southwark Plan 2022

- P14 Design quality
- P18 Efficient use of land
- P45 Healthy developments
- P47 Community uses
- P51 Walking
- P53 Cycling
- P56 Protection of amenity
- P57 Open space
- P60 Biodiversity
- P61 Trees
- P68 Reducing food risk

APPENDIX 4**Relevant planning history**

Reference and Proposal	Status
84/AP/0145 Use of site at Glengall Wharf rear 60-66 Glengall Road as a public open space including mothers and toddlers play area LBS 185-84	GRANT - Regulation 3/4 29/02/1984

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

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

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Councillor Emily Tester (Vice-chair)	1		
Councillor Esme Hicks	1		
Councillor Emily Hickson	1	Communications	By email
Councillor Adam Hood	1	Louise Neilan, media manager	
Councillor Richard Livingstone	1		
Councillor Sandra Rhule	1		
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Councillor Sabina Emmanuel			
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Councillor Charlie Smith			
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