

Planning Sub-Committee B

Wednesday 19 October 2022

7.00 pm

Ground Floor Meeting Room G02 - 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

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Access

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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: 11 October 2022



Planning Sub-Committee B

Wednesday 19 October 2022

7.00 pm

Ground Floor Meeting Room G02 - 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 - 4
	To approve as a correct record the minutes of the meeting held on 12 September 2022.	

Item No.	Title	Page No.
7.	DEVELOPMENT MANAGEMENT REPORT	5 - 8
7.1.	INDIA HOUSE, 45 CURLEW STREET LONDON SE1 2ND	9 - 43
7.2.	2 SOMERFORD WAY, LONDON SE16 6QW	44 - 76

EXCLUSION OF PRESS AND PUBLIC

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

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

Date: 11 October 2022

Planning Sub-Committee

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

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

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

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

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

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

Please note:

Those wishing to speak at the meeting should notify the constitutional team by email at ConsTeam@southwark.gov.uk 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 meeting held on Monday 12 September 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 Adam Hood
 Councillor Richard Livingstone
 Councillor Sandra Rhule
 Councillor Charlie Smith (reserve member)

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
 Mumtaz Shaikh (Development Management)
 Alex Gillott (Legal Officer)
 Beverley Olamijulo (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

Members of the planning sub-committee observed a minutes silence in memory of her late Majesty Queen Elizabeth II.

2. APOLOGIES

There were apologies for absence from Councillor Emily Hickson.

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 7.3 – Glengall Wharf Garden, 64 Glengall Road Southwark, London SE15 6NF

Councillor Richard Livingstone, a non-pecuniary interest, as the application is in his ward. He had not received any written representations, and agreed to approach this 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 relating to item 7.1 – development management item.

6. **MINUTES**

RESOLVED:

That the minutes of the meeting held on the 14 June 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 **9 HURLEY CRESCENT, SOUTHWARK, LONDON SE16 6AL**

Planning application reference 22/AP/0498

Report: See pages 10 to 35 of the agenda pack.

The planning application was withdrawn at the request of the applicant.

7.2 2 SOMERFORD WAY LONDON SE16 6QW

Planning application reference 21/AP/2514

Report: See pages 36 to 66 of the agenda pack.

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.

The item was deferred to a future meeting pending a site visit.

7.3 GLENGALL WHARF GARDEN, 64 GLENGALL ROAD SOUTHWARK, LONDON SE15 6NF

Planning application reference 22/AP/1052

Report: See pages 67 to 88 of the agenda pack.

PROPOSAL:

Installation of an enclosed garden outbuilding / community room measuring 20ft x 8ft.

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 and wishing 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 7.35 pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 19 October 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. 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 Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

12. A resolution to grant planning permission shall mean that the 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 shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the 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 shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Director of 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, and to any other material considerations when dealing with applications for planning permission.

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

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.

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	Beverley Olamijulo, Constitutional Officer Nagla Stevens, Deputy Head of Law (Planning and Development)	
Version	Final	
Dated	10 October 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		10 October 2022



21/AP/4199

India House 45 Curlew Street London SE1 2ND



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Scale =

6-Oct-2022

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Item No. 7.1	Classification: Open	Date: 19 October 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 21/AP/4199 for: Planning Permission Address: INDIA HOUSE 45 CURLEW STREET LONDON SOUTHWARK SE1 2ND Proposal: Construction of a new roof terrace to serve the existing offices with privacy screening, composite decking and terraced seating, external balustrade and lighting.		
Ward(s) or groups affected:	North Bermondsey		
From:			
Application Start Date	29/11/2021	Application Expiry Date	23/01/2022
Earliest Decision Date	11/08/2022		

RECOMMENDATIONS

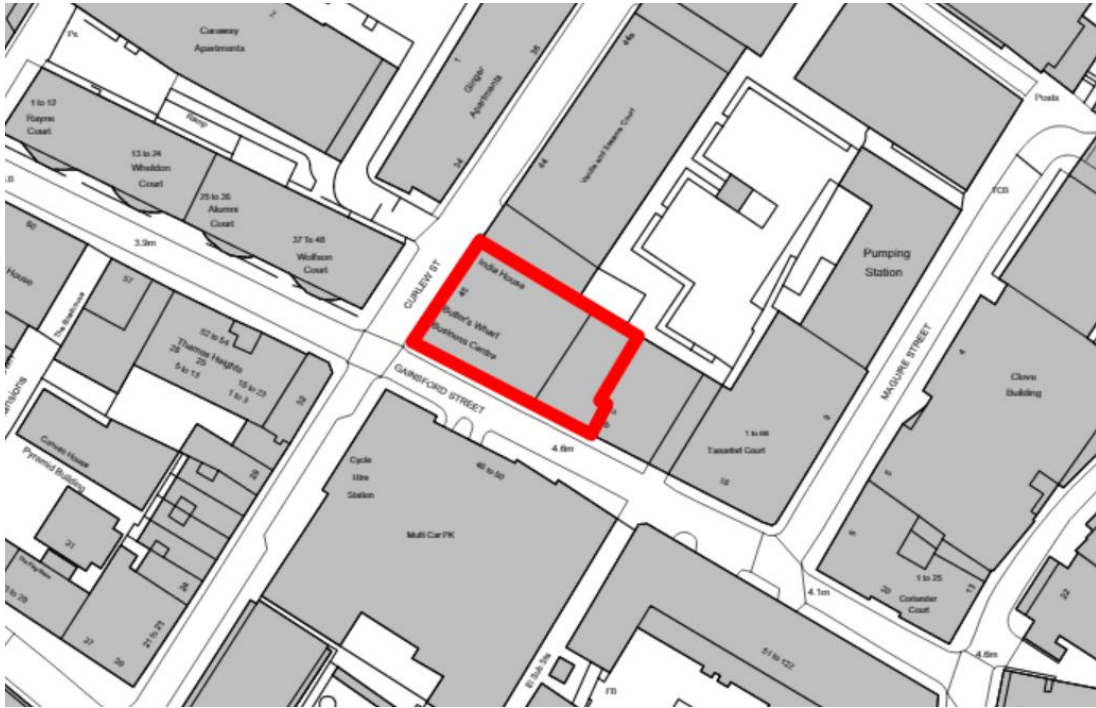
1. That planning permission be granted subject to the conditions as set out in the report.

BACKGROUND INFORMATION

Site location and description

2. The application site refers to India House, a modern six storey office building (Class E(c)) located on the corner of Curlew Street and Gainsford Street in the centre of Butler's Wharf. The site adjoins Vanilla and Sesame Court to the north-east and Tamarind Court to the south-west, two former warehouse buildings converted into apartment blocks. Vanilla and Sesame Court has commercial uses and a nursery on the ground floor.

Site location plan



3. The surrounding area is predominantly residential in terms of land use, comprising four to six storey apartment blocks, however there is a multi-storey car park located on the opposite side of Gainsford Street and a number of commercial uses at ground floor level on the surrounding streets, though these tend to be more greatly concentrated around Shad Thames and Queen Elizabeth Street. Clove Building on Maguire Street to the east of the site is a six storey modern office building of a similar character to the application site, and there is an application for the construction of a roof terrace at this site currently under consideration (ref. 21/AP/3131).

4. *Photograph of existing building from Curlew Street*



5. The site is subject to the following designations:

- Air Quality Management Area
- Bankside, Borough, London Bridge Strategic Cultural Areas
- Bermondsey Controlled Parking Zone
- Blackheath Point to St Paul's Cathedral Panorama
- Borough, Bermondsey and Rivers Archaeological Priority Zone
- Central Activities Zone
- Flood Zone 3 and area benefitting from defences
- Primrose Hill Panorama
- Smoke Control Zone
- Thames Policy Area
- Urban Density Zone

6. The site is not listed, however it is located within the Tower Bridge Conservation Area. There are also a number of Grade II listed buildings within the surrounding area, north towards Butler's Wharf Pier and south towards St Saviour's Dock, including:

- Butler's Wharf Building
- Eagle Wharf
- The Cardomon Building
- Wheat Wharf

- Anise Warehouse
- 22 Shad Thames
- Java Wharf
- Crown Wharf
- St Andrew's Wharf "A" and "B" Warehouses
- St Saviour's Warehouse
- Butler's Grinders and Operators Warehouse
- The Circle

7. Map of nearby Grade II listed buildings



Details of proposal

8. The proposal is for the construction of a landscaped roof terrace to provide outdoor amenity space for the existing office accommodation (Class E(c)). The roof terrace would be divided into two parts, with a larger 'communal' terrace serving the whole of the building and a smaller 'private' terrace serving the fifth floor only.
9. The roof terrace would have timber decking and tiered seating with integrated planters formed along the existing pitched roof closest to the south-western elevation of the building. It would also incorporate slatted and solid timber screens throughout to divide the two terraced areas and for privacy purposes. Low level downlighters would be mounted to the inside face of the perimeter wall and new horizontal guardrails would be fitted to the existing balustrade for safety purposes.

Consultation responses from members of the public and local groups

10. Summarised below are the material planning consideration raised by members of the public.
11. 34 objection comments have been received relating to the following matters:
12. Design quality and impact on heritage assets and views
 - Over-development
 - Out of keeping/scale with warehouse conversions
 - Harmful impact on historic character of conservation area, skyline and local views
 - Additional height and massing would increase existing sense of massing and overbearing buildings, reducing light and views of the sky
 - Noise would disturb the quiet ambience
13. Neighbouring amenity impacts
 - Inappropriate in predominantly residential area
 - No other office block with roof terrace overlooking flats in Shad Thames
 - Noise nuisance and disturbance during construction and when operational
 - Poor quality Noise Impact Assessment/report
 - Light pollution
 - Loss of privacy/overlooking
 - Loss of light/overshadowing
 - Heightened sense of enclosure within courtyard
 - Conditions restricting music, alcohol, access and hours of use requested
 - Additional screens and protection for privacy and noise requested
14. Transport/highway impacts
 - Increase in the number of vehicles on the roads
 - Construction work ruining streets as pavements/spaces are not restored
15. Consultation
 - No street notices or notification of neighbouring residential properties/limited consultation undertaken
 - Extension to public consultation period requested
16. Safety and security
 - Security risk to adjoining properties with balconies at roof level

- Loose garden furniture would present a risk to public safety
- Smoking would be a fire hazard/increase fire risk of adjoining properties

17. Other

- Insufficient information on use and relationship with adjacent buildings
- Unnecessary development as more people working from home and there are other open public spaces nearby
- Concern over how the hours of operation would be controlled and the roof terrace being rented out to third parties for events
- Harmful precedent for future developments

18. 1 support comment has been received relating to the following matters:

- Progressive development/will enhance vibrancy of area

19. These matters are addressed comprehensively in the relevant parts of this report, however smoking is not a material planning consideration (though fire safety will be addressed in the report) and the sale of alcohol is a licensing matter. Any breaches of planning conditions would be dealt with by planning enforcement.

Planning history of the site, and adjoining or nearby sites

20. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. A fuller history of decisions relating to this site, and other nearby sites, is provided in Appendix 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- Principle of the proposed development in terms of land use
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Design quality and impact on heritage assets and views
- Transport and highways impacts
- Fire safety
- Other matters
- Consultation responses, and how the application addresses the concerns raised
- Community impact and equalities assessment and
- Human rights.

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

Legal context

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

Planning policy

25. The statutory development plans for the Borough comprise the London Plan 2021 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.

ASSESSMENT

Principle of the proposed development in terms of land use

26. There are no land use issues associated with the proposal, which seeks to construct a roof terrace to serve the existing offices (Class E(c)). It is outlined that parts of the building are currently vacant and the roof terrace would enhance the quality of the existing office space, facilitating the successful re-occupation of the floorspace and providing outdoor amenity space to improve staff well-being within the workplace.
27. The proposal is therefore supported in principle, provided it does not have an adverse impact on the amenity of any adjoining or nearby occupiers or uses, and is of a high standard of design, preserving the character and appearance of the surrounding Tower Bridge Conservation Area and the wider setting of nearby Grade II listed buildings.

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

Privacy

28. The proposal seeks to construct a roof terrace to serve the existing offices. Permission was originally sought for a larger roof terrace, which included areas of tiered seating along both existing mono-pitched roofs, however following concerns raised by officers regarding the impact on the privacy of the adjoining residential blocks, the roof terrace was reduced in size to provide a greater set back from Vanilla and Sesame Court to the north-east and privacy screening with planters was incorporated along the tiered seating area and around the smaller roof terrace, including along the south-eastern edge adjacent to Tamarind Court.
29. It is acknowledged that contributors have raised concerns regarding a loss of privacy, however it is not considered that the revised proposal would have an adverse impact on the privacy of any adjoining or nearby occupiers. In terms of the larger of the two terraces, the privacy screening above the tiered seating would measure approximately 1.89m in height from the highest tier, which would predominantly screen views of the balconies serving Vanilla and Sesame Court to the north-east, and the other apartment blocks beyond fronting the courtyard. Views from the tiered seating area towards the balconies serving Tamarind Court would also be significantly restricted by the screening at terrace floor level, but also the oblique angle, as the pitched roof is set further back from the edge of the roof than the adjacent balconies and therefore, would sit slightly behind them, with views limited by the flank wall of Tamarind Court. Further, the primary views from the tiered seating area and roof terrace as a whole would be towards the car park located on the opposite side of Gainsford Street, and the buildings beyond.
30. The smaller of the two roof terraces would be set back approximately 7.1m from the north-eastern edge of the roof and would have a 2.1m high surround for privacy. As such, it would not overlook the courtyard nor the buildings fronting it. It is likely that there would be some visibility of the higher level balconies to the rear of Vanilla and Sesame Court, however the set back and privacy screening, coupled with the change in elevations (with the balconies being at a higher level), would mitigate any detrimental loss of privacy. As above, the primary views would also be in the opposite direction towards Gainsford Street, where screening is not proposed. A privacy screen measuring 2.2m in height would also be erected along the south-eastern edge of the roof terrace, between the access door and the adjoining balconies serving Tamarind Court, to protect the privacy of these occupiers.
31. The closest residential building directly facing the site is Wolfson Court (LSE student accommodation), located on the opposite side of Curlew Street. The roof terrace would be separated approximately 11m from the flank wall of this building, which is slightly under the 12m minimum separation distance set out in the 2015 Technical Update to the Residential Design Standards SPD (2011) for windows fronting a highway. However, there are not many windows on this elevation of Wolfson Court and there is an existing relationship of mutual overlooking between the facing windows of these two buildings. As such, it is not considered that the roof terrace would have a detrimental impact on the privacy of these occupiers.
32. The residential buildings located diagonally across from the site on Curlew Street and Gainsford Street, including no. 32 Curlew Street, Thames Heights,

Ginger Apartments and Butler's and Colonial Wharf, would all be located at least 12m away, complying with the minimum requirement set out in the 2015 Technical Update to the Residential Design Standards SPD (2011) for windows fronting a highway. The proposal would therefore not harm the privacy of these occupiers, with any views being similar to the existing windows.

Daylight and sunlight

33. The proposed roof terrace is not considered to be of such a scale that would subject the adjoining and neighbouring buildings to a detrimental loss of daylight or sunlight. The main bulk and massing comprises the privacy screening and planters above the tiered seating, which would only be approximately 1.38m higher than the ridge of the existing pitched roof and would be set back a considerable distance from all edges of the roof, including 13m from the balconies serving Vanilla and Sesame Court to the north-east. The screening at decking level would also height and mass, however it would not be a dissimilar height to the existing pitched roofs and acoustic screening surrounding the mechanical plant, and again would be predominantly set back from the perimeter of the roof. Therefore, whilst it is anticipated that there would be some additional shading towards the surrounding buildings, this would not be to a significantly greater degree than the existing building.
34. It is acknowledged that the privacy screen to the south-eastern edge of the roof would be located directly adjacent to the neighbouring balcony at Tamarind Court. However, whilst this screen would be fairly tall, measuring approximately 2.2m in height, it is not particularly deep and is unlikely to significantly overshadow this balcony given it's siting to the south-east of the site.

Openness and outlook

35. For similar reasoning to the above, the proposed roof terrace is not considered to be overbearing or unduly enclosing towards any adjoining or neighbouring buildings, or the courtyard to the rear, given the scale and siting of the privacy screens and planters, which are predominantly set back from the edges of the roof. As noted above, the 2.2m high privacy screen to the south-eastern edge of the roof would not be set back from the immediately neighbouring balcony at Tamarind Court, however it is limited in depth and therefore would not give rise to a harmful sense of enclosure.
36. In terms of outlook, there are no balconies or windows/doors at the adjoining buildings directly facing the site. The primary outlook from the balconies to the rear of Vanilla and Sesame Court towards the Shad Thames Pumping Station and Tamarind Court on the opposite side of the courtyard would not be impeded by the proposal. Similarly, outlook from the balconies to the front of Tamarind Court towards the car park and Butler's & Colonial Wharf would not be materially impacted.

Noise disturbance

37. It is acknowledged that contributors have raised significant concerns regarding noise disturbance from the proposed roof terrace given the proximity to

residential buildings. The roof terrace would be used in connection with the existing offices and would be able to accommodate up to 120 people. The applicant has submitted a Noise Impact Assessment Report prepared by KP Acoustics, which concludes that a slight (3.2dB) increase in noise levels may be experienced by residents nearby to the roof terrace, which is considered to be the minimum perceptible change (see table below).

Table from Noise Impact Assessment Report

Importance/Sensitivity of receptor	Magnitude /Scale of change
Very substantial	Greater than 10 dB L_{Aeq} change in sound level perceived at a receptor of great sensitivity to noise
Substantial	Greater than 5 dB L_{Aeq} change in sound level at a noise-sensitive receptor, or a 5 to 9.9 dB L_{Aeq} change in sound level at a receptor of great sensitivity to noise
Moderate	A 3 to 4.9 dB L_{Aeq} change in sound level at a sensitive or highly sensitive noise receptor, or a greater than 5 dB L_{Aeq} change in sound level at a receptor of some sensitivity
Slight	A 3 to 4.9 dB L_{Aeq} change in sound level at a receptor of some sensitivity
None/Not Significant	Less than 2.9 dB L_{Aeq} change in sound level and/or all receptors are of negligible sensitivity to noise or marginal to the zone of influence of the proposals

Table 4.2 Effects descriptors as recommended by IEMA Guidelines for Environmental Noise Impact Assessment (2014)

38. The report has been reviewed in consultation with the council's Environmental Protection Team, who have advised that it doesn't break down the background level for each hour, which is likely to undersell the impact at certain times, and that it doesn't consider LMAX (the maximum noise from short sounds such as laughing/shouting/banging etc.), which would give a better idea of how distinct the noise would be. However, they have advised that there is no accepted standard methodology for this type of assessment and that they consider the roof terrace to be acceptable, provided it is only used in connection with the offices and subject to conditions restricting the hours of use to no later than 20:00 on weekdays and 18:00 on weekends, so that it cannot be used when the background noise level is lower and people are more sensitive to noise.
39. In view of the above, and that balconies and roof terraces are not uncharacteristic of the surrounding area, albeit the majority are in residential use, the proposal is not anticipated to subject any adjoining or nearby

occupiers to undue noise disturbance, subject to the following conditions:

- The roof terrace shall only to be used in connection with the existing offices and shall not be let out to third parties;
 - The roof terrace shall not be used outside the hours of 8:00-19:00 on weekdays and 10:00-16:00 on Saturdays, and shall not be used at all on Sundays or bank holidays, taking into consideration the site context, with residential buildings adjoining to either sides, and shorter hours requested by contributors; and
 - No amplified or live music shall be played externally on the roof terrace.
40. It is noted that contributors also raised concerns about noise during construction. Given the scale and nature of the works, the proposal is not considered to warrant a construction environmental management plan, however an informative is recommended advising the applicant to review the council's guidance on best practice during demolition and construction.

Light pollution

41. The proposal would include low level wall mounted downlighters to the perimeter of the roof terrace, which would support evacuation in the event of a fire/emergency. In order to safeguard the amenity of adjoining and nearby occupiers against light pollution, a condition is recommended requiring the external lighting to be switched off when the roof terrace is not operational.

Design quality and impact on heritage assets and views

42. The application site refers to India House, a modern six storey office building located on the corner of Curlew Street and Gainsford Street in the centre of Butler's Wharf. The building is not listed, however it is located within the Tower Bridge Conservation Area and within the vicinity of a number of Grade II listed buildings. Whilst the building is modern, it conforms to the scale and fenestration pattern of the surrounding former warehouse buildings and fronts the street in the manner of one. There is good cohesion between the wider street and built form.
43. It is acknowledged that contributors have raised significant concerns regarding the scale and massing of the roof terrace, and its impact on the historic character of the surrounding conservation area, including local views and ambiance. However, the main massing of the proposal comprises the tiered seating and privacy screening, which would be sufficiently set back from the edge of the roof and therefore would not be visible from close views. There would be some glimpsed views along Curlew Street and Gainsford Street at a greater distance, however these would be read in context with the other parapets and roof railings in the area, plus other rooftop activity, including balconies and terraces of the surrounding buildings and the car park immediately opposite. As such, whilst there would be some visibility in the wider context, where the roof terrace would be visible, it would not appear out of keeping with its surroundings. The proposal would therefore preserve the significance of the surrounding Tower Bridge Conservation Area and the wider

setting of the nearby Grade II listed buildings.

44. The proposed materials include timber decking supported on a metal framed structure and timber planters and screens, which are considered appropriate within the context of the site and surrounding area. The additional horizontal guardrails would receive a paint spray finish. A condition is recommended requiring details of the privacy screening, including the materials, finish and spacing between the slats, to be submitted to the council for approval prior to installation.

Transport and highways impacts

45. The proposal is not anticipated to give rise to any adverse transport or highways impacts. It is noted that contributors raised concerns that the proposal would increase the number of vehicles on the roads, however the roof terrace would be used by the existing office accommodation and therefore is unlikely to generate a significant increase in traffic. Any increase vehicles accessing the site during construction work would be temporary. Concerns were also raised regarding the impact of construction work on the pavement, however vehicles would not need to drive over or park on any pavements or other pedestrian spaces in order to access the site, as it is directly accessible from the public highways of Curlew Street and Gainsford Street.

Fire safety

46. Policy D12(A) 'Fire safety' of the London Plan 2021 requires all developments to be accompanied by a planning fire safety strategy. The strategy should address the criteria set out under Policy D12(A).
47. A Fire Management Plan prepared by Ark Workplace Risk has been submitted, along with a supporting note prepared by the agents, outlining where the FMP addresses the criteria of Policy D12(A). The key information is summarised below.

Active and passive fire safety measures

48. The FMP outlines that all floors will be provided with a British Standard 5839 Part 1: Category L1 detection and alarm system. It also states that the structural elements of the building provide 60 minutes of compartmentation between the floors and the masonry elements to the staircases achieve a minimum of 30 minutes fire resistance. In relation to the roof terrace, it provides details of the timber decking specification by SHERA, which confirms that it is an A1 building material and is therefore fire resistant and does not produce smoke or droplets when exposed to fire.

Means of escape and evacuation strategy

49. The FMP outlines that the proposal would not alter the existing means of escape from the building, which is served by two protected staircase enclosures at all levels (including the roof) leading to an ultimate place of safety, i.e. Curlew Street and Gainsford Street. A simultaneous evacuation strategy will be adopted in the event of a fire, whereby on first evacuation of

the alarm, all occupiers of the building will evacuate via the escape routes outlined above. This strategy is supported by the fire alarm system and passive fire safety provisions. The designated evacuation assembly point for occupants of the building is All Bar One, located adjacent to the River.

Firefighting access and equipment

50. The FMP considers that adequate access for Fire and Rescue Service appliances is provided to the building, in terms of access to the building footprint and a suitable entrance with adequate turning circles where necessary in accordance with British Standard 9999. It also states that this is supported with a good standard of water supply available via a hydrant system in the main roadway.
51. Whilst the submitted information considered to sufficiently address the majority of the criteria of Policy D12(A), it is unclear whether a fire sounder would be installed on the roof terrace to alert occupiers in the event of a fire. No details have also been provided to confirm whether the timber privacy screens would be fire resistant. Conditions are therefore proposed requiring details of the fire sounder and the screening to be submitted to the council for approval in the interest of fire safety.

Other matters

Safety and security

52. It is acknowledged that contributors raised concerns that the proposal would present a security risk to Vanilla and Sesame Court and Tamarind Court, which have balconies adjoining the site at roof level. However, the proposed roof terrace would be separated from these buildings by privacy screening measuring approximately 2.1-2.2m in height (varies in different locations), which would prevent those using the roof terrace from accessing, or unduly overlooking, the adjoining balconies.
53. Concerns were also raised that the loose garden furniture on the roof terrace would present a risk to public safety. A condition is therefore recommended requiring details of how the furniture would be secured in place or stored to be submitted to the Council for approval prior to installation.

Consultation

54. A number of contributors have also raised concerns about the consultation process, including the extent of consultation and the length of the consultation period. Two site notices were displayed outside the site on the 03/12/2021, however following concerns raised by local residents regarding consultation, consultation letters were posted to the two adjoining buildings, Vanilla and Sesame Court and Tamarind Court, to notify these occupiers of the proposed development and provide an opportunity to submit comments. A further two site notices were also displayed outside the site on the 21/07/2022 to publicise the development. The consultation undertaken is considered to be proportionate to the scale of development and to adhere to the requirements of the council's statement of community involvement.

55. It is acknowledged that the planning register was unavailable for a number of days during the consultation period, and therefore the consultation period was extended by 10 days (expiry of 21/08/2022) to ensure that members of the public were given sufficient time to submit comments, as requested.

Insufficient/missing information

56. It is acknowledged that concerns have been raised about information missing from the application including on the use of the roof terrace and its justification, however it is considered that this information is sufficiently covered within the application covering letter and the design and access statement. A contributor has also raised concerns that the submitted plans do not show the close proximity to the adjacent buildings, however the immediately adjoining buildings have been included on the roof plan and a number of the sectional/elevational drawings. A site visit was also undertaken to view the existing relationship with the adjoining buildings at roof level.

Unnecessary development and over-development

57. The proposed development is not considered to be unnecessary. As addressed in the relevant preceding sections of this report, it would enhance the quality of the existing office accommodation and promote well-being within the workplace, which is supported. It is also not considered to constitute 'over-development' as it would be ancillary to the offices and is considered to be an appropriate addition to the building in terms of its scale, massing and visual impact.

Consultation responses from internal and divisional consultees

58. Summarised below are the material planning considerations raised by internal and divisional consultees.

59. Environmental Protection Team (initial comments):

- No objections to the proposal. Roof terrace quite substantial and risk of it becoming an events space. To restrict this and protect amenity, conditions are recommended including restricting hours of use to 07:00 - 20:00 Monday to Friday and 09:00 - 18:00 on Saturdays. Standard plant noise condition recommended and external lighting condition recommended requiring the lighting to comply with the Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.

Officer response: Comments noted. Informed EPT that no plant equipment is proposed under this application and agreed that the standard plant noise condition is therefore not required. The external lighting condition recommended by EPT is not sufficiently precise and therefore could prove difficult to enforce. In lieu of this, a condition is recommended requiring the external lighting to be switched off when the roof terrace is not operational.

60. Environmental Protection Team (additional comments on Noise Impact Assessment Report):

- Report finds that noise from terrace would be roughly the same as the existing background level so that when the 'new' noise from the terrace and the existing background are combined, the new total noise level is around +3dB, which is a slight increase (+3dB is considered the minimum perceptible change).
- Report doesn't break the background down to look at each hour, which is likely to undersell the impact at certain times, and it does not consider LMAX (the maximum noise from short sounds such as laughing/shouting/banging etc.), which would give a better idea of how distinct the noise would be. It does suggest people on the terrace would be audible at the receptor locations.
- No accepted standard methodology for this type of assessment so they are always only indicative at assessing the level of impact. Does not change view that the roof terrace is acceptable provided it remains as an office (i.e. not an entertainment or events use where alcohol may be involved) and subject to restrictions on the hours of use so it cannot be used when the background level is lower and people are more sensitive to noise.

Officer response: Comments noted.

61. Design and Conservation Team:

- No objections to the proposal. There would be glimpsed views along Gainsford Street in wider view, but would not be out of context with the surrounding area. Proposal would therefore preserve the significance of the Tower Bridge Conservation Area in accordance with national and local design and conservation policies.

Officer response: Comments noted.

Consultation responses from external consultees

62. No consultation was carried out with external consultees.

Community impact and equalities assessment

63. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
64. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
65. 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.
66. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
67. It is against this background that it is assessed that this application has the legitimate aim of providing a new outdoor amenity space for the office users of the application site. The rights potentially engaged by this application as listed and assessed above, 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.

Human rights implications

68. 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.
69. This application has the legitimate aim of providing a landscaped roof terrace ancillary to the existing office accommodation. 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

70. 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.
71. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

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

CONCLUSION

72. The proposed development would enhance the quality of the existing office accommodation and promote well-being within the workplace. It would give rise to an acceptable level of impact towards adjoining and neighbouring occupiers, and would respond appropriately to the site context in terms of its scale, massing and materials, preserving the character and appearance of the surrounding Tower Bridge Conservation Area, including the wider setting of nearby Grade II listed buildings.
73. It is therefore commended 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: 020 7525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation
Appendix 2	Relevant planning policy
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Louise Dinsdale, Graduate Planner	
Version	Final	
Dated	4 October 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		6 October 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	UBS REAL ESTATE GMBH(D) COE	Reg. Number	21/AP/4199
Application Type	Minor application	Case Number	208-45
Recommendation	GRANT permission		

Draft of Decision Notice

planning permission is GRANTED for the following development:

Construction of a new roof terrace to serve the existing offices with privacy screening, composite decking and terraced seating, external balustrade and lighting.

India House 45 Curlew Street London Southwark

In accordance with application received on 26 November 2021 and Applicant's Drawing Nos.:

SITE LOCATION PLAN 1137-P100-0 received 26/11/2021

Existing Plans

EXISTING ROOF PLAN WITH DEMO 1137-P122-0 received 26/11/2021

EXISTING SECTIONS A-A AND B-B 1137-P210-0 received 26/11/2021

EXISTING SECTIONS A-A AND B-B WITH DEMO 1137-P220-0 received 26/11/2021

EXISTING SOUTH-WEST AND NORTH-EAST ELEVATIONS 1137-P310-0 received 26/11/2021

EXISTING NORTH-WEST ELEVATION 1137-P311-0 received 26/11/2021

EXISTING SOUTH-WEST AND NORTH-EAST ELEVATIONS WITH DEMO 1137-P320-0 received 26/11/2021

EXISTING NORTH-WEST ELEVATION WITH DEMO 1137-P321-0 received 26/11/2021

EXISTING ROOF PLAN 1137-P112-0 received 26/11/2021

Proposed Plans

PROPOSED ROOF PLAN 1137-P132-3 received 18/07/2022

PROPOSED SECTIONS A-A AND B-B 1137-P230-3 received 18/07/2022

PROPOSED SECTION C-C 1137-P231-1 received 18/07/2022

PROPOSED SECTION D-D 1137-P232-1 received 18/07/2022

PROPOSED SOUTH-WEST AND NORTH-EAST ELEVATIONS 1137-P330-2 received 18/07/2022

PROPOSED NORTH-WEST ELEVATION 1137-P331-2 received 18/07/2022

Other Documents

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 its installation, details of the screening for the roof terrace hereby permitted, including details of the materials, finish, any necessary fire resistant treatment and elevation showing the spacing of slats, shall be submitted to the local planning authority for approval; the approved screening shall be installed before the first use of the roof terrace and maintained permanently thereafter.

Reason:

In order to protect the privacy of neighbouring occupiers and achieve high standards of fire safety in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021; Policy D4 (Delivering good design) and D12 (Fire safety) of the London Plan 2021; and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

4. Prior to the first use of the roof terrace hereby permitted, details of a fire alarm sounder shall be submitted to the local planning authority for approval; any approved system shall be installed before the first use of the roof terrace and maintained permanently thereafter, subject to agreement with Building Control.

Reason:

In order to ensure that the roof terrace achieves high standards of fire safety in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021 and Policy D12 (Fire safety) of the London Plan 2021.

5. Prior to the first use of the roof terrace hereby permitted, details of any loose or movable furniture shall be submitted to the local planning authority for approval; details should show means by which the furniture is either stored or secured in place; only furniture that has been approved shall be used on the roof terrace.

Reason:

In order to ensure that the furniture on the roof terrace does not present a risk to public safety in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021 and policies D4

(Delivering good design) and D11 (Safety, security and resilience to emergency) of the London Plan 2021.

Permission is subject to the following Compliance Condition(s)

6. MATERIALS TO BE AS SPECIFIED

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

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with 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).

7. The roof terrace hereby permitted shall not be used outside the hours of 08:00-19:00 Monday to Friday and 10:00-16:00 Saturday. It shall not be used on Sundays and Bank Holidays. Any external lighting on the roof terrace shall be switched off outside of these hours and no amplified or live music shall be played externally on the roof terrace.

Reason:

In order to protect the amenity of nearby residential occupiers against noise nuisance and light pollution in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021; policies D4 (Delivering good design) and D14 (Noise) of the London Plan 2021; and policies P56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

8. The roof terrace hereby permitted shall not to be used for any purposes other than in connection with the existing offices.

Reason:

In order to protect the amenity of nearby residential occupiers against noise nuisance in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021; policies D4 (Delivering good design) and D14 (Noise) of the London Plan 2021; and policies P56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

Informatives

- 1 The fire management plan/strategy 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 management plan/strategy, not planning officers who make planning decisions.

- 2 The applicant is advised to review the council's guidance on best practice during demolition and construction:

<https://www.southwark.gov.uk/environment/environmental-protection/construction>

RELEVANT PLANNING POLICY

National Planning Policy Framework (the framework)

The revised National Planning Policy Framework ('NPPF') was published on 20 July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental. Paragraph 218 states that the policies in the Framework are material considerations, which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

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

The London Plan 2021

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

- Policy D4 Delivering good design
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D14 Noise
- Policy E1 Offices
- Policy HC1 Heritage conservation and growth
- Policy T4 Assessing and mitigating transport impacts
- Policy T7 Deliveries, servicing and construction

Southwark Plan 2022

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

- Policy P13 Design of places
- Policy P14 Design quality
- Policy P16 Designing out crime
- Policy P19 Listed buildings and structures
- Policy P20 Conservation areas
- Policy P25 River Thames
- Policy P30 Office and business development
- Policy P50 Highways impacts

- Policy P56 Protection of amenity
- Policy P66 Reducing noise pollution and enhancing soundscapes

SPDs

Of relevance in the consideration of this application are:

- Sustainable Design and Construction SPD (2008)
- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Heritage SPD (2021)

Other

- Tower Bridge Conservation Area Appraisal (2003)

RELEVANT PLANNING HISTORY

Application site

99/AP/1429 Alterations to roof to provide 3 air conditioning condensers, external water tank and acoustic screening.	Application granted 14/12/1999
00/AP/1117 Install rooftop radio based station comprising one equipment cabin with 3 favel antennae.	Application granted 05/09/2000
01/AP/0612 Construction of two storey roof extension to provide additional office space.	Application refused 02/08/2001
LBS Reg. 0200007 Construction of one additional storey roof extension.	Application granted 05/07/2002
05/AP/0924 The retention of four condenser units at roof level together with the retention of acoustic panel enclosure.	Application granted 06/12/2005
07/AP/1570 Details of the cladding materials as required by condition 2 of planning permission dated 05/07/02 LBS Reg.0200007 for construction of one additional storey roof extension.	Application granted 06/11/2007
07/AP/1924 Increase height of existing 6 metre stub tower by 2 metres in order to erect to additional antennas for telecommunications equipment.	Application refused 02/10/2007
08/AP/2951 Removal of the existing six antennas and reducing them to three new dual band dual polar antennas. The removal of three equipment cabinets and the installation of six new equipment cabinets. Swapping the existing tower for a slim line stub mast and increasing the height from 6 to 9 metres.	Application granted 23/03/2009
11/AP/3652 Rooftop telecommunications equipment installation consisting of: 3 x panel antennas, 2 x dish antennas and 2 x equipment cabinets.	Application refused 08/03/2012
13/AP/2960 Rooftop installation consisting of: 3 flagpole solutions with integrated antennas, 3 dish antennas and 1 equipment cabinet.	Application refused 18/11/2013

Clove Building, 4 Maguire Street**21/AP/3131**

Construction of sixth floor and part-seventh floor extension providing office floor space (Use Class E), with landscaping, green roof and plant room at roof level including installation of sixth floor roof terrace and fifth floor infill extension with basement cycle parking, refuse storage and other associated works.

Under
consideration.

Consultation undertaken

Site notice date: 21/07/2022

Press notice date: 02/12/2021

Case officer site visit date: 25/04/2022

Neighbour consultation letters sent: 19/07/2022

Internal services consulted

Design and Conservation Team [Surgery]

Environmental Protection

Design and Conservation Team [Surgery]

Statutory and non-statutory organisations

Neighbour and local groups consulted:

50 Tamarind Court 18 Gainsford Street
London

32 Tamarind Court 18 Gainsford Street
London

15 Tamarind Court 18 Gainsford Street
London

2 Tamarind Court 18 Gainsford Street
London

16B Gainsford Street London Southwark

44 Tamarind Court 18 Gainsford Street
London

23 Tamarind Court 18 Gainsford Street
London

33 Tamarind Court 18 Gainsford Street
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38 Tamarind Court 18 Gainsford Street
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62 Tamarind Court 18 Gainsford Street
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19 Tamarind Court 18 Gainsford Street
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17 Tamarind Court 18 Gainsford Street
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14 Tamarind Court 18 Gainsford Street
London

G7 Tamarind Court 18 Maguire Street

G4 Tamarind Court 18 Maguire Street
 G2 Tamarind Court 18 Maguire Street
 9 Tamarind Court 18 Gainsford Street
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Flat 49 Vanilla And Sesame Court
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Flat 115 Vanilla And Sesame Court
Curlew Street

Re-consultation:

APPENDIX 5

Consultation responses received

Internal services

Design and Conservation Team [Surgery]
 Environmental Protection
 Design and Conservation Team [Surgery]

Statutory and non-statutory organisations

Neighbour and local groups consulted:

Flat 59 Tamarind Court 18 Gainsford Street London	Street London
503 Cinnamon wharf 24 Shad Thames London	76 Vanilla and Sesame Court Curlew St London
Apartment 24, Coriander Court 20 Gainsford Street London	110 Vanilla and Sesame Court 44 Curlew Street London
24 coriander court 20 gainsford street london	61, Butlers and Colonial Wharf 10, Shad Thames London
21 Wheat Wharf Apartments 27 Shad Thames London	25 Curlew Street London SE1 2ND
Flat 22 Wheat Wharf Apartments 27 Shad Thames London	706 TEA TRADE WHARF 26 SHAD THAMES LONDON
71 Vanilla and Sesame Court Curlew Street London	209 Tea Trade Wharf 26 Shad Thames London
226 Caraway Apartments 2 Cayenne Court London	715 Tea Trade Wharf London Se1 2as
Flat 6, Wheat Wharf Apartments 27 Shad Thames London	5 Southview House 19A Queen Elizabeth Street London
Flat 16 The Cooperage 6 Gainsford St London	Flat 16 Wheat Wharf Apartments 27 Shad Thames London
Studio 4 21 Three Oak Lane London	Flat 10 13 Shad Thames London
Flat 390, Tamarind Court, 18 Gainsford Street, London,	110 Vanilla and Sesame Court Curlew Street London
116 Butler's & Colonial Wharf London SE1 2PY	Flat 505, Ginger Apartments Curlew Street London
203 spice quay heights 32 Shad Thames London	13 Thames Heights 52-54 Gainsford Street London
115 Butlers and Colonial Wharf Shad Thames London	Flat 116, Vanilla and Sesame Court Curlew Street London
Flat 23 Tamarind Court 18 Gainsford street London	94 Vanilla and Sesame Court Curlew St London
Flat 14 Wheat Wharf Apartments, 27 Shad Thames London,	
Tamarind Court 18 Gainsford St London	
28 Thames Heights 52-54 Gainsford Street London	
Flat 96 Vanilla & Sesame Court Curlew	

Agenda Item 7.2



21/AP/2514

2 Somerford Way, London, SE16 6QW



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Item No. 7.2	Classification: Open	Date: 19 October 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. 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.
3. 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

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.

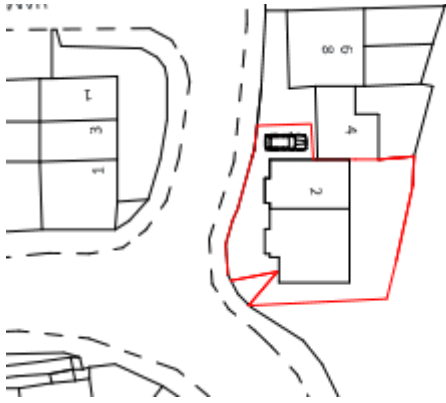
BACKGROUND INFORMATION

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



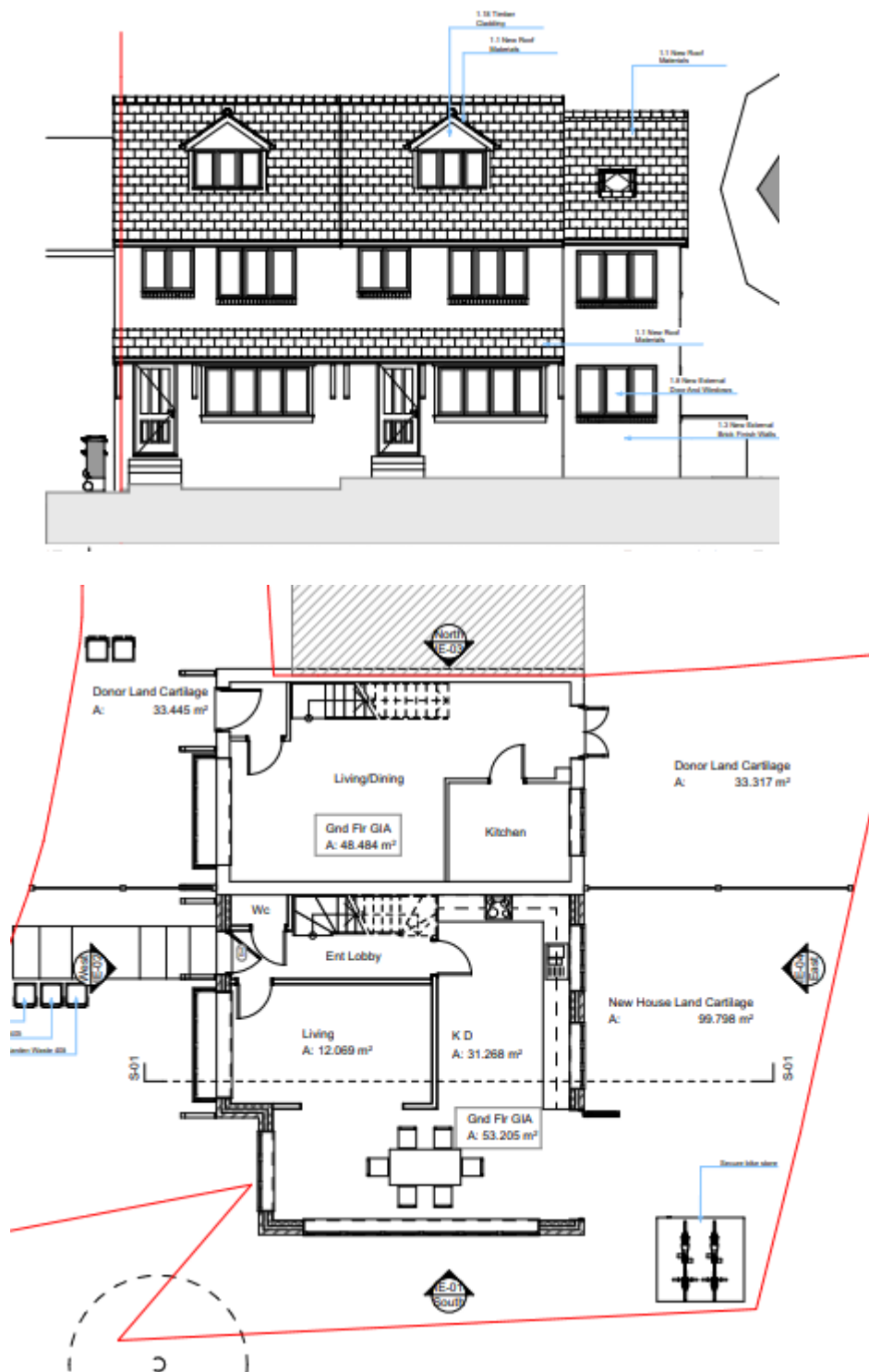
Details of proposal

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. Ten letters of OBJECTION received from members of the public at time of writing.

Issues: development on land with MOL, SINC and nature reserve status; detrimental impact on woodland; impact on trees, nature and biodiversity, in particular the willow at the front of the adjoining land; change to landscaping in Somerford Way; lack of parking.

Friends of Russia Dock Woodland - OBJECT

- Friends of Russia Dock Woodland have always supported the councils 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 Councils 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 Councils 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 extension 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 should proposed tree protection measures by detailed in an arboricultural method statement. Landscaping should be provided to provide screening and ensure front garden amenity is not dominated by hard surfaced car parking.

Further comments following a Members site visit: The site backs onto Russia Dock Woodland which has been compromised by some incidental ingress into the MOL. This should be discouraged owing to damage to the ecosystem; potential for fly tipping or antisocial behaviour.

The Parks department have requested a 3m buffer zone around the site. The applicant has since been approached to provide a sum of money, to be secured via a S106 legal agreement, to enable planting a dense hedge along the boundaries to discourage footfall where the rear meets the woods.

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. Southwark 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:
68.
 - 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.

69. 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.
70. 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

71. 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.
72. 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

73. 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. The area outside the curtilage should be suitably cordoned off, detailed in the tree protection plan, to prevent any potential damage to the tree or the MOL. Tree works are expected in order to facilitate any build, and these would need to be identified in the Arboricultural Method Statement, as conditioned.

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

74. 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.
75. 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.
76. 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.

77. The proposed new dwelling will have interlinked smoke and heat detectors to provide early warning and detection of fire.

78. The construction of the new dwelling will comply with Building Regs approved Document B (Fire Safety).
79. 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.
80. There are no lifts proposed as this development comprises a 2-storey single dwellinghouse.
81. Periodic testing of the smoke/fire alarms will be undertaken.
82. Building control approval will be required during construction of the proposals to ensure compliance.
83. 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

84. 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.
85. 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

86. 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

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

88. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
89. 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.
90. 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.
91. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. An equalities impact assessment for this proposal is contained below:

Equalities Impact Assessment

92. The land affected by the development is currently a side garden to a house. The part enclosed by the fence is not available to any other users except for the occupants of the house. A strip of land approximately 2m wide in the applicant's ownership falls outside the site to the north and forms part of the grassed area forming a transition from the street to the woodland at this location. This strip of land is not used for scheduled community events although the local community, stakeholder groups, the Friends of RDW and volunteer groups undertake both passive and active activities across the entire LNR.
93. The grassed area to the north of the site offers a visual amenity to residents in the surrounding streets. Open grassed areas generally provide valuable open space for informal recreation activities in inner city boroughs. However, this grassed area, due to its limited size and location adjacent to a road, does not offer facilities for organised outdoor recreation. Its main benefit appears to be to add to greening and a sense of openness in the locality. The grassed area has however been subject to fly-tipping with garbage and debris being thrown into this area.

94. It is therefore, not considered that the construction of a new house will disproportionately affect any group with protected characteristics. There does not appear to be a 'desire line' to enter the main part of the Russia Dock open space from here (one such desire line exists to the side of the air shaft) and the formal Downtown entrance to the park is located within 60m of the site.
95. There is evidence of an informal path to the rear of 2 and 4 Somerford Way, possibly to give direct access to the rear garden of no. 4. Immediately to the west is a thickly planted wooded area. There is no obvious regular use of this area in the form of paths and clearings. Its value is one of nature conservation and biodiversity rather than offering an area of recreation to members of the public. It acts as a wooded buffer between the houses and the main Russia Dock Woodland open space. It is understood from the Parks Department that formalising access to the rear of gardens into these wooded buffer areas is discouraged as it damages the ecosystem, and can lead to flytipping and nefarious activities.
96. Extending the terrace northwards, other than some pruning of overhanging branches, would have little effect on the wooded buffer. Again, it is not considered that any group with protected characteristics would be disproportionately affected in any way.
97. It is against this background that it is assessed that this application has the legitimate aim of providing a new outdoor amenity space 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

98. 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.
99. 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

100. 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.
101. 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
102. 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

103. 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.
104. 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

105. 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: 020 7525 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	Planning history of the site and nearby sites

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Alison Brittain, Team Leader - 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		10 October 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	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 or 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

None

CONSULTATION UNDERTAKEN

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	9 Somerford Way London Southwark
1 Downtown Road London Southwark	7 Somerford Way London Southwark
1 Somerford Way London Southwark	5 Somerford Way London Southwark
6 Somerford Way London Southwark	1 Hamilton Close London Southwark
14 Somerford Way London Southwark	8 Somerford Way London Southwark
3 Somerford Way London Southwark	16 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

APPENDIX 3

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

**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

Name	No of copies	Name	No of copies
To all Members of the sub-committee			
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