

Planning Committee (Smaller Applications)

Wednesday 5 July 2023

7.00 pm

GO2 meeting rooms, 160 Tooley Street, London SE1 2QH

Membership

Councillor Cleo Soanes (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Sabina Emmanuel
Councillor Ketzia Harper
Councillor Adam Hood
Councillor Richard Leeming
Councillor Richard Livingstone

Reserves

Councillor Natasha Ennin
Councillor Laura Johnson
Councillor Sandra Rhule
Councillor Charlie Smith
Councillor Emily Tester

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

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

Contact

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

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 27 June 2023



Planning Committee (Smaller Applications)

Wednesday 5 July 2023

7.00 pm

GO2 meeting rooms, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES	1 - 8
	To approve as correct records the minutes of the meeting held on 18 April 2023 (Planning Sub-Committee A) and minutes of the (Smaller Applications) Planning Committee on 13 June 2023.	

Item No.	Title	Page No.
6.	DEVELOPMENT MANAGEMENT	9 - 13
6.1.	10 LOVE WALK, LONDON, SE5 8AE	14 - 99
6.2.	HERNE HILL STADIUM 104 BURBAGE ROAD LONDON SE24 9HU	100 - 147

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF
THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

Date: 27 June 2023

Planning Committee (Smaller Applications)

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 (smaller applications) is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

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

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

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This

is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

Please note:

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

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

Contacts: General Enquiries
 Planning Section
 Environment, Neighbourhoods and Growth
 Tel: 020 7525 5403

 Planning Committee Clerk, Constitutional Team
 Governance and Assurance
 Tel: 020 7525 7234



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 18 April 2023 at 6.30 pm at Ground Floor Meeting Room G01 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Kath Whittam (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Adam Hood
Councillor Richard Livingstone

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
Sophie Chapman (Legal Officer)
Sean Gomes (Planning Officer)
Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were apologies for absence from Councillor John Batteson.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Supplemental Agenda No.1 containing the revised site map for item 7.1
- Members' pack

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 15 March 2023 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

RESOLVED:

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

7.1 DULWICH COLLEGE, COLLEGE ROAD, LONDON SE21 7LG

Planning application number: 23/AP/0006

Report: see pages 10 to 29 of the main agenda pack and the supplemental agenda pack No.1

PROPOSAL

Construction of a single storey extension to the existing music rooms.

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

There were no objectors wishing to address the meeting.

No representatives of the applicant were present to address the meeting.

There were no supporters living within 100 metres of the application site or ward councillors who wished to address the meeting.

A motion to approve the planning 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 6.49 pm.

CHAIR:

DATED:



Planning Committee (Smaller Applications)

MINUTES of the Planning Committee (Smaller Applications) held on Tuesday 13 June 2023 at 7.00 pm at GO1 meeting rooms, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
 Councillor Jane Salmon (Vice-Chair)
 Councillor Sabina Emmanuel
 Councillor Ketzia Harper
 Councillor Adam Hood
 Councillor Richard Leeming
 Councillor Richard Livingstone

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
 Andre Verster (Team Leader, Development Management)
 Sophie Chapman (Legal Officer)
 Beverley Olamijulo (Constitutional Officer)

1. APOLOGIES

None were received.

2. CONFIRMATION OF VOTING MEMBERS

Those members listed above were confirmed as voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 6.1 – development management item
- Members' pack.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were disclosed.

5. MINUTES

RESOLVED:

That the minutes for Planning Sub-Committee B meeting held on the 28 March 2023 was approved as a correct record and signed by the chair.

Note:

The minutes for Planning Sub-Committee A on 15 March 2023 was on the agenda in error (i.e. approved at an earlier sub-committee meeting).

6. DEVELOPMENT MANAGEMENT

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.

6.1 254 - 268 CAMBERWELL ROAD, SOUTHWARK LONDON SE5 0DP

Planning application reference 20/AP/3482

Report: See pages 14 to 96 of the agenda pack and addendum pages 1 - 7

PROPOSAL

Construction of a mixed use building comprising residential (43 flats) and non-residential uses ancillary to the church, with a height of three to nine storeys, with bin stores, bike stores, car parking, plant rooms and landscaping serving the flats

and service, plant, car and minibus parking spaces and back-of-house space for the adjacent church.

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 to address the sub-committee.

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

A supporter who lived within 100 metres of the development site addressed the committee.

There were no ward councillors present at the meeting.

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

RESOLVED:

1. That planning permission be granted, subject to conditions and amended condition outlined in the addendum. Also, the applicant entering into an appropriate legal agreement by no later than 13 December 2023.

Agreed condition (addendum):

Notwithstanding drawing GA-P-L01 rev 5 (General Arrangement First Floor Plan) hereby approved the opaque glazed privacy screen on the north east elevation of the first floor podium shall be 1.7m in height above the finished floor level of the first floor podium and shall not be replaced or repaired otherwise than with obscure glazing of a height of 1.7m.

Reason:

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at Emperor Apartments from undue overlooking and loss of outlook and a feeling of enclosure in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

2. In the event that the requirements of (a) are not met by 13 December 2023, that the Director of Planning and Growth be authorised to refuse planning permission, if appropriate, for the reason set out at paragraph 171 of this report.

6.2 254-268 CAMBERWELL ROAD, SOUTHWARK LONDON SE5 0DP [LISTED BUILDING CONSENT]

Planning application reference 20/AP/3483

Report: See pages 97 to 123 of the agenda pack and addendum pages 1 - 7

PROPOSAL

Construction of a mixed use residential (43 flats) and office building, with a height of three to nine storeys, with bin stores, bike stores, car parking, plant rooms and landscaping serving the flats and service, plant, car and minibus parking spaces and back-of-house space for the adjacent church.

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 to address the sub-committee.

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

A supporter who lived within 100 metres of the development site addressed the committee.

There were no ward councillors present at the meeting.

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

RESOLVED:

That listed building consent be granted.

6.3 ELIM ESTATE, WESTON STREET LONDON SE1 4DA

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

RESOLVED:

That the planning be deferred to a future meeting to allow for additional information to be submitted to the committee.

6.4 HERNE HILL STADIUM, 104 BURBAGE ROAD LONDON SE24 9HE

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

RESOLVED:

That the planning be deferred to a future meeting because the applicant's noise consultant was not available to answer questions from members on the noise impact assessment.

The meeting ended at 8.45 pm

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 5 July 2023	Meeting Name: Planning Committee (Smaller Applications)
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 committees. The matters reserved to the planning 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

Assistant Chief Executive – Governance and Assurance

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 assistant chief executive – governance and assurance, 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 assistant chief executive – governance and assurance. 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	1 June 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Director of Planning and Growth	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		26 June 2023

Agenda Item 6.1



23/AP/0330

10 Love Walk, London, SE5 8AE



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Item No. 6.1	Classification: Open	Date: 5 July 2023	Meeting Name: Planning Committee (Smaller Applications)
Report title:	Development Management planning application: Application 23/AP/0330 for: Full Planning Application Address: 10 Love Walk, London, SE5 8AE Proposal: Demolition of all existing buildings on site and comprehensive redevelopment to provide a part-three and part-four storey new care home (Class C2 - Residential Institutions), including up to 63 bedrooms each with wet room, plus cycle parking, refuse/recycling storage, mechanical and electrical plant, new sub-station, landscaping and green/living walls, amenity areas, perimeter treatment and associated ancillary works.		
Ward or groups affected:	St Giles		
From:	Director of Planning and Growth		
Application Start Date	09.03.2023	Application Expiry Date	31.07.2023
Earliest Decision Date	08.06.2023		

RECOMMENDATIONS

1. That planning permission is granted subject to:
 - a) The conditions as set out in the report; and
 - b) The completion of a Section 106 Legal Agreement.
2. That in the event that a legal agreement is not signed by 5 October 2023, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 204 of this report.

EXECUTIVE SUMMARY

3. Permission is sought for the demolition of the existing care home and the construction of a part three and part four storey new care home, providing 63 bedrooms, with associated landscaping, amenity areas and perimeter treatment.
4. The residents of the existing care home and their families were informed of the proposal on 26 September 2022 ahead of the public consultation beginning. It has been confirmed by the applicant that as of June 2023 10 existing residents will move to Mission Care's Home, The Elms, which is located in Bickley,

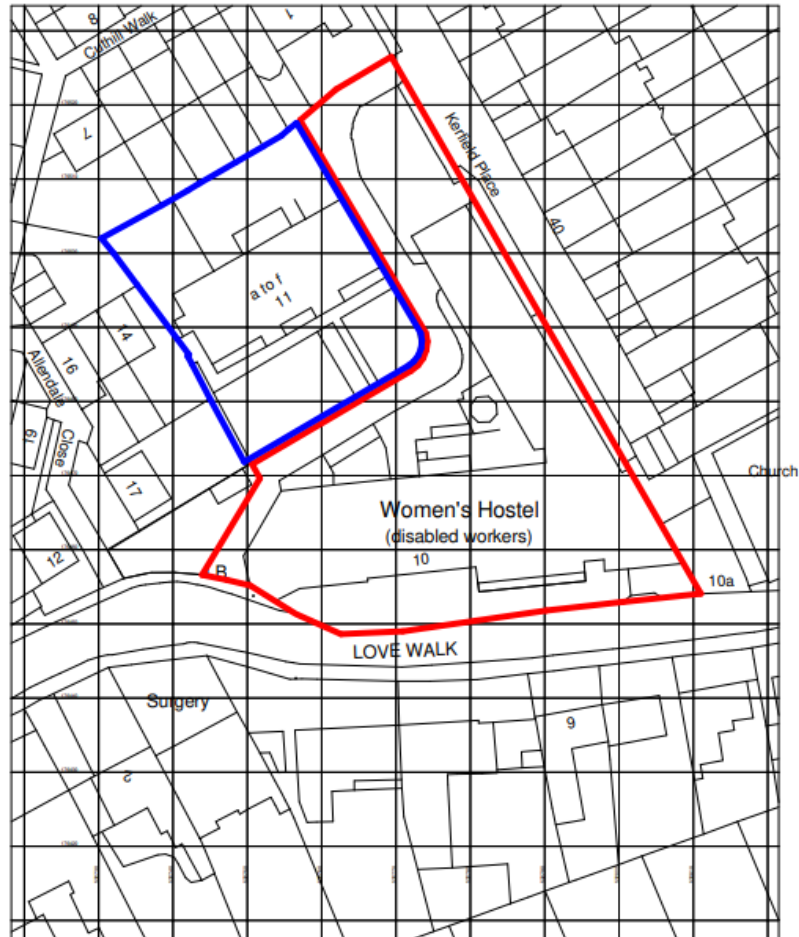
Bromley, and the remainder will move to other non-Mission Care homes in Southwark or in their home borough.

5. The existing care home is currently in a poor state of repair. A structural survey was carried out and a design appraisal undertaken to explore if the existing building could be altered, refurbished or extended further. However, it was concluded that the property is too old and does not meet best practice in care provision, with none of the options providing the best living outcome for residents.
6. The application is being dealt with at the Planning Committee (Smaller Applications) as the proposal is over 1000sqm and more than 5 relevant objections have been received.
7. The proposed redevelopment of the site would provide 63 en-suite bedrooms within a new high quality care facility for adults with dementia to meet the local need for dementia care homes within Southwark in accordance with the aims of the Southwark Plan (2022) and the London Plan (2021).
8. The site is located outside of the of Camberwell conservation area. The proposed new care home building is of a significant large scale and would have some impact on the intimate nature of Love Walk. However it is considered that the design and architecture of the new building meets the requirements of policies P13 (Design of places) and P15 (Design quality) of the Southwark Plan (2022), whilst ensuring that it meets the specific requirements of the occupiers. In relation to the heritage assets, there would be some minor harm to the setting of the Camberwell Grove conservation area and 18-60 Grove Lane (Grade II Listed). The harm is considered to be well within the less than substantial range. The key public benefit, which is given significant weight in the planning balance, is the provision of a specialist dementia care facility, therefore it is considered that the public benefits provide the clear and convincing justification for the development sufficient to satisfy the test in the NPPF (2021).
9. On balance, it is considered that the development would not significantly impact the amenity of neighbouring occupiers. The majority of neighbouring properties meet the BRE criteria. Overall, these harms are considered to be acceptable when balanced against the significant benefits the scheme would deliver.
10. Subject to conditions, the proposal is considered to be acceptable. It is therefore recommended that planning permission be granted, subject to conditions and the timely completion of a s106 Legal Agreement.

BACKGROUND INFORMATION

Site location and description

11. The site area is around 0.23ha and the main frontage of the existing L-shaped, two storey building is onto Love Walk. There are currently 31 bedrooms within the existing care home, providing care facilities for adults living with physical disabilities. The existing care home was built in the 1960s, and was extended to the rear along Kerfield Place in 1975 (Dorothy Morris Wing).



Site location plan

12. The existing care home is a traditional masonry construction that consists of a masonry structural frame with concrete beams spanning between walls and concrete slabs that form the floors and flat roof area. The existing building is currently in a poor state of repair and considered to be approaching its end of life. A structural survey was carried out and a design appraisal undertaken to explore if the existing building could be altered, refurbished or extended further. However, it was concluded that the property is too old and does not meet best practice in care provision, with none of the options providing the best living outcome for residents.
13. The surrounding area is predominately residential, to the north-west of the site is an access road which leads to Nos. 11 A-F Love Walk, a two-storey residential block comprising of two terraced houses and four flats. Immediately to the east and adjoining the site is 10A Love Walk which is a two storey dwelling. To the east of the site is Kerfield Place, which contains a mixture of garages belonging to the properties on Grove Lane and converted garages which are now used as residential dwellings. Within the wider area are a mix of other land uses, including buildings relating to Kings College Hospital (Jennie Lee House), Maudsley Hospital and the Institution of Psychiatry, Psychology and Neuroscience.
14. The site is located outside the Camberwell Grove Conservation Area (to the east and south) and there are a number of listed buildings in close proximity to the

site including:

- Nos. 18-60 Kerfield Place and area railings – Grade II Listed
- Nos. 49-55 Grove Lane – Grade II Listed



Extract from Southwark Maps showing the Camberwell Grove Conservation area in red and the nearby listed buildings in green.

15. The site is not located within a Flood Zone, but does lie within a critical drainage area.
16. The site has a public transport accessibility level (PTAL) rating of 6A indicating 'excellent' access to public transport services. Denmark Hill station is located in close proximity to the south of the site, along with bus stops along Denmark Hill to the west and Peckham Road to the north.
17. There is an existing Tree Preservation Order (NULL 240) which covers a mature London Plane tree to the south of the existing building on Love Walk. There are also a number of other trees within the site including a Goat Willow, Flowering Cherry and Silver Birch.
18. The site is subject to the following designations:
 - Air Quality Management Area
 - Critical Drainage Area
 - TPO 240 – London Plane tree
 - Smoke Control Zone
 - Camberwell Area Vision AV05

- Urban Zone

Details of proposal

19. The existing care home is operational but is currently in a poor state of repair. Planning permission is therefore sought for the demolition of the existing care home and the erection of a new part three and part four storey care home for adults with dementia. The new building would be a similar L-shape to the existing building.



Existing care home building entrance on Love Walk



Proposed ground floor plan

20. The proposed new building would have a maximum height of 14.2m, and a GIA of 4,206.21sqm.



View of the front elevation of the proposed building from Love Walk



View of the western side/rear elevation of the proposed building.

21. In total, 63 bedrooms would be provided within the new care home, being an uplift of 32 bedrooms from the existing care home on site. The new rooms would range from 17.03sqm to a maximum of 22.09sqm. All rooms would be en-suite with level access to the bathroom. Three stair cores would be provided (two with lifts). Communal facilities would be located across the ground, first, second and third floors, including living and dining areas, spa baths, multi-purpose rooms, a

hair salon, informal seating areas, and outdoor amenity space. A new atrium entrance would be provided on the Love Walk frontage providing a small café area for residents, their families and local residents.

22. The residents of the existing care home and their families were informed of the proposal on 26 September 2022 ahead of the public consultation beginning. It has been confirmed by the applicant that as of June 2023 10 existing residents will move to Mission Care's Home, The Elms, which is located in Bickley, Bromley, and the remainder will move to other non-Mission Care home in Southwark or in their home borough.
23. Amended plans have been received during the course of the application to address comments raised by objectors as well as the council's Design Officer and Highways Officer. The changes included:
 - Setting the building back and removing the single storey ground floor element (previously laundry room and larger kitchen) to provide a 1.8m footpath along the Love Walk frontage
 - Amending the cycle parking store, moving it from the basement to a freestanding store on the north-west side of the building
 - Updated documents to address comments from the LLFA, transport, and energy and sustainability
 - Additional views have also been submitted from Love Walk and Kerfield Place.
24. Site visits were undertaken by the planning officer on:
 - 15 March 2023
 - 3 May 2023

Consultation responses from members of the public and local groups

25. In accordance with the Statement of Community Involvement (December 2022):
 - Local residents within 100m of the application site were notified by letter on 13 March 2023. The consultation date finished 3 April 2023.
 - Site notices were displayed on Love Walk and Kerfield Place 15 March 2023 - 5 April 2023.
 - A press notice was published on 16 March 2023.
26. A summary of matters raised by members of the public and local groups are provided below. The matters raised by members of the public and local groups are addressed in the relevant parts of this report. Additional officer comments have been provided in relation to the comments raised by local groups.

Members of the public

27. In total 150 contributions have been received from members of the public. This breaks down as follows:

- 140 in objection
- 10 in support

Support

28. The main issues raised by members of the public supporting the proposed development are set out below:

- It is important to have sufficient housing for older people in need of care
- Care beds are critically needed in the community
- Perfect use of the space and the sort of responsible development we need
- The existing care home is in a poor state of repair and has a negative impact on the street scape on Love Walk and does not make a positive contribution to the conservation area
- The proposal exceed building regulation standards and will help to meet the zero carbon 2050 targets
- A fantastic opportunity to redevelop an underused site.

Objections

29. The main issues raised by members of the public objecting to the proposed development are set out below:

Scale, height and architecture

- 30.
- The proposed building is disproportionate to the scale of buildings in the area
 - Represents over development
 - Height is not sympathetic to the surrounding area
 - Should be redeveloped on a much smaller scale
 - The site is too cramped
 - The building is poorly designed and represents an institutional style building which will dominate the neighbouring homes
 - Should be lower and more sympathetically designed
 - Should be following the same example as Love Walk Church
 - Unjustified as to why they need to increase the number of bedrooms and size of the building
 - Materials are not appropriate for the local area
 - Will detract from views over Denmark Hill.

Impact on conservation area

- 31.
- Detrimental effect on the very special area
 - Will detrimentally impact the character of the conservation area
 - Does not take into account the architectural heritage of the special and historic area in which it is located in
 - Light pollution from the atrium particularly during night time
 - Additional views are required to understand the impact of the proposed development.

Impact on residents amenity

- 32.
- Will impact daylight and sunlight for local residents
 - Residents use Kerfield Place – the proposed development will destroy this
 - The wing closest to 11F Love Walk is currently only single storey, this will increase by almost three storeys causing overlooking, loss of privacy and loss of daylight and sunlight
 - Concern that the proposal will affect the disabled car parking spaces at 11 A-F Love Walk
 - Concern that the proposal will affect the granted permission at 10A Love Walk. The increased height will also tower over the existing dwelling.

Inadequate access

- 33.
- The proposal will worsen the access to 11 Walk
 - There are concerns that emergency services will be unable to access the site and properties to the rear.

Inadequate parking provision

- 34.
- Due to the increase in number of bedrooms it will result in increased demand for on-street parking
 - There is insufficient parking provided for residents and staff.

Traffic and transport

- 35.
- The proposal will result in increased traffic during construction on Love Walk which will cause issues with noise
 - Pavements are often blocked and the proposal will increase traffic
 - The pavement adjacent to the site should be widened.

Loss of trees

- 36.
- The proposal will result in the loss of mature trees and vegetation which will have a negative impact on the area.

Lack of consultation

- 37.
- The consultation undertaken by the developer is misrepresentative, they refused to recognise important issues
 - The community engagement that was undertaken was poor.

Quality of accommodation:

- 38.
- Dementia care should not be provided in this type of environment, it should be in small scale environments
 - Smaller care homes are regarded as better for providing high quality care
 - The communal rooms are only just bigger than the bedrooms they intend to serve. Only one dining room is provided on the ground floor
 - There is very little outdoor space for residents.

Other:

39. • Will increase pressure on already strained water systems. There are already issues with leaks that Thames Water are aware of.

Local Groups

40. Consultation response from Grove Lane Residents Association (GLARA) - objection

GLARA have raised the following concerns in their representation dated 3 April 2023. Further correspondence has been received on 7 June 2023 outlining the 5 areas of concern to GLARA's working group. On 22 June 2023 a further update was provided in response to the applicant's public engagement.

3 April 2023:Extract from the executive summary:

The scheme can be improved for the benefit of all through a comprehensive re-design of the building exterior which materially reduces height and massing of the current application with the removal of at least one floor across the entirety of the proposed scheme. This will reduce the extensive loss of amenity for residents and substantial harm to the Conservation Area and heritage assets in the local area. This would still enable the delivery of a new, larger care home for Southwark residents and one which would likely attract our support".

Turning to the current building, GLARA accepts that the property that the property is becoming obsolete and needs to be redeveloped, enabling increased provision of important care facilities in Southwark. We have consistently requested that the application delivers a new care home building that enhances and improves the character of what is a low-rise suburban residential neighbourhood between Camberwell town centre to the north and the Maudsley complex to the south while minimising loss of amenity for residents. The current application fails to deliver on this.

The challenges of the site location, layout and ownership mean the applicant, has sought to try and cram in as much developable space as possible onto a small, infill site down a small low-rise residential road that is immediately adjacent, on two sides, to an historically significant Conservation Area – see Appendix 1.

The Working Group, on behalf of GLARA members, continues to assert that the objectives for Mission Care, and Southwark Council, to deliver important additional care places, can still be met by redeveloping the site and changing the current application in three areas, which would see GLARA likely to support the revised proposals:

(a) reducing the height and massing by at least one storey across the whole scheme. This will reduce the negative impact of the proposals on the character of the local area and Conservation Area as well as reducing a material loss of amenity for residents and the local community on multiple fronts.

- (b) materially improving the exterior design and architecture to enhance and improve the heritage assets in the Conservation Area using architects with relevant expertise of design such a project in a low density, sensitive location.
- (c) ensuring highway improvements on Love Walk to mitigate the risk to pedestrians and road users to the site from a minimum, net, 3-fold increase in vehicular traffic.

Policy based rationale for the objection:

The application contravenes Southwark's planning policies by:

- introducing into a residential area a bulky building of a discordant institutional character with poor quality design
- causing a serious and unacceptable loss of amenity for current and future local residents
- giving rise to a net three fold increase on the small, narrow cul-de sac that is Love Walk, causing significant harm to the current use of Love Walk for walking and cycling, including by children and people with disabilities
- causing substantial and irremediable harm to the character and appearance of a Conservation Area and its setting and to the historic character of the locality and
- the benefits of the proposed application could not be considered to outweigh these harmful impacts

Policy basis for objecting to the application:

- Wholly inappropriate design, height, scale, massing,
- Negative impact on residential amenity – impact on daylight and sunlight, light spill, pollution nuisance, overlooking/loss of privacy and loss of trees and vegetation
- Road safety and parking impacts from a three-fold increase in traffic
- Substantial harm to the heritage assets in the Conservation Area, its setting, views into and out of

In addition to the concerns raised it was also noted that there were inaccuracies within the submission documents:

- The Design and Access statement, at page 25 says the height is increasing from '9.06 m today to 14.2m' when the new building height is actually 23m in the plans submitted in the documents "Proposed Elevations – Comparison against exiting care home" – drawing number 19-236-SGP-B1-ZZ-DR-A-131304.
- The conclusions on whether the scheme meets the national and local/other policy is limited and lacking strong evidential support.
- Appendix 5: GLARA would expect views of before and after from 7 locations around the development site.
 - View east down Love Walk from near vehicular entrance to care home
 - View from ground floor of house opposite entrance

- View east from Love Walk (1)
- View west from Love Walk
- View east from Love Walk (2)
- View from opposite entrance to new scheme on Love Walk
- View from second floor from listed homes in Grove Lane (Queens Row)

Officer note: it has been clarified with the applicant that the reference to 23m on the proposed elevation drawings refers to the Above Ordnance Datum (AOD) level. It is confirmed that the maximum height of the new care home building would be 14.2m as specified in the Design and Access Statement.

Additional views have been sought of the proposed development from three locations; eastern side of Love Walk adjacent to 10A Love Walk, Evesham Walk and Kerfield Place. These were submitted by the applicant in June 2023.

41. **22 June 2023 response to the applicant's public engagement.**

Provided an update on the key activities since their last communication with residents:

In summary:

- The 'update' document doesn't address in any detail the substantive points raised by the 140 local objectors to the scheme, all of which were raised by GLARA and members throughout the process
- Very little has changed other than the scheme becoming bigger and larger than what was presented at the pre-app stage
- The only material change to the application is the addition of a footpath to meet highways requirements that delivers the loss of a laundry room that means a further increase in daily traffic and vehicle movements to deliver laundry to the care home on top of the 3 fold increase in traffic proposed by the original scheme.
- There remain outstanding substantive items we are yet to receive any comment on from the applicants or the council, specifically:
 1. Unanswered questions over the extent to which the proposals meet Southwark's own policies on heritage and conservation and clarity over the level of harm caused to the Conservation Area
 2. No information has been provided in relation to the impact of light pollution and light spill from a 3x larger 24/7 institutional care facility developed in a low rise suburban neighbourhood.
- GLARA wishes to see the redevelopment of the current building to increase provision of care beds in Southwark which delivers a new building that will enhance the local area and deliver less harm and loss of amenity to the community. The community feedback to the current application is clear, consistent and unambiguous over the extent to which the negatives outweigh the benefit and the specific aspects that need redesigning.
- Propose the removal of 1 floor off the entirety of the development reducing the scheme to 51 beds while still delivering 55% more beds than currently on site. In addition, the appointment of better qualified architects to redesign the

scheme to address the concerns raised by the statutory consultees and some community members over the quality of the accommodation for future residents and the excessive, large glass atrium’.

42. Even with these changes, the scale and massing of development will still increase materially and cause a loss of amenity to local residents, increased traffic and a degree of harm to the conservation area, but at a level that is more in balance between the negatives and wider benefits than what is proposed at present.
43. Conservation Area Advisory Group (CAAG):

Minutes from the CAAG March 2023 meeting are as follows:

CAAG took the view that the applicant’s account of their design intentions to meet the requirements of the proposed elderly residents did not correspond to the design that they had submitted for planning. The applicant’s stated mission is:

“Personalised care is provided in “households” where care rooms are arranged in small social groupings with their own lounge, dining area and ancillary spaces including support facilities”.

This is not what the drawings show. The large and bulky building, accommodating up to 63 residents, consists of two slab blocks of 3-4 storeys, the elevations characterised by repetitive arrangements of window openings and masonry. The bedrooms are not arranged in “small social groupings” but along corridors, two thirds of which have no natural lighting. The communal rooms also lead off these corridors, and are mostly barely bigger than the bedrooms they are intended to service.

Officer note: further information has been requested from the applicant in regards to the quality of accommodation to be provided for future residents. See Care Principles for Love Walk May 2023.

The only dining room is on the ground floor. The proposed building was considered oversized and inappropriate to its site with an unfortunate institutional character. There is extremely limited access for the residents to outdoor space, most of which is on the more public Love Walk and Kerfield Place ground floor frontages, and probably beyond the unassisted reach of the future residents. More use could be made of roof gardens, providing amenity space close to the bedrooms.

Officer note: see section on quality of accommodation.

The committee thought that it should be possible to design a care home which consisted of a series of pavilions, each with its own recognisable character, where the residents could feel at home. This is not the design to achieve such an objective.

Officer comment: as highlighted in the ‘design quality’ section of the report, the design has been through an iterative process with the Design and Conservation

Officers, and on balance it is considered to meet the specific requirements of the occupier.

The impact of the proposal on this prominent site, adjacent to the Conservation Area, was discussed. The immediate surroundings of the proposed care home are characterised by two storey detached houses, pavilions in a landscape.

The introduction of a 3 – 4 storey block, built over a large proportion of the site, would be an unwelcome and obtrusive intervention out of character with the area. Morden College by MAE Architects was cited as an example of more appropriate accommodation for the elderly with a sense of place.

Officer comment: see the Design and Conservation Officer comments in paragraph 78 whereby a full assessment of the impact of the proposal on the Conservation Area has been undertaken.

44. There was a query on whether this planning application should have been referred to the Design Review Panel (DRP). The proposal does not meet the threshold for referral to the DRP. Council design and conservation officers have reviewed the proposal at the pre-application stage as well as providing comprehensive comments on this full planning application.

Planning history

45. The relevant planning history of the site is as follows:
46. 13/AP/4385 – Granted 10th February 2014

Lawful Development Certificate Proposed Use or Development

Internal refurbishment creating additional 9 bedrooms with en-suite bathroom facilities for a residential care home.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

47. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use;
 - Design quality;
 - Quality of accommodation;
 - Impact of the proposed development on amenity of adjoining occupiers and surrounding area;
 - Impact on trees;
 - Ecology and biodiversity;
 - Transport and highways;
 - Energy and sustainability;
 - Flood risk and drainage;
 - Fire safety;
 - Air quality;

- Noise;
- Land contamination;
- Community engagement;
- Planning obligations;
- Mayoral and borough community infrastructure levy (CIL);
- Community involvement and engagement.

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

Legal context

48. 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 Southwark Plan 2022 and the London Plan 2021.
49. 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

50. The statutory development plans for the borough comprise the Southwark Plan 2022 and the London Plan 2021. 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 development in terms of land use

51. The proposal is for the demolition of the existing care home building, which currently provides care for adults living with physical disabilities, and the construction of a new care home for adults with dementia. Given the poor condition of the existing building and the limited options for conversion or extension, the principle of demolition is considered to be acceptable.
52. In relation to the new care facility, although the proposal would result in a change in the type of care offered, the use would remain as Class C2 (Residential Institution) and would accord with the aim of the Southwark Plan (2022) Policy P7 (Housing for older people) and London Plan (2021) Policy H13 (Specialist older persons housing) in providing specialist housing for older people.
53. The applicant has provided information regarding the demand for the proposed dementia care within the local area. The report concludes that:
 - In the local catchment area there is a large shortfall of 581 dedicated dementia bed spaces and the demand for dementia care will be 536 by

- 2023.
- Over the next two years in the local catchment area there will be a shortfall of 179 en-suite care beds;
 - There will also be a shortfall of 977 beds with a wet room facilities in the local catchment area;
 - The number of “blocked beds” in Southwark is well above the average with approximately 290 “delayed discharges” per 50,000 population, whereas the average in England is approximately 140.
54. The applicant has been in discussion with the council’s Director of Commissioning of Children’s and Adult Services who has confirmed that the proposal would respond to the twenty-first century expectations and will continue providing the local population of adults with care facilities. The proposal would also accord with the vision for Camberwell as being an important health campus given its location close by to Kings College hospital campus and Maudsley hospital campus.
55. The proposed development would also provide additional employment opportunities. There are currently 31 Full Time Equivalent (FTE) employment opportunities within the existing care home, it is anticipated that this would increase to 85 FTE.
56. Overall, the principle of the redevelopment of the site to provide a new high quality care facility for adults with dementia is supported and would accord with the aims of the Southwark Plan and London Plan. Southwark Adult Services have confirmed the local need for dementia care homes.

Design quality

Introduction: site context

57. The site is located on the northern side of Love Walk and is currently occupied by a two storey care home constructed in the 1960s with brick with glazing to the front elevation and pitched tiled roof. The building spans the plot frontage, roughly east/west, with the south elevation facing the street. To the rear is a single storey wing, running north from the main block. The principle pedestrian access is to Love Walk and with parking/servicing to the rear courtyard, accessed via Love Walk. The building is set back from the street to allow for a mature landscaped area with trees, plus small brick wall with metal fencing. The site is not listed nor does it lie within a conservation area, it is however immediately adjacent to the Camberwell Grove conservation area, which covers the southern side of Love Walk, and to the east, and north, including 10a Love Walk, the Camberwell Green United Reformed Church, Kerfield Place and the grade II listed buildings on Grove Lane.
58. The Camberwell Grove conservation area appraisal describes Love Walk as: *"a quiet and informal interlude between the busy streets of Grove Lane and Denmark Hill. The area of historic interest is at the eastern end, in the group of detached brick Victorian villas between nos. 2 and 9. They are double fronted, with overhanging eaves and large sash windows divided with margin panes. No. 9, on the corner of Grove Lane, has a basement, hipped roof and boundary railings, to make a good strong visual statement in a key location. The others*

are set in small front gardens behind high boundary hedges, creating a sense of privacy and shelter." These date from c1860 and are a good example of Victorian suburban housing.

59. The appraisal continues: "*North of Love Walk there has been recent housing redevelopment, [Allendale Close and Evesham Close] but its intimate scale is in keeping with the historic part of the street. The heavy 1960s concrete framed block of Jenny Lee House is in contrast, quite out of scale with its environment, but tree and hedge planting in front of it provide visual mitigation"*
60. To the north of the site is a small terrace of two storey houses facing the rear service car park for the care home. To the north east is the historic "mews" lane of Kerfield Place. Historically this was the service road for the Georgian townhouses of Grove Lane, and historic maps indicate there were a number of small garden structures, probably ancillary garaging/stabling or accommodation to service the dwellings on Grove Lane. The terrace of dwellings on Grove Lane (18-60) are grade II listed Georgian townhouses, set back from the street behind mature gardens and to the rear have long private gardens backing onto Kerfield Place. The Camberwell Green Congregational Church corner of Grove Lane and Love Walk includes rebuilt terraced façade facing Grove Lane and high quality contemporary extension to the Love Walk frontage in buff brick. Immediately adjacent to the site is a two storey former Victorian stabling/small warehouse building in brick with timber hoist door and garage doors at ground floor. This was converted sensitively to a dwelling in 2015.
61. Development of the site would affect the setting of the grade II Listed terraces on Grove Lane and the setting of Camberwell Grove conservation area. This is considered in more detail below. The historic development of the area is well documented in the Heritage Statement accompanying the application.

Height scale and massing

62. The proposed height, scale and massing increases over the existing southern wing from 2 storeys to 3 with a recessed 4th storey. While steps have been made to assist breaking up the massing, the scale of the development would be clearly noticeable in the street and increase the overall massing in Love Walk at the eastern end. This would result in a prominent building in a suburban side street, although it would be partially screened from view by landscaping to the front. The northern wing and 3 storeys with landscaped car park and servicing area to the rear is more successful in integrating with the courtyard and wider suburban scale of Allendale Close.

Detailed design

63. The design has evolved over the course of several pre-application meetings and has been simplified and reordered to better reflect the local brick facades and vertical emphasis (see image below).



Extract from DAS: Evolution of the design through the pre-application discussions

64. Likewise, changes have been made to the design to assist in providing a legible entrance lobby and windows to the street. The change in set back and material to the top floor helps to soften the upper storeys, providing some recessed elements in this regard. The vertical emphasis of the fenestration pattern of the northern wing again is more successful. Opportunity is provided for outdoor activity for the residents by way of terraces and gardens. Active uses are concentrated primarily to the ground floor front elevation providing opportunities for overlooking the street.
65. While the proposals are large and would have an impact on the intimate character of Love Walk, officers consider that all opportunities have been taken to improve the design and architecture as part of an iterative process.
66. On balance, taking into account the specific requirements of these occupiers, the design of the new care facility meets the requirements of policies P13 (Design of places) and P15 (Design quality) of the Southwark Plan (2022).
67. It is recommended that conditions are attached to ensure samples of materials are submitted to the local planning authority for approval. These will include:
- Proposed brick which should be a light buff yellow to match those on Love Walk;
 - detailed sections of windows, doors;
 - details of glazing to the lobby/atrium.

Impact on heritage assets and the Camberwell Grove Conservation Area

68. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
69. The desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.
70. Section 72 of the same Act provides that a local planning authority shall, with respect to any buildings or other land in a conservation area, pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
71. It is useful to note that unlike the setting of a listed building under section 66(1), there is no statutory duty applicable to the setting of a conservation area. Section 72 is concerned with development within a conservation area and development that is outside a conservation area but affecting its setting is not covered by section 72(1)). However, any harm to the setting of a conservation area may still be a material consideration.
72. Officers consider the boundary wall adjacent to Kerfield Place to be situated immediately adjacent to the conservation area, however, comments have been raised by local residents about whether this does form part of the conservation area.
73. The council’s GIS mapping of the conservation area outline along Kerfield Place includes the wall in part, however the line is drawn between the wall and the existing building, a narrow gap of a metre or so. Usually conservation area boundaries would follow an obvious structure, however the mapping is not clear as to whether all of the wall in is the conservation area. The GIS map is an interpretation of the hand-drawn maps of the original designation. The box which may contain the original map has been requested by officers to be retrieved from storage for checking.
74. The London Gazette notices from July 1970, May 1975, Nov 1980 (part 1 and part 2) specific the addresses and have a description of the land within the conservation area. In July 1970, addresses in Love Walk were added, however no.10 is not listed. These are available on the Council’s website.
75. Despite the information above, if the original map of the conservation area did show that the boundary wall does lie within the conversation area, it would be necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Officers have therefore undertaken an

assessment of the impact of this element of the proposal against the relevant policies of the Southwark Plan (2022) and NPPF (2021) rather than the Historic England guidance titled “The Setting of Historic Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)”.

76. Policy P19 (Listed buildings and structures) and P20 (Conservation areas) of the Southwark Plan (2022) which emphasise the need to conserve and enhance the significance of listed buildings and conservation areas.
77. Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
78. Paragraph 202 of the NPPF (2021) states that, if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, consent will only be granted where the harm is demonstrably outweighed by the public benefits of the proposal.
79. To assist decision makers in matters of setting, Historic England has produced best practice guidance on setting titled “The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)”. This guidance advocates a stepped approach to assessment and officers have followed this guidance in assessing the impact on the heritage assets:
 - Camberwell Grove Conservation Area
 - 18-60 Grove Lane (Grade II Listed)
 - 49-55 Grove Lane (Grade II Listed)

Boundary Wall facing Kerfield Place

80. The existing side wall to the rear of the site, along Kerfield Place is a yellow multi stock brick wall in English bond. In the northern most parts the wall has a pointed coping with tile detail draining towards the site and away from Kerfield Place. In other areas the wall has a modern coping. Beside the wall on Kerfield Place are a number of self-seeded trees, shrubs and ivy which obscure large parts of the wall.
81. The appearance of the wall using yellow stock brick and English bond suggests that the wall may be in part contemporary with the former houses on the site, shown on the 1879 map, since demolished in the 1960s and replaced with (in part) the building now known as 10 Love Walk.
82. The wall in part does have some historic merit; it includes material and to a design consistent with 19th century building practices; however it was always intended to be garden or rear wall; the historic mapping from the 19th century shows a line consistent with the existing boundary wall, and the plainness of the wall does not suggest a wall of particular high historic significance. It has also been altered with modern coping, mortar and lost completely to the north. While simple garden walls are a feature of 19th century landscapes, it has

limited significance in the wider conservation area, whether it is concluded that it is within it or adjacent.

83. The loss of the wall in part or wholly would therefore have a very minor impact on the significance of the conservation area. This would not tip the balance of harm to be substantial, in terms of NPPF (2021) reference.
84. The small trees and shrubs as existing may provide some screening to the properties on Grove Lane/Kerfield Place, but these are not intentional or garden planting that contributes positively the character and appearance of the conservation area. Therefore their removal is considered acceptable and in accordance with the Southwark Plan.

Camberwell Grove Conservation Area

85. *Step 1: Identify which heritage assets and their settings are affected:*

Camberwell Grove Conservation Area

86. *Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated:*

The Camberwell Grove Conservation Area is centred on Camberwell Grove and Grove Lane, which were largely developed between 1770 and 1850 and encompasses areas of historic interest in Champion Park, Denmark Hill and Grove Park. Camberwell Grove, is an elegant residential avenue, enhanced by the very long straight prospect down-hill from its southern end and its mature street trees. Grove Lane has a less imposing avenue character with smaller-scale residential development and Love Walk, also includes two storey detached and semi-detached handsome Victorian dwellings set back from the street behind mature gardens. The conservation area character appraisal puts the site adjacent to sub area 4. This sub-area is of a more mixed character than the other sub areas and is principally focussed on the varied buildings of the Maudsley Hospital alongside a small number of 19th-century houses on the north side of De Crespigny Park and the south side of Love Walk. This part of the conservation areas significance lies in the mix of high quality Victorian dwellings, both detached and terraced, interspersed with some medical or care buildings associated with the Maudsley and King's Hospital's and Jenny Lee House, a large four storey 1960s block located in the centre of the south side of Love Walk, originally designed as care home. The significance of the south side of Love Walk is part of the later suburban Victorian development of Camberwell, of high quality dwellings set in a sylvan side street, off of the principle street, Grove Lane.

87. *Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it:*

The proposed development would be significantly larger than the existing building on site, adding two further storeys of mass to the block facing Love Walk and two further to the rear wing facing Kerfield Place. From Love Walk, the impression of the development would be close to the same height as the terrace facing Grove Lane, with similar mass and bulk. While the development would be

set back from the street and retain the tree and small area of the landscaping, the scale of the proposed development would add to the overall scale of the area when travelling from Grove Lane to the more intimate setting of Love Walk. At the eastern end of the street, the development would dominate this scale and to a minor degree cause harm to the sylvan character of Love Walk. Efforts have been made by the architects to lessen the impacts of the mass on street by adding green walls and simplifying the architecture, however the proposals, by virtue of their scale and mass would still cause harm to the eastern end of Love Walk, and impact negatively on the significance of the conservation area. This harm would be less than substantial, as there would only be harm to one area of the conservation area as a whole. The harm is also not substantial because part of the character of this sub section of the conservation area already includes some large buildings of health and care use.

88. In terms of Kerfield Place, the small lane character of the mews lane would be harmed by development which dominates the southern end, however this is only a small section of the lane and this impact again would cause less than substantial harm. In turn, because the significance of Kerfield Place as the mews to the Georgian town houses on Grove Lane, their significance would also be impacted negatively to a very minor extent.
89. While the harm identified would be contrary to policy P20 (Conservation areas) of the Southwark Plan (2022), para 202 of the National Planning Policy Framework (2021) states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

90. If the application demonstrates public benefit, then the application would meet the requirements of para 202 of the NPPF.
91. *Step 4: Explore ways to maximise enhancement and avoid or minimise harm:*

The application has been discussed at pre-application stage with officers and the evolution of the design, to minimise the impact on the conservation area, is set shown in paragraph [56 above].

92. *Step 5: Make and document the decision and monitor outcomes:*
The planning application fulfils this part of the process.

18-60 Grove Lane and area railings – Grade II Listed

93. *Step 1: Identify which heritage assets and their settings are affected:*
Nos 18-60 Grove Lane and area railings
94. *Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated:*

18-60 Grove Lane are grade II listed buildings. A north/south terrace of 22 Georgian townhouses of between 3 and 4 storeys built in the late 18th century. They are constructed from brick with timber framed windows in a classical style with arched headers at ground floor and flat headers above. A number have original mansards in slate and/or basements set down with lightwells to the front. While the terrace is not uniform in design it has a singular mass facing the street and in summer is partially obscured by mature trees and gardens to Grove Lane. Its significance is a good example of Georgian gentrification of Camberwell as part of London's suburban expansion in the late 18th century and early 19th century. The terrace saw some WWII damage and a number of facades indicate rebuilding of parapets and upper storey brickwork. The site is within the setting of the terrace, particularly the southernmost section. Kerfield Place to the rear houses some of the stabling and ancillary buildings that would have serviced the townhouses - although most are now late 20th century structures with the exception of no. 40, likely dating from the Edwardian period. There is a historic hierarchy between the two roads, once which exists today.

95. *Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it:*

The proposed development would cause some harm to the setting of the grade II listed buildings on Grove Lane by dominating Kerfield Place and harming the hierarchy of the pattern of historic development in the area. However this harm would be limited to the southern end of Kerfield Place and the southern end of the terrace fronting Grove Lane. This harm would be minor, well within the less than substantial range of harm.

96. While the harm identified would be contrary to policy P19 (Listed buildings and structures) of the Southwark Plan (2022), para 202 of the National Planning Policy Framework (2021) states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

97. If the application demonstrates public benefit enough to outweigh the harm, then the application would meet the requirements of para 202 of the NPPF.

98. *Step 4: Explore ways to maximise enhancement and avoid or minimise harm*

The application has been discussed at pre-application stage with officers and the progression of the design, to minimise the impact on the listed buildings, is set out in the Design and Access statement.

99. *Step 5: Make and document the decision and monitor outcomes:*

The planning application fulfils this part of the process.

49-55 Grove Lane (Grade II Listed)

100. *Step 1: Identify which heritage assets and their settings are affected*

Grade II listed 49-55 Grove Lane. The buildings are a three storey plus lower ground floor and mansard/attic storey terrace townhouses built in London yellow stock brick with steps up to the timber panelled front door and arched fanlight. The ground floor front timber framed sash windows include arched headers, while the upper storeys are square headers. Cast iron railings lead up the front steps, plus first floor the balconies include cast iron railings and ground floor windows have “cake basket” style cast iron lattice work to the front. The attic storey is clad in slate with simple single window to the front. The buildings display classical hierarchy with principle rooms reflected externally with iron detailing and larger windows. This is typical of Georgian townhouses.

101. The significance of the buildings are as a good example of Georgian townhouses built during the suburban expansion of Camberwell.
102. The setting of the terrace includes the small front gardens facing the street and private mature rear gardens. To the front the adjacent two storey 1920s dwellings are diminutive in scale, and the attached Georgian villa is built in a similar classical style, but is double fronted and of two storeys above ground. Neither of these are listed, but the street is in the Camberwell Grove conservation area. The setting of the buildings can be described as “sylvan” with mature street trees and dwellings. From the junction with Love Walk, the character of the street is influence by the Georgian (or mock Georgian) terraces, of which no. 49-55 Grove Lane is part of, while to south, the street includes a mixed character of later 19th century and 20th century two and three storey dwellings, some at right angles to the street.

103. *Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.*

The formal Georgian character of Grove Lane contributes positively to the significance of 49-55 Grove Lane. Their scale and architectural design is typical of a principle street in the area, as Grove Lane is. They form a group with 18-60 Grove Lane (grade II Listed) and no. 47 Grove Lane (unlisted).

104. *Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it.*

The proposed development is located approx. 60 m to the west of the front boundary wall of the terrace. Between the terrace and the site is Grove Lane, plus front gardens of 64-68 Grove Lane, the 3 – 4 storeys of 64-68 Grove Lane, plus two storey contemporary Church building, and no.10 a Love Walk. While there might be glimpses of the development from the private windows of the upper storeys of the terrace, the development would not be readily experienced in the intimate or wider setting of the listed buildings. The development would not impact harmfully on the ability to appreciate the significance of the buildings as a Georgian terrace in a suburban setting. The development would have a neutral impact on the significance of the listed terrace.

105. *Step 4: Explore ways to maximise enhancement and avoid or minimise harm*

The application has been discussed at pre-application stage with officers and the progression of the design, to minimise the impact on the heritage assets is set out in the Design and Access statement.

106. *Step 5: Make and document the decision and monitor outcomes*

The planning application fulfils this part of the process.

Additional views submitted June 2023

107. A number of local residents and the Grove Lane Residents Association raised concern regarding the views of the proposed development in the context of the of the heritage assets. The submission of verified views is not a validation requirement for this scale of development given its location outside of the conservation area. However, given the comments raised, officers considered it appropriate to request the applicant to provide views in the following three locations; eastern end of Grove Lane, Evesham Walk and Kerfield Place.



108. Due to time constraints the applicant has provided 3D model views of the proposed development in the wider context from the three locations specified by the Design Officer. These are considered sufficient to assess the impact of the proposed development on its surroundings. It has been confirmed by the applicant that verified view montages will be submitted before the 5th July planning committee meeting providing further detail of the surroundings.
109. It has been concluded by the Design Officer that the additional 3D views do not change the assessment of the proposal on the heritage assets as detailed above. They are useful for providing further context of the proposal and for highlighting the importance of ensuring that an appropriate material is chosen for the main brick of the new care home building.

Heritage balance

110. As detailed above, where harm has been identified, the NPPF states in paragraph 202 that “where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weight against the public benefits of the proposal, including where appropriate, securing its optimum viable use”.

111. In this case, the heritage assessment has identified that there would be some minor harm to the setting of the heritage assets and Camberwell Grove conservation area. This harm is considered to be well within the less than substantial range of harm. The key public benefit in this case, which is given significant weight in the planning balance, is the provision of a specialist dementia care facility for adults which meets the local need in Southwark; in addition to providing this essential facility the proposal would provide an atrium café for residents, their families and local residents, and a 1.8m footway along Love Walk which would improve the pedestrian experience. When the limited order of harm is considered in the balance, it is considered that the public benefits provide the clear and convincing justification for the development sufficient to satisfy the test in the NPPF (2021).

Quality of accommodation

112. In total, 63 bedrooms are proposed within the new care home, with lounges on the ground, first, second and third floors, dining room on the ground floor, multi-purpose lounge room on the first floor and atrium entrance.
113. Concern has been raised by local residents regarding the quality of accommodation, particularly the arrangement of rooms along long corridors. There are no quality of accommodation standards in the London Plan or Southwark Plan that need to be met for care home facilities, however, Officers have raised this concern with the applicant and requested additional information. It has been confirmed in an additional document received May 2023 'Care Principles for Love Walk Design' that the internal and external layout has been carefully designed in accordance Health and Social Care Standards best practice, Care Homes for Adults Design Guide, Care Quality Commission (CQC) requirements and the fire consultants recommendations.
114. The internal layout provides spacious corridors and walkways for residents and their families to pause and reflect with seating areas provided to facilitate social interaction. Whilst officers understand the benefits of shorter corridors, the proposed building utilises the full potential of the site whilst still providing a good quality of accommodation for future residents. The corridors have been designed to provide informal seating areas and the overall internal layout as shown on the proposed plans is considered to be the most appropriate for the L-shaped building.
115. In relation to the external spaces of the building, the applicant has followed the requirements of the CQC and Care Home Adult Design Guide for ensuring safety and security for those with dementia.

Quality of bedroom accommodation

116. The bedrooms range in size from 17.03sqm to 22.09sqm and all would be en-suite. The bedrooms would exceed the minimum space standards for single bedroom as outlined in the Residential Design Guide SPD (2015).
117. The supporting daylight sunlight assessment demonstrates that all of the habitable rooms would meet BRE targets in terms of daylight illuminance. In relation to sunlight exposure, 50% of the rooms would experience sunlight levels

in line with BRE guidance, the rooms which do not experience BRE target levels are north facing due to the internal layout and orientation of the site and would still meet BRE guidance in terms of daylight illuminance. Therefore whilst these rooms would fall short of meeting the target levels, the main living spaces are located in areas with high sunlight exposure which would provide a good quality of accommodation for residents throughout the day.

Ancillary internal space

118. The positioning of the communal areas on the south facing elevation of the building provides a good quality of internal amenity space for residents and their visiting families.
119. In addition to providing the care facilities, the new building has been designed to provide ancillary areas for staff. Internal areas have been provided for staff breakout, offices and ancillary facilities for the functioning of the care facility.

External amenity space

120. A mixture of ground floor amenity space and roof terraces are provided within the new development:
- Ground floor garden areas: 427m²
 - 1st floor roof terraces: 36m²
 - 2nd floor roof terrace: 63m²
 - 3rd floor roof terrace: 139m²
121. The scheme also includes defensible space for all ground floor bedrooms and landscaped planting beds around the edge of the rear courtyard overlooking 11A-F Love Walk. All of the ground floor amenity space will be demarcated by a boundary wall. This will be a minimum of 1350mm in height, which is recommended as best practice for dementia care and a requirement by the Care Quality Commission (CQC). It is recommended that the details of the boundary treatments is secured via condition.
122. The external amenity spaces provides a variety of space for residents to enjoy and respond to the internal layout of the proposed building whereby direct access is provided from the residential lounges, dining rooms and multi-purpose lounge rooms.

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

123. The nearest buildings to the application site are:
- 42-64 Grove Lane (even nos. only)
 - United Reform Church
 - 3-8 Love Walk
 - 11A-F Love Walk
 - 14, 15 and 17 Allendale Close
 - 1 Cuthill Walk



Daylight and Sunlight

124. To assess the impact of the proposed development on neighbouring properties, the submitted daylight sunlight assessment has followed the BRE guidance for calculating daylight which includes: Vertical Sky Component (VSC) and No-Sky Line (NSL) tests. For sunlight, the Annual Probable Sunlight Hours (APSH) test has been followed. BRE Guidelines states that the impact on the VSC value of a window is considered acceptable if the VSC value is higher than 27% or if it is no less than 0.8 times its former value (20%). BRE Guidelines also state that in terms of NSL a reduction of 0.8 times may be deemed to adversely affect daylight within a room.
125. The daylight and sunlight assessment prepared by EB7 concludes that there is no noticeable change in daylight and sunlight to the following properties:
- 3, 4, 5, 7 and 8 Love Walk
 - 14, 15 and 17 Allendale Close
 - 1 Cuthill Walk
 - 42, 44, 46, 50, 52 and 60 Grove Lane
 - 6-62 Grove lane
 - United Reform Church
 - 10A Love Walk

There is however a noticeable impact to the properties discussed below.

6 Love Walk

126. 6 Love Walk is a two storey residential property located to the south of the application site.
127. The results of the VSC demonstrate full compliance with the BRE guidance. In terms of NSL five of the six rooms would comply with BRE guidance, however

the ground floor study (W6), which is not a principal living space, would experience a reduction of 33%. It has been concluded that this is due to the depth of the room (which exceeds 6m) therefore, overall, it is considered that the result would remain in accordance with the aims of the BRE guidance.

128. In terms of sunlight, all rooms would experience sunlight levels in line with BRE targets.

11A-F Love Walk

129. Located to the north of the application site, Nos 11 A-F Love Walk comprise of a row of two storey terraced houses and flats.
130. Officers undertook a site visit to 11E Love Walk to assess the relationship between the proposed development and the existing properties and to understand the internal layout. It is confirmed that the bedrooms for the flats are located on the front of the building (southern side) overlooking the application site.
131. In terms of daylight the results of the VSC analysis are as follows:

Vertical Sky Component					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41% +
18	9	50%	4	5	0

This show that 9 out of 18 windows would comply with BRE Guidelines. These windows serve bedrooms. None of the windows would experience significant losses (over 41%), of the windows which fall below BRE Guidelines there would be 4 windows which would experience a reduction of between 20-30% which are not significantly beyond BRE Guidelines. The remaining 5 windows would experience moderate losses between 31-40%. The existing windows currently enjoy an open outlook over the carpark, therefore the assessment has considered the retained VSC levels are in line with the levels expected in an urban context and therefore considered on balance acceptable.

132. In relation to NSL the results are as follows:

No Sky Line Results					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41% +
18	0	0%	10	0	8

None of the rooms would comply with BRE Guidelines in terms of NSL. On the ground floor 8 windows would experience reductions of between 43-52% and at first floor level the 10 windows would experience reductions of between 25-29%. This reduction is influenced by the existing high NSL levels due to the open outlook over the carpark. Given that the windows serve bedrooms and the primary living spaces are to the rear of the building, the impact on this building is considered to be acceptable.

133. In terms of sunlight, all rooms would experience sunlight levels in line with BRE targets.

48 Grove Lane

134. Located to the east of the application site No. 48 Grove Lane is a four storey terraced property with a detached garage.
135. In terms of daylight the results of the VSC analysis show that 11 of the 12 windows would comply with BRE Guidelines. The affected ground floor window located on the western elevation (W4) is a secondary window with the primary window located on the eastern elevation. The impact on the room would not be unacceptable as it would still comply with BRE Guidelines in terms of NSL. Overall it is considered that this result would still be in line with BRE guidance.
136. The results of the NSL analysis have shown that all rooms would be compliant with BRE guidance.
137. In terms of sunlight, all rooms would experience sunlight levels in line with BRE targets.

40 Kerfield Place

138. 40 Kerfield Place is a two storey residential property located to the east of the application site on Kerfield Place.
139. In terms of daylight the results of the VSC are as follows:

Vertical Sky Component					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41% +
5	1	20%	0	0	4

The analysis show that 1 of the 5 windows would comply with BRE Guidelines, the remaining 4 windows would experience a reduction in VSC of 54% and 55%. The two ground floor windows affected serve a dual aspect kitchen/dining room (3 windows). The room would be served by a window with VSC levels of at least 20.7%. The remaining two affected windows would have a VSC of 14.9% and 14.1%. The retained VSC levels would still overall be in line the BRE Guidelines expected in an urban location.

140. The other two windows affected serve a living room at first floor level, with the proposed development in place they would have a VSC value of 18.3-18.6%. The levels remain in line with those expected in an urban context.
141. The results of the NSL analysis are as follows:

No Sky Line Results					
Window			Loss		
Total	Pass	BRE	20-30%	31-40%	41% +

		Compliant			
2	0	0%	0	0	2

The results show both rooms would experience noticeable reductions of 53% (ground floor) and 57% (first floor); however this is largely affected by the current open outlook from these windows. Therefore it is considered on balance that the results would be acceptable given the existing context.

142. In terms of sunlight, all rooms would experience sunlight levels in line with BRE targets.

54, 56 and 58 Grove Lane

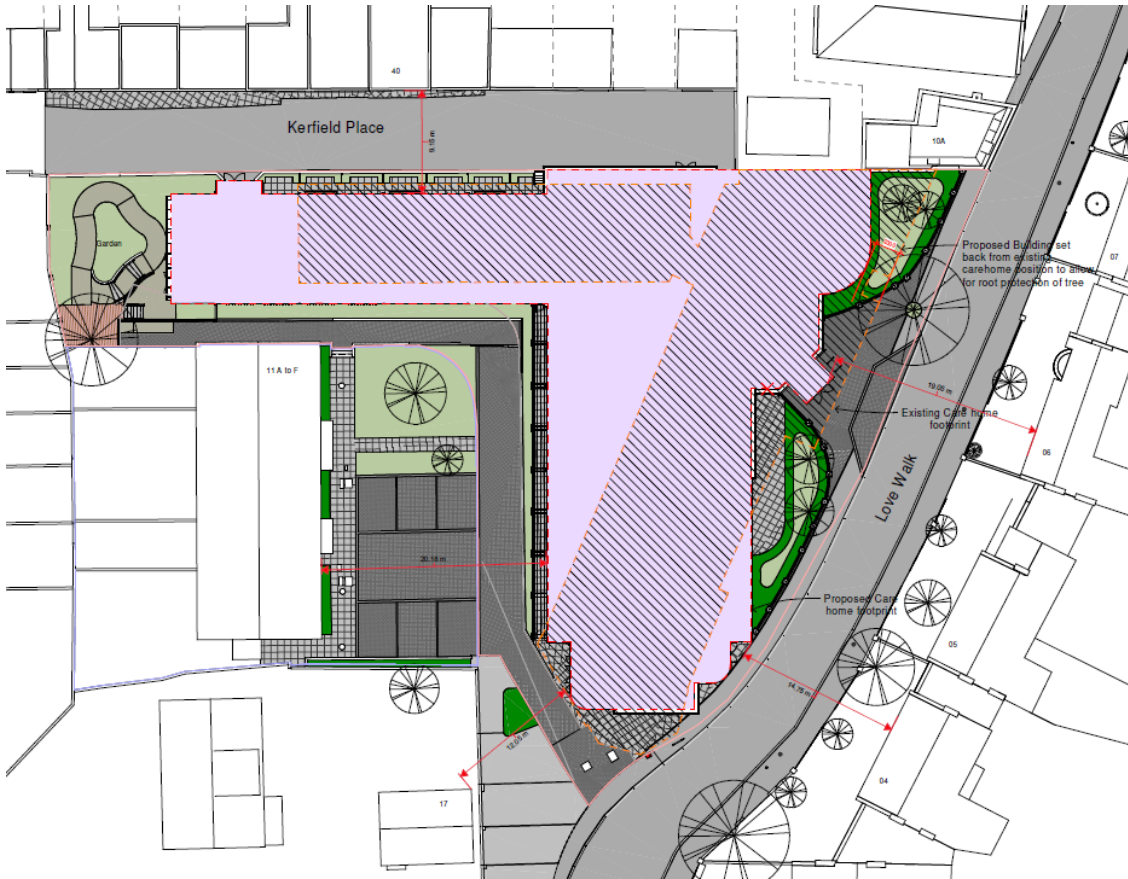
143. Located to the east of the application site, Nos 54, 56 and 58 Grove Lane are four storey terraced properties.
144. The results of the VSC demonstrate full compliance with the BRE guidance. In terms of NSL 15 of the 18 rooms would be in accordance with BRE guidance in relation to NSL levels. One lower ground floor room within each property would experience a reduction of between 25-27%. These rooms are located at lower ground floor level and are already constrained; therefore the minor NSL reduction is considered on balance to be acceptable.
145. In terms of sunlight, 17 of the 18 rooms would experience sunlight levels in line with BRE targets. The affected room is at 58 Grove Lane and is at lower ground floor level; it would experience retained sunlight levels of 21% and winter levels of 2%, compared to the target of 25% and winter target of 5%. This room is already constrained given its location at lower ground floor level.

Neighbour amenity – Sunlight amenity

146. The results demonstrate that the external amenity spaces at 42-62 Grove Lane, 1-2 Cuthill Walk, 11A-F Love Walk and 14-17 Allendale Close would retain sunlight levels in accordance with BRE guidance.
147. Overall, whilst the proposed development would result in some impact on the daylight and sunlight levels at the neighbouring properties, the results would remain broadly in line with the levels expected in this urban context and in accordance with the flexibility of BRE guidance allowed for urban environments.

Privacy, outlook and sense of enclosure

148.



Site plan with distances

149. To prevent unnecessary problems of overlooking, loss of privacy and disturbance, the 2015 Technical Update to the Residential Design Standards SPD (2011) recommends that development should achieve the following distances:
- A minimum distance of 12m at the front of the building and any elevation that fronts on to a highway
 - A minimum distance of 21m at the rear of the building.
150. The proposed building would be in a similar location to the existing care home building, it would be slightly closer to the neighbouring properties 4, 5 and 6 Love Walk which are located across a highway (Love Walk) from the application site. However, a separation distance of over 12 metres would still be maintained between these properties and the proposed development which accords with the guidance in the Residential Design Standards SPD.
151. No. 40 Kerfield Place located to the east of the application site and separated by Kerfield Place, an un-adopted highway. There would only be separation distance of 9.2m. Although this falls below the guidance contained within the Residential Standards SPD (2011), this is slightly greater than the existing separation distance with the current care home which is also only 8.4m. The eastern boundary of the new development would also still be demarcated by a 1350m high brick wall which would provide some privacy to the care home residents

and residents of 40 Kerfield Place. Therefore whilst the scale of development of the northern part of the proposed building is higher than the existing building, it is considered on balance that an acceptable relationship would be maintained between the new care home facility and the existing residential property in terms of separation distances.

152. The proposed building would be located closer to Nos 11 A-F Love Walk which are to the north of the site and rear of the new care home. There would still be a separation distance of c.20m, however, this falls 1m below the recommended minimum separation distance of 21m. Whilst a greater separation distance would be preferred, the minor deficiency is a result of the new building being set-back from the Love Walk frontage and is considered on balance to be acceptable.
153. Overall, it is considered that despite the minor shortfalls in separation distances between the proposed development and neighbouring properties 11A-F Love Walk and 40 Kerfield Place, the proposed development has been well designed to be as far from these properties as feasible given the site constraints. The internal layout has also been carefully considered to place communal areas on the southern side of the building, and therefore the proposal is not considered to give rise unacceptable levels of overlooking or loss of privacy.

Lighting and impact on neighbouring residential properties

154. Concern has been raised by local residents in relation to the lighting of the new care building, particularly the atrium entrance on the Love Walk frontage.
155. Officers requested additional information from the application on the proposed lighting of the building, and it has been confirmed that the lighting will be dimmable and linked to a time clock and local daylight sensor-methodology to reduce or even turn light off during the night time hours. The proposed sensors will therefore assist in reducing light spill out of the atrium during hours of darkness.
156. There is also a risk of external lighting affecting neighbouring residential properties, therefore it is recommended that a condition is attached to ensure that any external lighting complies with the Institute of Lighting Professionals Guidance note.

Relationship between the proposal and 10A Love Walk

157. Concern has been raised regarding the impact of the proposed building on the consented development at 10A Love Walk 21/AP/1606 for the erection of a mansard roof extension and terrace.
158. The proposed development at 10 Love Walk does not over-sail the boundary with 10A Love Walk. There are two terraces/amenity areas on the first and second floors of the proposed care home which are adjacent to the boundary with 10A Love Walk. To ensure that there is no detrimental impact of overlooking it is recommended to attach a condition to ensure that details of balcony/terrace screens are submitted prior to the occupation of the new care home.

Impact on trees and landscaping

159. There are 24 trees within and around the site and a TPO covers the large London Plane (T1) on the Love Walk frontage. Overall, the majority of the trees are growing in restricted locations and provide limited visual amenity. In total 17 trees are proposed to be removed - these comprise 13 Category C and 4 Category U trees. The higher value trees T1 (London Plane) and T18 (Tree of Heaven) will be retained.
160. The Urban Forester has reviewed the Arboricultural Impact Assessment and is satisfied with the approach. The applicant has undertaken a CAVAT valuation of the tree stock and a sum of £56,434 has been agreed towards planting trees in the borough.
161. It is recommended that a pre-commencement condition is attached to ensure a site visit can be undertaken to allow for any on-site recommendations to be included in an amended method statement, particularly in relation to the mature London Plane tree.

Ecology and biodiversity

162. The Ecology Assessment concludes that there was no evidence to indicate the presence of roosting bats, likewise, none of the trees present on the site are likely to offer potential opportunity for roosting bats. In relation to birds, given the existing buildings and hardstanding cover the majority of the site there are negligible opportunities for birds. There is no evidence to indicate the use of the application site by other protected or notable species.
163. In terms of biodiversity net gain, Southwark Plan (2022) Policy P60 (Biodiversity) seeks to ensure that new development contributes to net gains in biodiversity. The proposal achieves a biodiversity net gain of 17.28% which exceeds the minimum requirement.
164. The proposal achieves an Urban Greening Factor of 0.421 which exceeds the minimum 0.4 requirement in London Plan (2021) Policy G5 (Urban greening).
165. The councils Ecology Officer has confirmed that they are satisfied with the Ecological Assessment and that no further surveys are required. They have advised that stag beetles and hedgehogs are recorded locally, therefore a stag beetle logger and insect hotels/bee bricks would be supported. Conditions have also been recommended for details of hard and soft landscaping, the green walls and roofs, external lighting, trees and nesting features, 3 bat bricks/tubes and 4 integral swift bricks to be submitted.

Transport and highways

166. The site is located in a high PTAL area of 6a which excellent public transport accessibility.

Access

167. Pedestrian access to the site will be the same as the existing arrangement from Love Walk. In relation to vehicle access, there is an existing access point to the west of the building which is also shared with Nos 11 A-F Love Walk, it is proposed that this access is still used for deliveries whilst also ensuring that access is retained for the existing residential properties.
168. As per the existing building, a secondary entrance to the new care facility is proposed from Kerfield Place. The entrance is proposed to be used for emergency access and access to the basement. Within the public consultation responses, comments have been raised in regards to the use of Kerfield Place given that the southern end is privately owned and un-adopted highway.
169. This matter has been raised with the applicant and it has been confirmed that there is an existing right of access over Kerfield Place. The applicant has tried to identify the owner of Kerfield Place, however, it is not been possible to confirm the freeholder. Access arrangements are a separate legal matter outside of the planning process. It is proposed that the un-adopted section of Kerfield Place will be upgraded (resurfaced and new lighting proposed). This area falls outside of the application site red line and the applicant must seek the permission of the landowner before proposing such modifications.

Car parking

170. The proposed development would be car-free which accords with the aims of Policy P54 (Cycling) of the Southwark Plan (2022).
171. A drop-off bay will be provided on the Love Walk frontage to allow for taxis/cars to drop off and pick up visitors and for emergency vehicles to attend to the site.
172. It is of note that there are four existing parking spaces located to the west of the vehicular access that are used by staff. The hardstanding area is owned by Southwark Council. This area of hardstanding lies outside of the application site boundary and therefore does not form part of this planning application.

Cycle parking

173. The proposed development will provide 18 long-stay cycle parking spaces within a free standing store on the north-west side of the building adjacent to Nos. 11 A-F Love Walk and the proposed garden to the north of the new care home. 6 short-stay cycle parking spaces (3 x Sheffield Stands) will be provided adjacent to the Love Walk front entrance.
174. A side access door will be provided so that staff can conveniently access the long stay cycle store from the ground floor of the new care home.

Delivery and Servicing

175. Deliveries will take place to the rear of the building via the internal access road as per the existing arrangement for the current care home. Swept path analysis drawings have been provided to demonstrate larger vehicles entering this area.

176. Concern has been raised by residents in relation to this arrangement, as it could restrict access to the parking area for Nos 11 A-F Love Walk. It has been confirmed with the applicant that the delivery and servicing arrangements are per the existing arrangement and that most delivery vehicles are able to turn within the site or have to use the parking area at Nos 11 A-F Love Walk for turning.
177. The proposed tracking diagrams show that vehicles will park to the east of the resident parking area for Nos 11 A-F Love Walk and will only use this area for turning. Access to the parking spaces will therefore not be restricted during delivery times and it is considered appropriate to attach a condition to control this arrangement.
178. In relation to refuse and recycling, the bin store will be located on the western corner of the building adjacent to the internal access road within the site. It is proposed that the existing collection arrangements from Love Walk will continue, whereby refuse vehicles collect rubbish on the northern site of Love Walk and transport bins from the store.

Demolition Construction Environmental Management Plan

179. Due to the scale of development being proposed a Demolition, Construction, Environmental Management Plan is required to address how effects of construction on the environment will be avoided. This must also demonstrate how construction using public highways can be safely accomplished and how vehicle movements will be minimised and controlled to reduce danger to vulnerable road users. A pre-commencement condition is therefore recommended.

Energy and sustainability

180. The proposed scheme has been developed in-line with the energy policies within local and regional policy. The three step Energy Hierarchy has been implemented and the estimated regulated CO₂ savings on-site are 42%. This exceeds the 35% target stated within Policy SI2 (Minimising greenhouse gas emissions) of the London Plan (2021).

'Be Lean'

181. 'Be Lean' requires development to use less energy and managed demand during operation. In order to reduce the demand for heating energy the proposed building will be constructed with a highly thermal efficient building envelope. In order to reduce energy consumption and CO₂ emissions it is proposed that core areas including the bedrooms, en-suite/WC and lounges will be served by an Air Source Heat Pump (ASHP) emitted through underfloor heating. The ASHP will also provide hot water. Ventilation will be via an air handling unit and MVHR with heat recovery, all lighting will be LED with on-off control sensors. The proposed development envelope and services will be specified to exceed the minimum standards set in Part L. CO₂ savings of 15% are achieved for the proposed development which complies with the 15% minimum reduction set in Policy SI2 (Minimising greenhouse gas emissions) of the London Plan (2021).

‘Be ‘Clean’

182. ‘Be Clean’ expects development to exploit local energy resources and supply energy efficiently and cleanly. There are no district heat networks or planned district heat network within 500m of the development site, it is however recommended that the proposed development is left with spare connections capable for connection in the future. On-site heat generating technology such as Combined Heat and Power (CHP) was also considered, however it was not a suitable option for the proposed development site due to adverse impacts on air pollution and therefore would not be appropriate for the development given its location within an Air Quality Management Area. Overall, no Be Clean measures are incorporated as part of the proposed development.

‘Be Green’

183. ‘Be Green’ seeks to maximise opportunities for renewable energy by producing, storing and using renewable energy on site. An Air Source Heat Pumps (ASHP) and Solar Photovoltaic panels will be included as part of the proposed development. It is proposed that 92 PV panels will be located on the south-west, south-east and north-west oriented roofs. Technologies such as Ground Source Heat Pump and Solar Hot Water have been discounted due to the cost and technical feasibility. The ‘Be Green’ measures would achieve a 27% saving in CO₂. The proposed development meets the national, regional and local requirements for energy efficiency.

‘Be Seen’

184. In accordance with the ‘Be Seen’ requirement of the London Plan (2021) and Southwark Local Plan (2022), the energy performance would also be monitored as part of the legal agreement.

Carbon emission reduction

185. Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan (2021) and P70 (Energy) of the Southwark Plan (2022) require all major development to be net carbon zero. Where it can be demonstrated that the development cannot achieve 100% on-site carbon savings beyond Part L of the Building Regulations, a financial contribution would be secured to offset the remaining carbon emissions. For non-residential development, a minimum of 40% savings beyond Part L of the Building Regulations must be met on-site, in accordance with Policy P70 (Energy) of the Southwark Plan (2022). At least 15% of these savings should be achieved through energy efficient measures (Be Lean).
186. It is estimated that the proposed development would have an overall carbon saving for non-domestic emissions of 42% below the Part L of the 2021 Building Regulations.
187. 15% of these would be through Be Lean measures and 42% through Be Green measures. In order to achieve zero carbon 16.80 tonnes of carbon would need to be offset. This would be offset through a £48,007 payment in lieu contribution

secured via legal agreement.

Flood risk and drainage

188. The application site is not located in a flood risk zone, though it is located within a Critical Drainage Area. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and has been reviewed by the LLFA.
189. The applicant has proposed two options for the drainage hierarchy; option 1 incorporates small rainwater harvesting techniques and infiltration; option 2 proposes to manage rainwater via rainwater harvesting and green infrastructure. SuDS features do not discharge into a watercourse, nor do they discharge into a surface water sewer. The drainage strategy also includes the maintenance task and frequencies, attenuation volumes and run-off rates which are considered acceptable subject to conditions to ensure full details of the proposed surface water drainage system, incorporating SuDS, are submitted to the Local Planning Authority and to ensure a drainage verification report is submitted prior to occupation of the care home.

Fire safety

190. Fire safety details have been submitted in accordance with Policy D12 (Fire safety) of the London Plan (2021). The fire strategy outlines:
- *The occupants of the new care home will be elderly residents who will therefore require assistance from staff to evacuate should a fire occur in the building.*
 - *The evacuation strategy will be a progressive horizontal evacuation which allows for residents not directly affected by the fire to be left undisturbed. This includes subdividing the building into protected areas of no more than 10 bedrooms. Each floor will be compartmented into a minimum of 3 protected areas.*
 - *In relation to vertical escape there are two lift cores and three protected staircases.*
 - *In relation to passive fire safety measures, the structure of the building has been designed to comply with necessary periods of fire resistance, methods to prevent internal fire spread will be utilised along with compartmentation.*
 - *Active Fire Safety Measures will be installed in accordance with BS 5839 Part 1, along with smoke control and fire suppression.*
 - *Emergency access will be from Love Walk.*
191. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is “third-party independent and suitably-qualified”. The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

192. A Fire Statement has been provided for this proposal. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development.

Air quality

193. The application site is located within an Air Quality Management Area and an air quality assessment has been submitted. The assessment has shown that the proposed development is air quality neutral. In terms of construction, the site has been designated as 'high risk' and mitigation is proposed for dust control. A condition has been recommended to ensure the development achieves full compliance with the mitigation measures set out in the air quality assessment.
194. An emergency standby generator is also proposed to support the proposed care home use, full details of the scheme for ventilation and extraction and particulates will be required to be submitted and to ensure that it does not cause harm to the nearby neighbouring properties in terms of fumes.

Noise

195. A noise assessment has been submitted which has been reviewed by the councils Environmental Protection Team. Overall it is concluded that conditions should be attached to ensure that residential internal noise levels are maintained within the new accommodation. In relation to plant noise and to ensure compliance with the reports recommendation on Environmental Sound Criteria a condition should be attached to ensure the rated sound level from any plant, together with any ducting, does not exceed the background sound level.
196. In relation to the surrounding properties a condition should be attached to ensure a detailed noise impact assessment is submitted to safeguard the amenity of the neighbouring residential properties.

Land contamination

197. A Phase 1 Preliminary Risk Assessment Report 10/2120/001 Rev 01 has been submitted and concludes that the potential for high concentrations of contaminants of concerns to be present in soil and groundwater beneath the site is not considered to be significant, however, further analysis is required to confirm this. A condition has therefore been recommended requiring a full site investigation, remediation strategy and verification report to be submitted.
198. Given that the proposal involves the demolition of the existing care home building it is recommended that an asbestos survey is undertaken prior to the commencement of any demolition.

Basement Impact Assessment

199. A Basement Impact Assessment has been prepared by Curtins dated 20th June 2023; it is proposed that a condition is attached to ensure compliance with the

details specific within the assessment and to request that further ground investigations are undertaken and submitted to the Local Planning Authority.

Community engagement

200. In accordance with the Statement of Community Involvement and Development Consultation Charter adopted on 6 December 2022, an Engagement Summary has been submitted with the application. This provides a summary of the engagement that has been undertaken by the applicant within local residents and resident associations:

- Stakeholder meeting with Grove Lane Residents Association – 11 October 2022
- Online consultation – 20 October 2022
- Drop in session – 3 November 2022
- Stakeholder Meeting with St Giles Ward Councillors – 4 November 2022
- Drop in session – 5 November 2022
- Stakeholder meeting with Grove Lane Residents Association AGM – 10 November 2022
- Stakeholder meeting with a working group of Grove Lane Residents Association – 2 December 2022
- Stakeholder meeting – Planning sub-committee of the Camberwell Society – 12 December 2022
- Stakeholder meeting with Grove Lane Residents Association Executive – 26 January 2023
- September 2022 – flyers were distributed to local residents
- June 2023 – an updated flyer was distributed to local residents advising on the progress of the planning application.

Community Infrastructure Levy

201. The site is located within Southwark CIL Zone 2 and MCIL2 Band 2 Zone. The proposal is a CIL chargeable development because it comprises over 100sqm of new build area. Based on floor areas provided within the agent's CIL Form 1 dated 3 February 2023, the gross amount of CIL is approximately £157,310 of Mayoral CIL and nil Borough CIL. It should be noted that this is an estimate, and the floor areas on approved drawings will be checked and the "in-use building" criteria will be further investigated, after planning approval has been obtained. Since the applicant Mission Care is a not-for-profit charity, CIL charitable relief might potentially be claimed, subject to the charity landowner meeting all eligibility criteria and CIL Form 10 (Charitable Exemption Claim Form) being submitted on time.

Planning Obligations

202.	Planning obligation	Mitigation	Applicants position
	Tree	£56,434	Agreed

Contribution		
Carbon off-set	£48,007	Agreed
Be Seen monitoring	An obligation to comply with the energy strategy, to achieve the agreed carbon targets and the submission of details to monitor energy performance	Agreed
S.278 Highways works	<ul style="list-style-type: none"> • Repave the footway including new kerbing fronting the development on Love Walk using materials in accordance with Southwark's Streetscape Design Manual - SSDM (precast concrete slabs and 150mm wide silver grey granite kerbs). • Upgrade the vehicular crossover on Love Walk to current SSDM standards. • Upgrade the vehicular access into the current car park area west of the development site to current SSDM standards. • Provide a dropped kerb crossing point for pedestrians to the eastern side of the development on Love Walk. • Promote all necessary Traffic Management Orders (TMO). Works to include road markings and signage. • Repair any damage to the highway due to construction activities for the Development including construction work and the movement of construction vehicles. • Offer for adoption the strip of land between public highway boundary and building line as publicly maintained. To be secured via S38 Agreement. 	Agreed
Administration fee	Payment to cover the costs of monitoring the necessary planning obligations calculated as 2% of total sum.	Agreed

203. The planning obligations would satisfactorily mitigation against the adverse impacts of the proposed development.

204. In the event that a satisfactory legal agreement has not been entered into by 5 October 2023, it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:

The proposal, by failing to provide an appropriate planning obligation secured through the completion of a legal agreement, fails to ensure adequate mitigation against the adverse impacts of development through projects and contributions in accordance with DF1 (Delivery of the London Plan and Planning Obligations) of the London Plan (2021), Policy IP3 (Community Infrastructure Levy (CIL) and Section 106 Planning Obligations) of the Southwark Plan 2022 and Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015).

Consultation responses from internal and divisional consultees

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

206. Design and conservation Officer:

Design:

- Whilst steps have been made to assist breaking up the massing, the scale of the development would be clearly noticeable in the street and increase the overall massing in Love Walk at the eastern end
- The design has evolved over the course of several pre-application meetings and has been simplified and reordered to better reflect the local brick facades and vertical emphasis
- The proposals are large and would have an impact on the intimate character of Love Walk, all opportunities have been taken to improve the design and architecture as part of an iterative process
- On balance, taking into account the specific requirements of the occupiers, the design meets the requirements of P13 and P15 of the Southwark Local Plan
- Request conditions to secure samples of materials, section of windows, doors and details of glazing to lobby/atrium
- Overall, no objection on design grounds.

207. Impact on heritage assets, setting and visual impact requirements:

- Camberwell Grove Conservation Area – The proposed development would be significantly larger than the existing adding two further storeys, overall the harm would be less than substantial as there would only be harm to one area of the conservation area as a whole. The harm is also not substantial because part of the character of this sub section of the conservation area includes some large buildings of health and care use. If the application demonstrates public benefit, then the application would meet the requirements of para 202 of the NPPF.
- 18-60 Grove Lane – Grade II Listed. The harm would be minor, well within the less than substantial range of harm. Again, if the application demonstrates public benefit, then the application would meet the requirements of para 202 of the NPPF.

208. Transport Policy:

- Proposal would not generate a significant transport impact

- A 1.8m footway is required on the Love Walk frontage of the proposed development
- D/CEMP will be required.
- Further details of the proposed long-stay cycle parking in the basement
- Further details are required of the proposed delivery and servicing arrangements.

209. Highways Officer:

- The Highway Authority requires the provision of a minimum 1.8m wide footway from the kerb line along the Love Walk frontage
- S278/38 to complete the following works: repave the footway and new kerbing fronting the development with Love Walk, upgrade the existing crossover onto Love Walk, repair any damage to the highway, offer for adoption the strip of land between the public highway boundary and building line.

210. Urban Forester:

- There are some reservations with the usability of the communal open space – a courtyard would be preferred
- The proposal exceeds the baseline UGF requirement for the site
- The existing trees on the site are generally low quality on the site; no objection subject to securing the tree contribution of £56,434 in the s106 legal agreement
- Would request that a pre-commencement condition is attached to ensure officers can visit the site and allow for any on-site recommendations given the status of the TPO London Plane Tree.

211. Ecology:

- Satisfied with the ecological assessment that has been undertaken.
- The Biodiversity Net Gain score is 17.28% which exceeds the minimum requirement.
- Recommended the following conditions to secure 3 integral bat bricks/tubes, 4 integral swift bricks and further details of soft landscaping, green roof, trees and nesting features.

212. Flood Risk Management:

- No objection subject to condition to ensure that no works commence until full details of the proposed surface water drainage system incorporating SuDS have been submitted
- The development shall not be occupied until a drainage verification report has been submitted.

213. Environmental Protection Team:

- No objection subject to conditions to control residential internal noise levels, plant noise, protection from vibration, air quality, details of the emergency generator, artificial/external lighting, land contamination,

DCEMP, construction logistics plan and an asbestos survey.

214. Local Economy Team:

- No comments as the proposed development falls below the threshold for construction job obligations.

215. Metropolitan Police – Secure by Design

- No objection subject to a two-part condition being attached to ensure the development incorporates security measures to minimise the risk of crime and meet the specific security needs of the development
- Any such security measures shall be implemented prior to occupation and shall seek to achieve the secured by design accreditation by the Metropolitan Police.

216. Planning policy – Energy and sustainability

- Satisfied that the amended energy statement addresses the requirements of Policies P69 and P70 of the Southwark Plan
- The tables for the energy hierarchy are consistent
- Agreed that a carbon off-set contribution of £48,007 is required and that the Be Seen monitoring should be secured in the s106 legal agreement.

Consultation responses from external consultees

217. Summarised below are the material planning considerations raised by external consultees.

218. The Camberwell Society:

- Objection
- The applicant's account of their design intentions to meet the requirements of the proposed elderly residents did not correspond to the design that they have submitted for planning. The applicant's stated mission is: "Personalised care is provided in "households" where care rooms are arranged in small social groupings with their own lounge, dining area and ancillary spaces including support facilities"
- This is not what the drawings show: the building consists of two slab blocks of 3-4 storeys, the elevations characterised by repetitive arrangements of window openings and masonry
- The bedrooms are arranged along corridors, two thirds of which have no natural lighting. The communal rooms also lead off these corridors, and are mostly barely bigger than the bedrooms they are intended to serve. The only dining room is on the ground floor
- There is extremely limited access for the residents to outdoor space, most of which is on the Love Walk and Kerfield Place ground floor street frontages, and probably beyond the unassisted reach of residents suffering from dementia. More use could be made of roof gardens, which could provide amenity space close to the bedrooms

- The applicant's stated objective to provide a series domestic scale groupings of bedrooms and communal facilities, each with its own recognisable character, where the residents could feel at home, is a worthy one. This is not the design to achieve such an objective
- The likely impact of the proposal on this prominent site adjacent to the Conservation Area was thought to be damaging. The immediate surroundings of the care home is characterised by two storey detached houses, pavilions in a landscape, in which environment this three and four storey block would be an unsympathetic addition.

Officer comment: additional information has been requested from the applicant in relation to the quality of accommodation (see Paragraph 106).

219. Thames Water:

- No objection to the proposed development
- Recommend that an informative is attached to any permission.

Community impact statement / Equalities Assessment

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

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

222. 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.

223. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
224. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
225. This development would result in the relocation of the existing residents who are vulnerable adults with varying disabilities and social care needs aged between 43-77. It has been confirmed by the applicant that 10 of the existing residents will move to Mission Care's Home, The Elms, which is located in Bickley, Bromley, and the remainder will move to other non-Mission Care homes in Southwark or in their home borough.
226. The new care home would provide accommodation for older adults with dementia. The positive impacts of the proposed development that have been identified throughout this report:
- Providing high quality en-suite bedrooms for adults with dementia, all of which will be wheelchair accessible
 - Although the care home is currently operated by a Christian charity, residents have been and will continue to be from all religions. A quiet room within the new development will be able to be used a prayer room
 - The new care home would provide additional jobs, there are currently 31 full time equivalent (FTE) employment opportunities, this would increase to 85 (FTE).
227. Officers are satisfied that equality implications have been carefully considered throughout the planning process and that Members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

Human rights implications

228. This planning application engages certain human rights under the Human Rights Act 1998 (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.
229. This application has the legitimate aim of providing a replacement care facility for adults with dementia. The proposal would result in the relocation of the existing residents to alternative care facilities. The applicant has confirmed that the existing residents and their families will be supported during the relocation. 10 of the existing residents will move to Mission Care's home The Elms in Bickley, Bromley, and the remaining residents will be relocated to non-Mission Care homes in Southwark or their home borough. 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

230. The council has published its development plan on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
231. 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

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

CONCLUSION

233. The proposed redevelopment of the site would provide 63 en-suite bedrooms within a new high quality care facility for adults with dementia. The proposed development would contribute to meeting the local need for dementia care homes within Southwark in accordance with the aims of the Southwark Plan (2022) and the London Plan (2021).
234. The proposed new care home building is of a significant large scale and would have an impact on the intimate nature of Love Walk, however, it is considered that opportunities have been taken to improve the design and architecture, whilst ensuring that it meets the specific requirements of the occupiers. In relation to the heritage assets, there would be some minor harm to the setting of the Camberwell Grove conservation area and 18-60 Grove Lane (Grade II Listed). The harm is considered to be well within the less than substantial range. The key public benefit, which is given significant weight in the planning balance, is the provision of a specialist dementia care facility; therefore it is considered that the public benefits provide the clear and convincing justification for the development sufficient to satisfy the test in the NPPF (2021).
235. There would be no significant impact on neighbouring amenity, with the majority of neighbouring properties meeting the BRE criteria and overall these harms are considered to be acceptable when balanced against the significant benefits the

scheme would deliver. Subject to conditions the proposal is considered to be acceptable in relation to all other planning considerations.

236. It is therefore recommended that planning permission be granted, subject to conditions and the timely completion of a s106 Legal Agreement.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file:TP 2071-10 Application file: 23/AP/0330 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries: 020 7525 0254 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	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Steve Platts, Director of Planning and Growth	
Report Author	Zoe Brown, Team Leader	
Version	Final	
Dated	20 June 2023	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team	23 June 2023	

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	Via Agent Mission Care	Reg. Number	23/AP/0330
Application Type	Major application		
Recommendation	GRANT subject to Legal Agreement	Case Number	2071-10

Draft of Decision Notice**Grant subject to Legal Agreement for the following development:**

Demolition of all existing buildings on site and comprehensive redevelopment to provide a part-three and part-four storey new care home (Class C2 - Residential Institutions), including up to 63 bedrooms each with wet room, plus cycle parking, refuse/recycling storage, mechanical and electrical plant, new sub-station, landscaping and green/living walls, amenity areas, perimeter treatment and associated ancillary works.

10 Love Walk London Southwark SE5 8AE

In accordance with application received on 7 February 2023 and Applicant's Drawing Nos.:

THE LOCATION PLAN 19-236- SGP-B1- ZZ-DR-A- 130002 received 07/02/2023

19-236-SGP-B1- B1-DR-A- 131105-P6 PROPOSED BASEMENT FLOOR PLAN received 20/06/2023

19-236-SGP-B1-00-DR-A-131100-P6-PROPOSED GROUND FLOOR PLAN received 20/06/2023

19-236-SGP-B1-04-DR-A-131104-P6-PROPOSED ROOF PLAN received 20/06/2023

19-236-SGP-B1-ZZ-DR-A-131001-P6-PROPOSED SITE PLAN received 20/06/2023

19-236-SGP-B1-01-DR-A-131101-P4-PROPOSED FIRST FLOOR PLAN received 11/05/2023

19-236-SGP-B1-02-DR-A-131102-P4-PROPOSED SECOND FLOOR PLAN received 11/05/2023

19-236-SGP-B1-03-DR-A-131103-P4-PROPOSED THIRD FLOOR PLAN received 11/05/2023

19-236-SGP-B1-ZZ-DR-A-131002-P5-PROPOSED SITE PLAN - ANALYSIS received 20/06/2023

19-236-SGP-B1-ZZ-DR-A-131201-P5-PROPOSED SECTIONS - SHEET 01 received 20/06/2023

19-236-SGP-B1-ZZ-DR-A-131203-P2-PROPOSED SECTIONS SHEET 03 received 30/05/2023

19-236-SGP-B1-ZZ-DR-A-131303-P6-PROPOSED CONTEXTUAL ELEVATIONS received 20/06/2023

19-236-SGP-B1-ZZ-DR-A-131304-P4-PROPOSED ELEVATIONS - COMPARISON received 30/05/2023

19-236-SGP-B1-ZZ-DR-A-920101-P5-PROPOSED GROSS INTERNAL AREA PLA received 30/05/2023

19-236-SGP-B1-ZZ-DR-A-920102-P6-AREA PLANS - EXTERNAL GREEN AREA received 20/06/2023

19-236-SGP-B1-ZZ-DR-A-131003-P6 GROUND FLOOR SECTION 278 WORKS received 20/06/2023

LOVE WALK UPDATED PROPOSED EXTERNAL MECHANICAL PLANT LAYOUT ROOF LEVEL received 02/06/2023

221287-PEV-XX-XX-DR-L-0302-P5 COMPREHENSIVE LANDSCAPE MASTERPLAN received 20/06/2023

221287-PEV-XX-XX-DR-L-0303-P6 HARD AND SOFT LANDSCAPE GA (GROUND LEVEL) received 20/06/2023

221287-PEV-XX-XX-DR-L-0304-P6 HARD AND SOFT LANDSCAPE GA (UPPER LEVELS) received 20/06/2023

221287-PEV-XX-XX-DR-L-0305-P5 URBAN GREENING FACTOR SITE PLAN received 20/06/2023

19-236-SGP-B1-ZZ-DR-A-131901-P6-PROPOSED AXONOMETRIC VIEWS received 20/06/2023

Time limit for implementing this permission and the approved plans

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

Reason:

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

Permission is subject to the following Pre-Commencements Conditions

3. No development shall take place, including any works of demolition, until a written Demolition Construction Environmental Management Plan (DCEMP) has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:
- o ' A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures
 - o ' Site perimeter continuous automated noise, dust and vibration monitoring;
 - o ' Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
 - o ' Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
 - o ' A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic ' Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
 - o ' Site Waste Management ' Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
 - o ' A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London

To follow current best construction practice, including the following:-

- o ' Southwark Council's Technical Guide for Demolition & Construction at <http://www.southwark.gov.uk/construction>
- o ' Section 61 of Control of Pollution Act 1974,
- o ' The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition',
- o ' The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites',
- o ' BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise',
- o ' BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration'
- o ' BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration,
- o ' BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
- o ' Relevant Stage emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 as amended & NRMM London emission standards <http://nrmm.london/>

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

Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity), and the National Planning Policy Framework 2021.

4. a) Prior to the commencement of development works, an intrusive site investigation and associated risk assessment shall be completed to fully characterise the nature and extent of any contamination of soils and ground water on the site.

b) In the event that contamination is found that presents a risk to future users or controlled waters or other receptors, a detailed remediation and/or mitigation strategy shall be prepared and submitted to the Local Planning Authority for approval in writing. The strategy shall detail all proposed actions to be taken to bring the site to a condition suitable for the intended use together with any monitoring or maintenance requirements. The scheme shall also ensure that as a minimum, the site should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out and implemented as part of the development.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P64 (Contaminated land and hazardous substances), and the National Planning Policy Framework 2021.

5. Prior to the commencement of any demolition of the existing building or external structures on the site, an Asbestos Survey including an intrusive survey in accordance with HSG264, supported by an appropriate mitigation scheme to control risks to future occupiers must be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme must identify potential sources of asbestos contamination and detail removal or mitigation appropriate to the proposed end use. The development must be carried out in accordance with the details thereby approved.

Reason: To ensure that risks from potential asbestos are appropriately managed, in accordance with Southwark Plan 2022 Policy P64 (Contaminated

land and hazardous substances) and the National Planning Policy Framework 2021.

6. No development shall take place, including any works of demolition, until a Construction Logistics Plan to manage all freight vehicle movements to and from the site in connection with the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall identify all efficiency and sustainability measures that will be taken during construction of this development. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority. Further information and guidance is available at <http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf>

Reason: To ensure that construction works do not have an adverse impact on the transport network in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P65 (Improving air quality), and the National Planning Policy Framework 2021.

7. No development shall take place, including any works of demolition, until the developer provides a detailed noise impact assessment to be approved by the LPA. The contents of the noise impact assessment will include the following:-
- o ' Background noise levels representing the noise climate for the whole site (referencing to
 - o the Noise Assessment Report referenced 14003A-2 by Noise Consultants Ltd and dated 24 January 2023)
 - o ' Noise from the ground-works phase
 - o ' Noise from the construction phase
 - o ' Noise from the use phase of each of the use classes proposed
 - o ' Noise from servicing
 - o ' Proposed mitigation of identified sources where necessary.

Reason: To safeguard the amenity of neighbouring residential properties in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

8. Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. a) A pre-commencement meeting shall be arranged, the details of

which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal. b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant. c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Southwark Plan 2022: P56 Protection of amenity; P57: Open space; P58: Open water space; P59: Green infrastructure, P66 Reducing noise pollution and enhancing soundscapes, P13: Design of places; P14: Design quality; P15: Residential design, P20: Conservation areas; P21: Conservation of the historic environment and natural heritage and P60 Biodiversity.

9. Prior to the commencement of development (excluding demolition and site clearance) an addendum to the Basement Impact Assessment prepared by Curtins (081732.100-CUR-XX-XX-T-GE-0001 P3) dated 20th June 2023 shall be submitted incorporating the results of the updated ground investigations, including groundwater monitoring and borehole testing and approved in writing by the Local Planning Authority. The update should include an assessment of the continuation and fluctuations of groundwater flows, and whether the lowest point of the basement is above, or below the recorded groundwater levels

recorded from the ground investigations, and any mitigation measures required. The development and mitigation measures shall be carried out in accordance with the approved details.

Further details on the preparation of BIA's for flood risk can be found in Appendix I of Southwark's Strategic Flood Risk Assessment:

27 www.southwark.gov.uk/environment/flood-risk-management/strategic-floodriskassessment-sfra?chapter=2. Please note that Basement Impact Assessments should be proportionate, and risk-based in terms of flooding.

Reason: In accordance with Policy P68 (Reducing flood risk) of the Southwark Plan 2022 to minimise the potential for the site to contribute to changes in groundwater conditions and any subsequent flooding in accordance with the Southwark Strategic Flood Risk Assessment (2017).

10. Prior to the commencement of development (excluding demolition and site clearance) details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance, as detailed in the Drainage Strategy prepared by Clancy Consulting (ref: Drainage Strategy Report Love Walk Care Home, 10 Love Walk, Southwark, London, SE5 8AE - Rev 02, dated January 2023) and the supporting documentation prepared by Curtins Consulting (ref: Curtins Response to LLFA and Love Walk Flood Exceedance Plan, both Dated 14 June 2023; and ref: Curtins Response to LLFA, Dated 25 May 2023). The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details.

Reason:

To minimise the potential for the site to contribute to surface water flooding in accordance with Southwark's Strategic Flood Risk Assessment (2017) and Policy SI 13 of the London Plan (2021).

Permission is subject to the following Grade Conditions

11. Before any above grade works hereby authorised begins, details of the means of privacy screening for the first and second floor terraces (east side which is adjacent to 10A Love Walk) and boundary treatments around the amenity areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. Privacy screen shall be retained at all times that the

building is occupied.

Reason

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

12. Before any above grade works hereby authorised begins details of particulars and details of a scheme for the extraction and ventilation of the standby generator shall be submitted to be approved in writing by the Local Planning Authority. The generator and associated flue should not be positioned adjacent or directly facing habitable windows to neighbouring properties. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that proposed emergency generator will not cause amenity impacts such fumes and will not detract from the appearance of the building in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P65 (Improving air quality), and the National Planning Policy Framework (2021).

13. Prior to above grade works commencing (excluding demolition and site investigation works) material sample panels of all external facing materials to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with 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).

14. Prior to commencement of any works above grade (excluding demolition and site investigation works), detailed drawings at a scale of 1:5 or 1:10 through:

- i) all windows;
- ii) all doors;
- ii) the glazing to the lobby/atrium

shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the Local Planning Authority may be satisfied as to the quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policy D4 (Delivering good design) of the London Plan, and Policies P13 (Design of places) and P14 (Design quality) of the Southwark Plan.

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

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D11 (Safety, security and resilience to emergency) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality) and Policy P16 (Designing out Crime) of the Southwark Plan (2022).

16. Part 1: Before any above grade work hereby authorised begins, details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity green roofs shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);
 - laid out in accordance with agreed plans; and
 - planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity green roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Part 2: Full Discharge of this condition will be granted once the green roof(s) are completed in full in accordance to the agreed plans. A post completion

assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason:

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

17. Before any above grade work hereby authorised begins, details of the green walls shall be submitted to and approved in writing by the Local Planning Authority. The roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The green wall and roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the Walls and Southwark Council agreeing in writing the submitted plans.

Reason:

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

18. Before any above grade work hereby authorised begins, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- Soft landscaping;
- Green roof;
- Green walls;
- Trees; and
- Nesting features.

Reason:

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

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

Reason:

In the interests of visual and residential amenity in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivery good design) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P15 (Residential Design) and Policy P56 (Protection of Amenity) of the Southwark Plan (2022).

20. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and

Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

21. Before any above grade work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose, and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T5 (Cycling) of the London Plan (2021); Policy P53 (Cycling) of the Southwark Plan (2022).

22. Before any above grade work hereby authorised begins, details (1:50 scale drawings), including storage capacity, elevation and external materials, of the facilities to be provided for refuse storage shall be submitted to and approved in writing by the Local Planning Authority.

The refuse storage arrangements shall be provided as detailed on the drawings approved and shall be made available for use by the occupiers of the building. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P56 (Protection of amenity) and Policy P62 (Reducing waste) of the Southwark Plan (2022).

Permission is subject to the following Pre-Occupation Conditions

23. Details of Swift nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission. No less than 4 nesting bricks shall be provided and the details shall include the exact location, specification and design of the habitats.

The bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The Swift nesting bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter. 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).

24. Details of bat nesting bricks/tubes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission. No less than 3 nesting bricks/tubes shall be provided and the details shall include the exact location, specification and design of the habitats. The bricks/tubes shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting bricks/tubes 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).

25. Prior to the new development being first brought into use / occupied, a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures shall be submitted to and approved by the Local Planning Authority. This shall include:

The monitoring shall be carried out and reported to the Local Planning Authority in accordance with the agreed scheme for a period of 30 years. Surveys should be undertaken in years 1, 3, 5, 7, 10, 15, 20, 25 and 30.

Species results will be submitted to the London Biological Records Centre, Greenspace Information for Greater London (GIGL).

Reason: to comply with the Biodiversity Net Gain requirements of the Environment Act 2021 and Southwark Plan Policy 2022 P60 Biodiversity. To measure the effectiveness of biodiversity mitigation and/or enhancement measures, to see whether the measures achieve the expected biodiversity benefits.

26. Prior to the new development being first brought into use/occupied, a drainage verification report prepared by a suitably qualified engineer has been submitted to and approved in writing by the Local Planning Authority. The report shall provide evidence that the drainage system (incorporating SuDS) has been constructed according to the approved details and specifications (or detail any minor variations where relevant) as detailed in the Drainage Strategy prepared by Clancy Consulting (ref: Drainage Strategy Report Love Walk Care Home, 10 Love Walk, Southwark, London, SE5 8AE - Rev 02, dated January 2023) and the supporting documentation prepared by Curtins Consulting (ref: Curtins Response to LLFA and Love Walk Flood Exceedance Plan, both Dated 14 June 2023; and ref: Curtins Response to LLFA, Dated 25 May 2023) and shall include plans, photographs and national grid references of key components of the drainage network such as surface water attenuation structures, flow control devices and outfalls. The report shall also include details of the responsible management company.

Reason: To ensure the surface water drainage complies with Southwark's Strategic Flood Risk Assessment and Policy SI 13 of the London Plan (2021).

Permission is subject to the following Compliance Conditions

27. Any external lighting system installed at the development shall comply with Institute of Lighting Professionals Guidance Note 01/21 'Guidance notes for the reduction of obtrusive light'

Reason: In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with the Southwark Plan 2022 Policy P16 (Designing out crime); Policy P56 (Protection of amenity), and the National Planning Policy Framework 2021.

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

- o Bedrooms - 35dB LAeq T', 30 dB LAeq T*, 45dB LAFmax T *
- o Living and Dining rooms- 35dB LAeq T '
- o Night-time 8 hours between 23:00-07:00
- o Daytime 16 hours between 07:00-23:00.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

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

Suitable acoustic treatments shall be used to ensure compliance with the above standard. A validation test shall be carried out and the results submitted to the Local Planning Authority for approval in writing to demonstrate compliance with the above standard. Once approved the plant and any acoustic treatments shall be permanently maintained thereafter.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

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

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity), and the National Planning Policy Framework 2021.

31. Domestic gas boilers (AQMA only) ' standard. Any domestic gas boilers shall meet 'ultra-low NOx' criteria such that the dry NOx emission rate does not exceed 40mg/kWh.

Reason

To minimise the impact of the development on local air quality within the designated Air Quality Management Area in accordance with the Southwark Plan 2022 Policy P65 (Improving air quality); Policy P70 (Energy), and the National Planning Policy Framework 2021.

32. The development must be carried out in accordance with the provisions of the Fire Statement prepared by Innovation Fire Engineering (ref: 2204413L Issue 2) dated 23/01/2023, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the development incorporates the necessary fire safety measures in accordance with the London Plan 2021 Policy D12 (Fire Safety).

Permission is subject to the following Special Conditions

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

accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan (2022).

Informatives

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide ["working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures."](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes) <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

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

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

Planning Policies

Relevant Planning Policy

National Planning Policy Framework (NPPF 2021)

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

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 10 Supporting high quality communications
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

The London Plan (2021)

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

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D3 Optimising site capacity through design-led approach

- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D10 Basement development
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H13 Specialist older persons housing
- HC1 Heritage conservation and growth
- G1 Green Infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T5 Cycling
- T6 Car parking
- 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:

- SP1 – Homes for all
- SP2 – Southwark Together
- SP5 - Thriving neighbourhoods and tackling health inequalities
- SP6 – Climate Emergency

- AV.05 – Camberwell Area Vision
- P7 – Housing for Older People
- P10 – Supported Housing and Hostels
- P13 – Design of Places
- P14 – Design Quality
- P15 – Residential Design
- P16 – Designing out crime
- P18 – Efficient Use of Land
- P20 – Conservation Areas
- P21 – Conservation of the Historic Environment and Natural Heritage
- P23 – Archaeology
- P26 – Local List
- P45 – Healthy Developments
- P49 – Public transport
- P50 – Highways impacts
- P51 – Walking
- P53 – Cycling
- P54 – Car Parking
- P56 – Protection of Amenity
- P60 – Biodiversity
- P61 – Trees
- P62 – Reducing waste
- P65 – Air Quality
- P66 – Reducing noise pollution and enhancing soundscapes
- P67 – Reducing water use
- P68 – Reducing flood risk
- P69 – Sustainability standards
- P70 – Energy
- PIP3 – Community Infrastructure Levy and Section 106 Planning Obligations

APPENDIX 3**Relevant planning history**

No relevant planning history

Consultation undertaken

Site notice date: 15/03/2023

Press notice date: 16/03/2023

Case officer site visit date: 15/03/2023 and 03/05/2023

Neighbour consultation letters sent: 13/03/2023

Internal services consulted

Environmental Protection

Flood Risk Management & Urban Drainage

Highways Development and Management

Transport Policy

Transport Policy

Design and Conservation Team [Formal]

Local Economy

Ecology

Highways Development and Management

Flood Risk Management & Urban Drainage

Urban Forester

Waste Management

Community Infrastructure Levy Team

Statutory and non-statutory organisations

EDF Energy

Metropolitan Police Service (Designing Out Crime)

Thames Water

Neighbour and local groups consulted:

Flat 8 27 De Crespigny Park London	54 Grove Lane London Southwark
Flat 2 17 De Crespigny Park London	64 Grove Lane London Southwark
7 Kerfield Place London Southwark	66 Grove Lane London Southwark
19 Kerfield Place London Southwark	66A Grove Lane London Southwark
24 Allendale Close London Southwark	66B Grove Lane London Southwark
14 Kerfield Place London Southwark	17 Allendale Close London Southwark
11 Kerfield Place London Southwark	United Reform Church Love Walk London
Flat 16 72 Grove Lane London	56-58 Grove Lane London Southwark
5 Evesham Walk London Southwark	3 Love Walk London Southwark
Flat A 39 Grove Lane London	62 Grove Lane London Southwark
31 Love Walk London Southwark	7 Love Walk London Southwark
Flat B 39 Grove Lane London	46 Grove Lane London Southwark
Flat 5 32 Camberwell Grove London	70 Grove Lane London Southwark
23B De Crespigny Park London Southwark	15 Allendale Close London Southwark
15 Kerfield Place London Southwark	10B Love Walk London Southwark
65 Grove Lane London Southwark	60 Grove Lane London Southwark
Flat 20 72 Grove Lane London	48 Grove Lane London Southwark
14 Cuthill Walk London Southwark	40 Grove Lane London Southwark
Flat B 29 De Crespigny Park London	34 Grove Lane London Southwark
9 Allendale Close London Southwark	11E Love Walk London Southwark
Flat A 43 Grove Lane London	8 Love Walk London Southwark
Basement Flat 18 Grove Lane London	4 Love Walk London Southwark
9 Kerfield Place London Southwark	5 Cuthill Walk London Southwark
11 Allendale Close London Southwark	20 Allendale Close London Southwark
28 Grove Lane London Southwark	21 Allendale Close London Southwark
30 Grove Lane London Southwark	19 Allendale Close London Southwark
32 Grove Lane London Southwark	16 Allendale Close London Southwark

14 Allendale Close London Southwark
 52 Grove Lane London Southwark
 50 Grove Lane London Southwark
 44 Grove Lane London Southwark
 42 Grove Lane London Southwark
 38 Grove Lane London Southwark
 36 Grove Lane London Southwark
 7 Cuthill Walk London Southwark
 6 Cuthill Walk London Southwark
 4 Cuthill Walk London Southwark
 3 Cuthill Walk London Southwark
 2 Cuthill Walk London Southwark
 1 Cuthill Walk London Southwark
 11F Love Walk London Southwark
 11D Love Walk London Southwark
 11C Love Walk London Southwark
 11B Love Walk London Southwark
 11A Love Walk London Southwark
 10A Love Walk London Southwark
 12 Love Walk London Southwark
 6 Love Walk London Southwark
 5 Love Walk London Southwark
 2 Love Walk London Southwark
 68 Grove Lane London Southwark
 68B Grove Lane London Southwark
 68A Grove Lane London Southwark
 Ground Floor Rear Flat 34 Grove Lane London
 Flat 13 72 Grove Lane London
 3 Evesham Walk London Southwark
 12 Evesham Walk London Southwark
 Flat A 32 Love Walk London
 11 De Crespigny Park London Southwark
 Flat D 25 De Crespigny Park London
 Flat 4 32 Camberwell Grove London
 23A De Crespigny Park London Southwark
 Flat 6 27 De Crespigny Park London
 35 Grove Lane London Southwark
 13-15 De Crespigny Park London Southwark
 2 Mary Boast Walk London Southwark
 5 Kerfield Place London Southwark
 Top Flat 55 Grove Lane London
 Flat 2 32 Camberwell Grove London
 4 Evesham Walk London Southwark
 Flat 23 72 Grove Lane London
 Ground Floor Flat 19 De Crespigny Park London
 Flat A 25 De Crespigny Park London
 30 Camberwell Grove London Southwark
 22 Allendale Close London Southwark
 67 Grove Lane London Southwark
 Flat 5 72 Grove Lane London
 Flat 3 72 Grove Lane London
 Flat 19 72 Grove Lane London
 Flat 1 72 Grove Lane London
 5 Allendale Close London Southwark
 22 Grove Lane London Southwark
 45 Grove Lane London Southwark
 41 Grove Lane London Southwark
 The Crooked Well 16 Grove Lane London
 59 Grove Lane London Southwark

12 Kerfield Place London Southwark
7 Evesham Walk London Southwark
8 Kerfield Place London Southwark
23 Allendale Close London Southwark
Basement Flat 19 De Crespigny Park
London
6 Kerfield Place London Southwark
2 Kerfield Place London Southwark
29 Kerfield Crescent London Southwark
Flat B 43 Grove Lane London
13 Evesham Walk London Southwark
Flat 3 32 Camberwell Grove London
9 Cuthill Walk London Southwark
Flat 24 72 Grove Lane London
21 De Crespigny Park London
Southwark
Flat H 25 De Crespigny Park London
Flat 1 32 Camberwell Grove London
3 Kerfield Place London Southwark
16 Kerfield Place London Southwark
47 Grove Lane London Southwark
Flat 9 72 Grove Lane London
8 Allendale Close London Southwark
7 Allendale Close London Southwark
8 Hascombe Terrace Love Walk London
10 Cuthill Walk London Southwark
Flat A 29 De Crespigny Park London
29E De Crespigny Park London
Southwark
34 Love Walk London Southwark
12 Allendale Close London Southwark
10 Kerfield Place London Southwark
20 Grove Lane London Southwark

90

Flat 21 72 Grove Lane London
Flat 11 72 Grove Lane London
8 Evesham Walk London Southwark
10 Evesham Walk London Southwark
1 Evesham Walk London Southwark
12 Cuthill Walk London Southwark
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Flat 4 31 De Crespigny Park London
Flat F 25 De Crespigny Park London
First Floor Flat 19 De Crespigny Park
London
24 Grove Lane London Southwark
Flat 7 27 De Crespigny Park London
Flat 3 27 De Crespigny Park London
First Floor 39 Grove Lane London
Flat B 49 Grove Lane London
Flat B 32 Love Walk London
4 Kerfield Place London Southwark
Flat 1 27 De Crespigny Park London
8 Cuthill Walk London Southwark
6 Allendale Close London Southwark
13 Allendale Close London Southwark
13 Kerfield Place London Southwark
1 Kerfield Place London Southwark
28 Kerfield Crescent London Southwark
2 Evesham Walk London Southwark
Flat E 25 De Crespigny Park London
Second Floor Flat 28 Camberwell Grove
London
Store Rear Of 39 Grove Lane London
37 Grove Lane London Southwark
Flat D 29 De Crespigny Park London

Flat 5 27 De Crespigny Park London
 Flat 2 27 De Crespigny Park London
 Living Accommodation 26 Camberwell Grove London
 Flat 1 17 De Crespigny Park London
 Flat G 25 De Crespigny Park London
 Flat 6 72 Grove Lane London
 Flat 14 72 Grove Lane London
 17 Kerfield Place London Southwark
 26 Camberwell Grove London Southwark
 18 Kerfield Place London Southwark
 Flat C 29 De Crespigny Park London
 Flat 17 72 Grove Lane London
 Flat 12 72 Grove Lane London
 Ground Floor Flat 41 Grove Lane London
 Flat 4 27 De Crespigny Park London
 61 Grove Lane London Southwark
 57 Grove Lane London Southwark
 53 Grove Lane London Southwark
 Flat 2 72 Grove Lane London
 Flat 10 72 Grove Lane London
 6 Evesham Walk London Southwark
 15 Evesham Walk London Southwark
 9 Love Walk London Southwark
 First Floor Flat 18 Grove Lane London
 36 Camberwell Grove London Southwark
 30 Love Walk London Southwark
 First Floor And Second Floor Flat 34 Camberwell Grove London
 20 Kerfield Place London Southwark
 65A Grove Lane London Southwark
 51 Grove Lane London Southwark
 Flat 7 72 Grove Lane London
 14 Evesham Walk London Southwark
 11 Evesham Walk London Southwark
 Flat C 25 De Crespigny Park London
 21 Kerfield Place London Southwark
 63 Grove Lane London Southwark
 55 Grove Lane London Southwark
 Flat 8 72 Grove Lane London
 Flat 22 72 Grove Lane London
 Flat 18 72 Grove Lane London
 9 Evesham Walk London Southwark
 Flat 3 31 De Crespigny Park London
 Flat 1 31 De Crespigny Park London
 Flat A 49 Grove Lane London
 13 Cuthill Walk London Southwark
 Flat 6 32 Camberwell Grove London
 Flat B 25 De Crespigny Park London
 Second Floor Flat 19 De Crespigny Park London
 Flat C 39 Grove Lane London
 26 Grove Lane London Southwark
 Flat 4 72 Grove Lane London
 11 Cuthill Walk London Southwark
 Flat 15 72 Grove Lane London
 10 Allendale Close London Southwark

Consultation responses received

Internal services

Environmental Protection

Transport Policy

Transport Policy

Design and Conservation Team [Formal]

Local Economy

Ecology

Highways Development and Management

Flood Risk Management & Urban Drainage

Urban Forester

Community Infrastructure Levy Team

Statutory and non-statutory organisations

Metropolitan Police Service (Designing Out Crime)

Thames Water

Neighbour and local groups consulted:

3 Love Walk London Southwark

20 Allendale Close London Southwark

11D Love Walk London Southwark

62 Grove Lane London LONDON

8 Hascombe Terrace Love Walk London

Bill 45 Grove Lane London

8 Love Walk London SE5 8AD

8 Love Walk London SE5 8AD

11F Love Walk London SE5 8AD
62 Grove Lane London SE5 8ST
55 Grove Lane London
15 Allendale Close London SE5 8SG
8 Hascombe Terrace Love Walk Camberwell London
48 Grove Lane London SE5 8ST
Flat 29 2a Camberwell Grove london
51 Grove Lane Camberwell London
6 Love Walk London SE5 8AD
53a Champion Grove Denmark Hill LONDON
57 Grove Lane London SE58SP
Flat 29 mary Datchelor House London
15 Evesham Walk Camberwell SE5 8SJ
44 Grove Lane London SE5 8ST
6 Love Walk London LONDON
3 Love Walk London SE5 8AD
56 Grove Lane London
2b Camberwell Grove London SE5 8RE
53 Grove Lane London SE5 8SP
4 Kerfield Place London SE5 8SX
44 Grove Lane London SE5 8ST
44 Grove Lane London SE5 8ST
5 Love Walk London SE5 8AD
50 Grove Lane/40 Kerfield Place London SE58ST / SE58SX
49 Grove Lane London SE58SP
The Old School House Church Hill West Hoathly
66A Grove Lane London SE5 8ST
81, Grove Lane Camberwell London
20 Grove Lane London SE5 8ST
White Cottage 65A Grove Lane London
62 Grove Lane London SE5 8ST
50 Grove Lane London SE58ST

59 Grove Lane London SE5 8SP
 40 grove lane London Se58st
 40 Grove Lane London SE5 8ST
 42 Camberwell Grove London SE5 8RE
 15 MARY DATCHELOR HOUSE 2D CAMBERWELL GROVE LONDON
 14 Kerfield Place London SE5 8SX
 15 Evesham Walk Camberwell SE5 8SJ
 Cliftonville 83 Grove Lane, Camberwell, Camberwell Camberwell London
 48 Grove Lane London SE5 8ST
 42 Camberwell Grove London SE5 8RE
 11c Love Walk London SE5 8AD
 30 Grove Lane Camberwell LONDON
 59 Grove Lane London SE5 8SP
 6 Felday Road Lewisham SE13 7HJ
 10b Love Walk London SE5 8AD
 10b Love Walk London SE5 8ST
 21 Allendale Close Camberwell London
 66A GROVE LANE london London
 62 Grove Lane London SE5 8ST
 6 Felday Road London SE13 7HJ
 40 Grove Lane London SE5 8ST
 20 Allendale Close London SE5 8SG
 48 Grove Lane London SE58ST
 26 Grove Lane Camberwell London
 53 Grove Lane Camberwell London
 14 Evesham Walk London SE5 8SJ
 28 Love Walk London SE5 8AD
 5 Love Walk London SE5 8AD
 28 Grove Lane London SE5 8ST
 17 Allendale Close London SE5 8SG
 30 Love Walk Camberwell SE5 8AD
 30 love walk london se5 8ad

34 Grove Lane London Se5 8ST
40 Grove Lane London SE5 8ST
46 Grove Lane London SE5 8ST
14 Cuthill Walk London SE5 8SH
17 Allendale Close London SE5 8SG
51 Grove Lane London SE58SP
1 Kerfield Place London SE58SX
26 Grove Lane London SE5 8ST
11A Love Walk London SE5 8AD
40 Grove Lane, Grove lane Grove lane London
11 de Crespigny Park London SE5 8AB
Flat 3 31 De Crespigny Park London
9 Love Walk London london
83 Grove Lane Camberwell SE5 8SP
31 Love Walk London SE5 8AD
9 Love Walk London london
12 Kerfield Place London SE5 8SX
34 Grove Lane London SE5 8ST
52 Grove Lane LONDON SE5 8ST
3 Love Walk London SE5 8AD
Flat 3, 31 De Crespigny Park London SE5 8AB
2 Evesham Walk London SE5 8SJ
8 Cuthill Walk London SE58SH
42 Camberwell SE5 8ST
11 e Love Walk London SE5 8AD
45 Grove Lane London SE58SP
28 Grove Lane London London
46 grove lane london se5 8st
28 Love Walk London SE5 8AD
7 Love Walk London SE5 8AD
4 Evesham Walk London SE5 8SJ
214 Camberwell Grove London SE5 8RJ

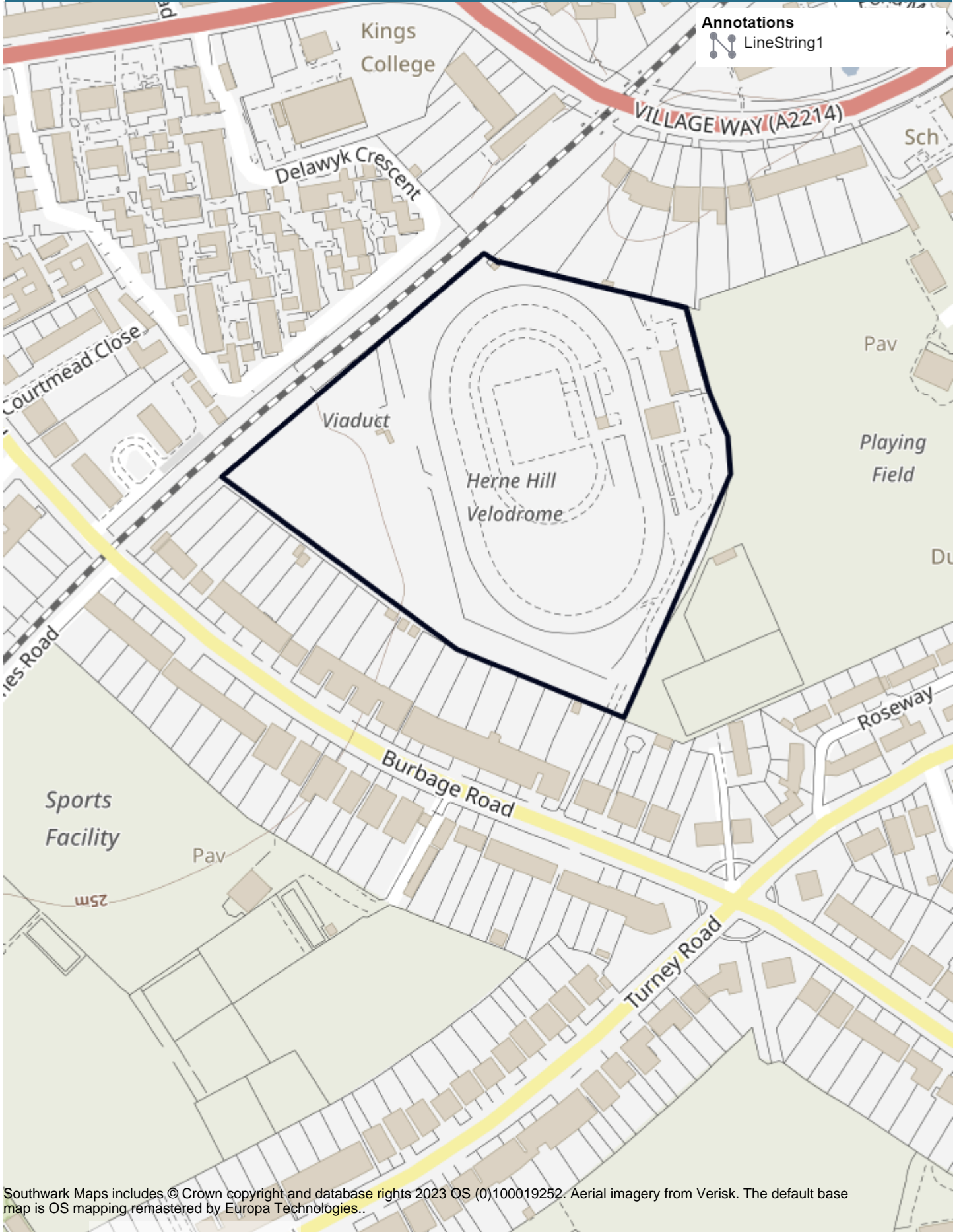
81A Grove Park London SE5 8LE
117 Benhill road London Se57lz
Basement Flat 199 Grove Lane LONDON
22 Oswyth Road London SE58NH
3 Cuthill Walk London SE5 8SH
10A Love Walk London SE5 8AD
Flat 1 Sycamore Court 58 Valmar Road London
Flat 4, 83A Grove Lane London se5 8sn
4 Datchelor Place Camberwell SE57AP
17 Camberwell Grove London SE5 8JA
176 camberwell grove London Se5 8rh
120 Camberwell Grove London SE5 8RQ
43 Camberwell Grove London SE5 8JA
Flat 150, Ruskin Park House Champion Hill London
2d Camberwell Grove London Se5 8fb
62 Rockbourne Road Lower Floor London
3 Cuthill Walk London SE58SH
60 Camberwell Grove London SE5 8RE
Flat 9, Peacock House 38 Saint Giles Road London
Flat 16, Squire House 290 Camberwell Road Camberwell
83c grove lane London Se58sn
200 Paulet road London Se59jf
Flat 3 34a East Dulwich Road London
1 Cuthill Walk London SE5 8SH
130 herne hill road London Se240ah
148 Camberwell Grove Camberwell SE5 8RH
8 Talfourd Place Peckham SE15 5NW
13 harden house McNeil rd London
Flat B 17 Bushey Hill Road London
56 Grove Lane London
11A Dagmar Road London SE5 8NZ
5a Wilson Road Camberwell London

24 Graces Mews London SE5 8JF
43 Camberwell Grove London SE5 8JA
29c De Crespigny Park London SE5 8AB
Flat 5 83a Grove Lane London SE5 8SN
111 Shenley Road Ground Floor Flat London
14 Stootley rise Haslemere Gu271AF
18 Garden Flat Wilson Rd London
80 Shenley Road London SE5 8NQ
48 Grove Lane London SE5 8ST
48 Grove Lane London SE5 8ST
11e Love Walk London SE5 8AD
65A Grove Lane London
29 Love Walk London SE5 8AD
Flat 37 Emperor Apartments 3 Scena Way London



21/AP/3417

Herne Hill Stadium, 104 Burbage Road, London, SE24 9HE



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Item No. 6.2	Classification: Open	Date: 5 July 2023	Meeting Name: Planning Committee (Smaller Applications)
Report title:	Development Management planning application: Application for: Full Planning Application 21/AP/3417 Address: HERNE HILL STADIUM, 104 BURBAGE ROAD, LONDON SOUTHWARK SE24 9HE Proposal: Retrospective planning application for the use of land as a class E(f) outdoor nursery (and temporary use as a holiday club) and the stationing of associated temporary free standing structures. This application is a DEPARTURE APPLICATION: The proposed development is a departure from Policy P57 (Open Space) of the Southwark Plan (2022).		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning and Growth		
Application Start Date: 25/11/21		PPA Expiry Date: 19/01/22	
Earliest Decision Date : 08/05/23			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

BACKGROUND INFORMATION

2. The application is to be heard at planning committee due to the application site forming part of Metropolitan Open Land (MOL). The application was due to be heard at committee on 13 June, however was deferred in response to late representations, the issues identified are summarised in paragraph 19. In order for a comprehensive response to be issued, the applicant requested deferral, which was accepted by the committee. The issues referred to have received a comprehensive response in the relevant sections of the report.

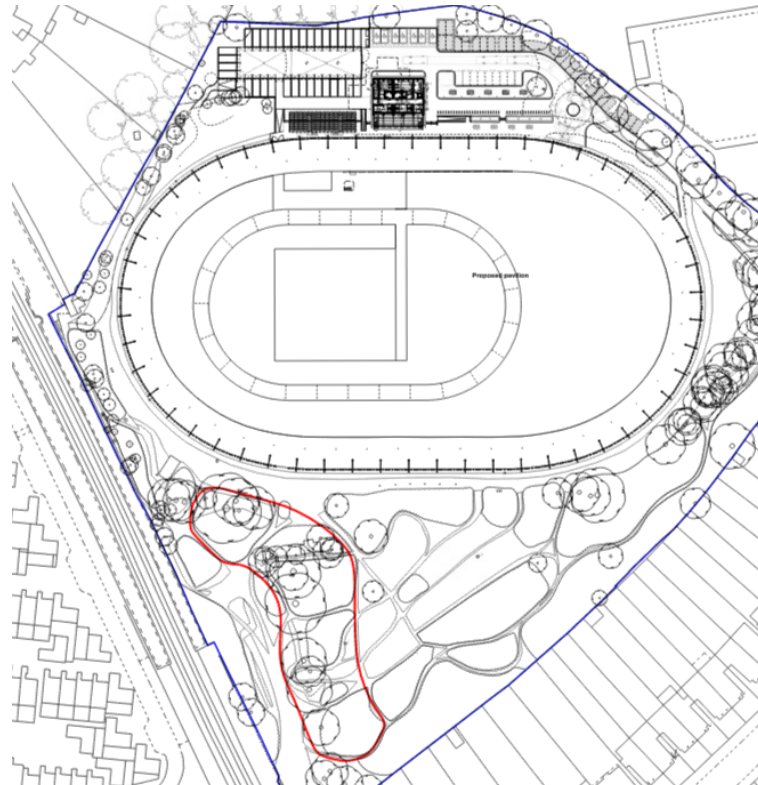
Site location and description

3. The application site is a portion of the lands contained within Herne Hill Velodrome, a cycle and athletics track located off Burbage Road in Dulwich. The site also contains facilities ancillary to the operation of the velodrome, such as a viewing pavilion, club house, WC, changing facilities with associated car and cycle parking. It is noted that the velodrome operates a variety of cycling

based activities on the track and in the wider grounds, the earliest starting at 08:30 and the latest commencing at 19:30 in the summer months. It is noted the use of the wider velodrome site such as the cyclo-cross do not ordinarily overlap, save for the provision of youth holiday clubs, to be discussed in greater depth below.

4. The application site is situated in the south west corner of the velodrome grounds, near the southern boundary that abuts properties on Burbage Road and is flanked to the west by the railway line. The site covers approximately 2365 sqm or 0.23 Hectares. The site where the change of use is proposed is made up of woodland and clearings. It is noted that the land to which the application relates was used in association with the cyclo-cross, for outdoor recreation under use class F2(c), before the forest school was established.

5.



6.



7. The site is subject to the following planning policy designations:

- Dulwich Village Archaeological Priority Zone (APZ)
- Herne Hill Critical Drainage Area (CDA)
- Dulwich Village Conservation Area
- Herne Hill Stadium Metropolitan Open Land (MOL)
- Herne Hill Stadium Site of Importance for Nature Conservation (SINC)

Details of proposal

8. The application has been submitted in response to an active enforcement complaint registered under 20/EN/0297, and follows the issuing of pre-application advice issued under 21/EQ/0126. It is noted that the use of the land for a forest school has been in operation since August 2020 prior to the submission of the enforcement complaint. The proposal seeks retrospective consent for the retention of part of the site, for the use as a forest school. This would function predominantly as a nursery for the majority of the year, catering for young children between the ages of 2 and 4 with a holiday club for older children between the ages of 11 and 16 for 10 weeks of the year, during the school holidays. Generally, student numbers of the nursery have been up to 16, whilst a total of 27 students have been present when the holiday club was in operation, were present at the site.
9. For context, it is noted that Schools Outdoor Dulwich, associated with the Montessori nursery, Under the Willow, lease the land from the Herne Hill Velodrome Trust to undertake the land use in the wider velodrome grounds. The current use, functions as a forest school where the children engage in a mixture of guided and independent learning. This is also facilitated by the provision of temporary free-standing structures that are required for the running of the forest school such as a tent and shed for the storage of equipment and toilets for the users of the site. The proposed use would be undertaken in the south western portion of the site, enclosed in the plan below. The area of

operations for the retained use would be located closest to No.52 Burbage Road, where there would be approximately 53m of clearance distance between the forest school and the rear façade of this property.

10. The dimensions of the free-standing structures are as follows;

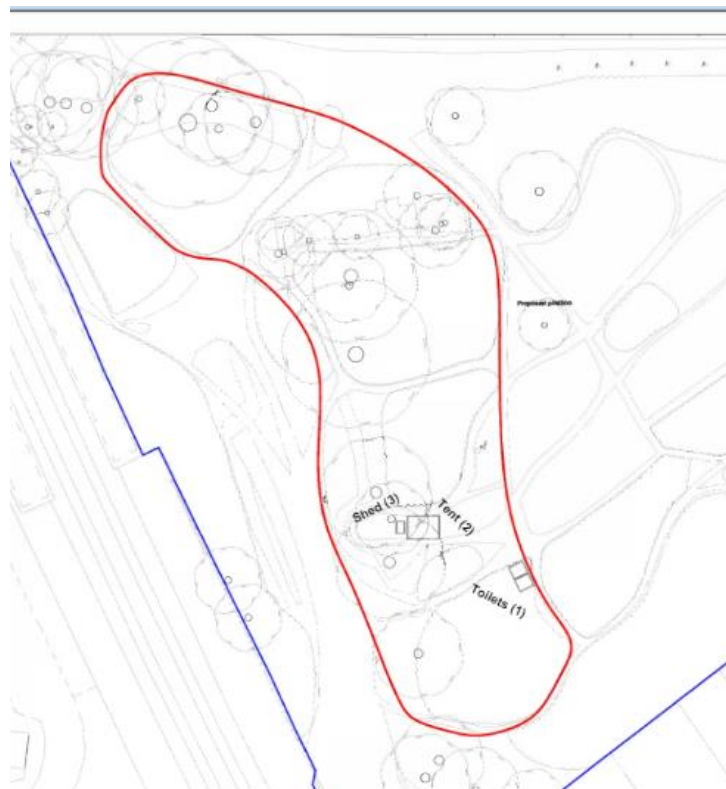
Shed and toilets

- Width: 1.16m
- Depth: 1.77m
- Area: 2.05 sqm
- Maximum height: 2.1m

Tent

- Width: 5m
- Depth: 5m
- Area: 25 sqm
- Maximum height: 3m

11.



12.



Consultation responses from members of the public and local groups

13. During the course of the application's assessment, below a list is provided detailing the consultations that have been undertaken with the dates of their duration;

- Initial neighbour notification (letters): 09/12/21 to 06/01/22
- Site notice: 10/12/21 to 09/01/22
- Press notice: 02/12/21 to 23/12/22

14. The following re-consultations have been undertaken to advertise the application as a departure from the development plan and to publicise amended and additional details;

- Notifications (letters) to neighbours and contributors via email where appropriate: 07/12/22 to 04/01/23
- Site notice: 08/12/22 to 08/01/23
- Press notice: 08/12/22 to 31/12/22

15. The following re-consultations have been undertaken to advertise an amended noise impact assessment and additional details; fire risk assessment and protocol, risk assessment and responses to officer comments.

- Notifications to contributors via email and letter (where no email address has been provided): 17/04/22 to 08/05/23

16. Summarised below are the material planning consideration raised by members of the public, categorised by comments made in support and objection.

17. 43 comments have been received in support of the proposal;

- The premises is a good community and sporting resource
- The continued operation of the nursery helps the viability of the

velodrome

- The proposal offers a good childcare option for local families
- The proposed use is good for the well-being of local children
- The proposal represents constructive use of the MOL and does not prejudice its function or interrupt the other uses of the site
- The proposal does not impact local services
- The proposal supports employment.

18. 45 comments have been received in objection to the proposal;

- The proposal is incompatible with policy for MOL
- The proposal could prejudice the maintenance of the cycle trails and their use by users of the velodrome
- The proposed use could harm the prospects and long term viability and effectiveness of the community sports use
- The structures present detract from the character of the MOL and conservation area
- Insufficient and inaccurate information given on the application form referring to the presence of singular mountain biking trails
- The applicant has not engaged sufficiently with the local community.
- The proposal may lead to additional parking congestion
- The proposal is in breach of condition 10 of permission 15/AP/0790
- The proposal will harm the amenity of nearby neighbours and should be moved further into the site with further mitigations
- The noise impact assessment has not considered the siting of habitable rooms near the boundary
- The noise report is flawed and has not considered the impact of noise peaks from children.
- The proposal leads to smoke pollution from regular fires
- The proposal will harm the natural environment due to its activities
- The proposed operators has not had an OFSTED inspection and may require further safeguarding measures that require planning permission
- Use of raised paths can lead to invasion of privacy due to loss of trees on site
- Fire risks and limitations should be managed to protect children
- The numbers of children proposed must be closely limited, with the number of holiday camp children reduced
- A noise management plan should be implemented to control the noise at source
- The proposed use does not outweigh ecological harm, lights harm bat foraging and disruption to dead wood
- The site has been harmed by works under investigation under 23/EN/0047 and the proposal does not offer biodiversity net gains,
- The proposal contravenes hours operation of 15/AP/0790, failing to model the impact of the 24 or 44 children in total
- The proposal will increase fire risk
- The use of fires will degrade air quality contrary to policy
- The applicant continues to undertake activities without permission
- The noise impact assessment does not account for assessment uncertainty, a noise mitigation plan is required.

19. Following the latest round of re-consultation, which concluded on 8 May 2023, further representations have been received, which have raised the following matters:
- Frequency of noise events
 - Type of noise created relative to surroundings
 - Adverse noise impact created
 - Requirement for noise mitigation
 - Efficacy of proposed noise management condition
 - Non-compliance with pre-application advice given
 - Alleged breach of planning condition 10 of 15/AP/0790
 - Air quality impacts

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 4.

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
 - Design, layout, heritage assets and impact on Borough and London views
 - Fire safety
 - Landscaping and trees
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - Transport and highways
 - Energy and sustainability
 - Ecology and biodiversity
 - Consultation responses, and how the application addresses the concerns raised
 - Community impact and equalities assessment
 - 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 3. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

26. The acceptability of the principle of the land use comprises three factors; whether the proposal will prejudice the continued operation of the Velodrome as a leisure and community use, whether the proposed use is acceptable with regard to impact upon the MOL and whether the provision of an educational use is acceptable in this location.

27. *Impact to community use*

Herne Hill Velodrome is a locally celebrated community and leisure facility, as such its retention is a key material consideration in accordance with policy when assessing the retrospective change of use. Policies P46 'Leisure, arts and culture' and P47 'Community uses'. With respect to this policy it is considered that the continued use of part of the site for the forest school will not curtail the continued operation of the velodrome, as this would be in operation during the weekdays and is limited to the south western portion of the site. Whilst concern has been raised from those who use the dirt tracks for mountain biking on the weekend, the use of the forest school will be limited to the week days, to be secured by condition.

28. Furthermore, the forest school would not be in use on evenings and weekends when the velodrome is likely to be busiest. Following the submission of additional details, the agents have confirmed that the both uses would occur in different parts of the sites and there are sufficient staff members to ensure children from the forest school do not walk onto the tracks in use. Moreover, it is considered that as both operations are considered to be policy compliant, it is for the landowner to determine how the land is used and managed. For the reasons outlined above, the proposal would not curtail the continued operation of the wider velodrome site.

29. *Impact to the character of the MOL*

As the site forms part of MOL, it should be protected from inappropriate development in accordance with national planning policy tests that are applied to Green Belt, as required by Chapter 13 'Protecting the green belt' of the National Planning Policy Framework (NPPF) (2021) and Policy G3 'Metropolitan Open Land' of the London Plan (2021). These policies outline that development in MOL should only be approved in very special circumstances. Paragraphs 149 and 150 of the NPPF outline that such exceptional circumstances can include the provision of appropriate facilities in connection with existing use of land or a change of use for outdoor sport, recreation, cemeteries, burial grounds or allotments, as long as these facilities preserve the openness of the green belt.

30. P57 'Open space' of the Southwark Plan (2022), outlines that development will not be permitted on Metropolitan Open Land (MOL), however in exceptional circumstances, development may be permitted when it consists;

It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or

31. The proposal is listed as a departure application, as the use for the class E(f) use is not cited as related to outdoor sport, recreation, cemetery and cannot be considered ancillary, as the use would be a material change of use. However, it is considered that the retained use would preserve the wider functions of the Velodrome, helping to enhance the viability of the Velodrome Trust and maintains the openness of the MOL. As will be discussed later in the report, the proposed use will use minimal temporary and free standing structures which do not enclose the openness of the MOL and also are supportive of its function in utilising the open space that the MOL presents to the local community.

32. *Provision of an educational facility*

The provision of additional educational infrastructure is considered to be acceptable in this location, where the site would benefit from close access to its users. P27 'Education places' of the Southwark Plan (2022) requires educational infrastructure provides facilities that are shared with the local community. However, this is applicable to where educational infrastructure is contained with major redevelopment schemes and provides sporting, arts and leisure facilities. Due to the scale of this use, this is not applicable in this case. The proposal accords with criteria 2 and 3 as the use would not lead to a loss of existing educational facilities and is not required to accompany a wider need for education places. Criteria 4 refers to the standards that educational facilities are required to meet with regard to space, facilities and internal quality to support a healthy learning environment. Due to the scale and nature of the forest school, and its operations which are predicated on outdoor learning, it is

considered that the proposed use is adequately supported by facilities proportionate to its use. It is noted that some comments refer to the requirement for OFSTED safeguarding mitigations that may require planning permission, however it is considered that compliance with educational standards would not form part of the planning assessment. For the reasons outlined above, the proposal is considered to accord with P27 'Education places' of the Southwark Plan (2022).

Design, layout and heritage assets

33. The application seeks consent for the placement of freestanding and temporary structures in connection with the forest school. These include the provision of one equipment tent, two toilet stalls and one shed, which are illustrated on the 'PROPOSED SITE PLAN', dated 25 November 2021 on the council's online planning register. As such, it is considered that these would have an acceptable impact upon the openness of the surrounding MOL and would preserve the character of the conservation area. Furthermore, a condition will be attached to require the removal of these structures if the use were to cease in the future, thereby returning the MOL to its pre-existing condition. For the reasons outlined above, the proposal is considered to accord with P13 'Design of places', P20 'Conservation areas' and P57 'Open spaces' of the Southwark Plan (2022).

Fire safety

34. The fire safety requirements for minor development such as this are set out in Policy D12(a) of the London Plan (2021). A planning fire strategy statement has been submitted to address each of the criterion which will be discussed below according to their theme.
35. 1) identify suitably positioned unobstructed outside space:
- a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point

It is noted that the activities of the proposed use are carried out beyond the more accessible portions of the site adjacent to the pavilion, and are sited within the wider MOL. The site can be accessed by a fire appliance to serve firefighting personnel if required. Due to the distance from the access lane to the site, it is considered that a fire safety section will be required of a wider operational management plan. It is noted that as an open air site there is plentiful space for the users to occupy as an assembly point, however this would likely to be located near the pavilion of the main velodrome.

36. Criteria 2 and 3 relate to the measures taken to reduce the risk of fire and any potential spread.

2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including

appropriate fire alarm systems and passive and active fire safety measures

3) are constructed in an appropriate way to minimise the risk of fire spread

The fire statement outlines that no substantial buildings are proposed as the tent and sheds are free-standing, as such this criteria is not applicable which is considered reasonable. The statement outlines that an appropriate fire extinguisher will be sited in a designated location onsite, additional details of the location of this equipment can be secured by condition as part of the operational management plan. Moreover, the fire safety protocol outlines that the forest school will not permit smoking or the use of e-cigarettes onsite to reduce the risk of stray sparks causing a fire. In addition, the fire risk assessment outlines that it will be the role of the manager to ensure that a bucket of water is placed next to any open fire and that these are extinguished at the end of the day's activities.

37. *4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users*

5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in

The fire statement outlines that an evacuation strategy mirrors the response to criterion one in that the forest school will use the surrounding space as an evacuation and assembly point and follow an agreed strategy amongst forest school forest school staff. This is considered to be acceptable given the open nature of the site and the relatively low number of pupils that would be present for the majority of the year. The users of the site will have sufficient opportunity to identify a fire hazard, evacuate the children from any hazard to a safe location closer to the pavilion. The fire safety protocol outlines the fire drill procedure, detailing the process by which the alarm is raised, children and staff are moved to a safe location and the emergency services are contacted.

38. *6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

The fire statement, fire safety protocol and fire risk assessment outlines that the staff monitoring the forest school will have access to a fire extinguisher, fire blanket and bucket of water near any open flames, which would be considered to be proportionate to the scale of the risk posed.

39. With regard to the above, it is considered that the planning fire safety strategy is sufficient to demonstrate the ability of the operation to be carried out safely, in accordance with Policy D12(a) of the London Plan (2021).

Landscaping and trees

40. The application has been assessed in consultation with the council's Urban Forester. Initially questions were raised in relation to the placement of structures beneath canopies of the trees, management of toilet and general waste as well as the proximity of near trees.
41. In response to the comments received above, the agent has issued a response to the comments listed above. These outline that the applicants have commissioned a tree survey three years ago and the proposal would utilise safety inspections of the nearby trees in the vicinity of the forest school. With regard to the management of waste, it is noted that the proposal would utilise compost toilets with waste collected by a waste disposal company, therefore would not harm nearby trees. In regard to the use of controlled fires, this has been discussed in the fire safety section of the report and will be subject to further agreement of the management plan.
42. Following further internal discussion with the Urban Forester, it is considered that the application can be supported with the attachment of conditions for ecological enhancement and the planting of 7 trees with a girth of 84cm.
43. For the reasons outlined above, with the attachment of the requested conditions, the proposal is considered to accord with P61 'Trees' of the Southwark Plan (2022).

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

44. The proposal includes the provision of some free-standing structures to facilitate the site's use. Due to the nature and scale of these, these would not be considered to harm the amenity of adjoining occupiers in regard to daylight, sunlight, and outlook or by overlooking. It is noted that some neighbour comments refer to the increase in height of cycle trails and the loss of trees which would overlook neighbours, however no level changes are proposed in this application. Therefore, any works to the existing cycle pathways that form an engineering operation may require permission in their own right and would be subject to another application process. In addition, it is noted that the depth of gardens to properties on Burbage Road would avert a harmful overlooking impact to principal amenity spaces or properties due to garden lengths exceeding 21m. As such the proposal would accord with P56 'Protection of amenity' of the Southwark Plan (2022).

Transport and highways

45. In its current form, the site is accessed via a variety of means with most users of the site arriving on foot and by bike from the local area. It is acknowledged that some users access by car, however this is considered to be the minority of the share of trip generation. It is considered that the site has sufficient capacity

to accommodate additional trips from the users of the nursery.

46. The application has been supported with a transport statement which has been assessed in consultation with the council's transport and highways teams. The transport team raised a number of queries, which have been put to the applicant and have been responded to with a transport addendum. The comments raised by the transport team and their respective responses are discussed below.
47. The first point of the transport comments outlines that the transport statement surveyed journeys to the velodrome in a typical week including the wider uses from the cycling club, it was requested that the journeys from the forest school were presented in isolation. The previously identified percentages for the mode of travel have been applied to the maximum number of pupils that can attend the school, which demonstrates a reduction in the numbers of journeys being made. This would be considered acceptable as the overall number of pupils allowed to access the site is low and can be accommodated by the current access arrangements, particularly when considering that a majority of the site's users are visiting the site by walking or cycling from the local area.
48. Points two and five of the transport team's comments refer to the safety of the shared access land and has requested information on how the shared access lane is managed to safeguard young children and vulnerable pedestrians. The response in the addendum outlines that the shared access lane is operating at present without issue and that young children and vulnerable road users will be accompanied by a parent. Furthermore, the access lane maintains a low speed limit of 5 mph to be responsive to the safety of pedestrians accessing the site. Furthermore, the frequency at which the site is accessed via car for the site's users or for deliveries is not to an extent that would warrant further intervention.
49. The third point of the transport team's comments requested whether any cycle parking has been specifically dedicated to the forest school's users. The addendum outlines that the wider velodrome site has sufficient car and cycle parking facilities which the parents accessing the site may use. Furthermore, these are often not required as very few users are accessing the site by car and those cycling will make onward journeys to work. As such, the existing facilities are more than capable of accommodating the users of the forest school.
50. Point four A request for details of the arrangements for disabled users of the site has been made. The addendum outlines that the wider velodrome site benefits from a disabled parking space and toilet as part of the Pavilion, where the forest school can then be accessed using a level route.
51. The sixth point of the transport comments requests details of the storage facilities for pupil's buggies, bikes and scooters, which should be commensurate with the long stay nature of the site. In response, the addendum has advised that there is a dry storage area for any buggies and that in the experience of the operator's parents often take such items with them. Furthermore, with regard to the cycling facilities at the site, it is considered that whilst the Sheffield stands are open, these are secure and convenient, as is

proportionate to the nature and duration of their use.

52. Points seven and eight of the transport comments seek clarification in regard to the servicing and delivery of the use's operation as well as the location and capacity of waste storage facilities. The addendum response outlines that any servicing for the daily needs of the forest school for the provision of food is undertaken twice a day and is delivered on foot via a trolley from the sister forest school, Under the Willow on Croxted Road. A weekly delivery of fresh fruit and vegetables is delivered to the main tent and is therefore low in frequency and impact. Any further ad-hoc deliveries to the main velodrome can be accommodated by the wider servicing arrangements of the velodrome site.
53. For the reasons outlined above the proposal is considered to accord with P50 'Highway impacts', P51 'Walking', P53 'Cycling' and P54 'Car Parking' of the Southwark Plan (2022).

Noise and vibration

54. *Details submitted*

The application has been supported with the submission of an acoustic impact assessment (AIA), in its fourth iteration, to take account of the methodological concerns raised by both the council's Environmental Protection Team (EPT). The revisions and amendments made are listed below:

- Version 1 – Original issue prior to the application's submission, 15 September 2021
- Version 2 - Minor amendments made, submitted with the application, 17 September 2021.
- Version 3 – Substantial changes made, correction of the number of children present when noise measurements were taken, from 24 to 16.
- Version 4 – Substantial changes made, number of children assessed increased, assessment of the type and nature of the noise undertaken and confirmation of whether the activities undertaken were a typical day provided.

55. The NIAs submitted have also been scrutinised by a letters from Kane Acoustics, commissioned by the residents of Burbage Road, discussion of the most recent of which is provided below.

56. *Site context*

The area surrounding the application site is primarily residential with dwellings abutting the site boundary on the south west and north flanks. The site is also bordered by the railway line running north east to south west along the boundary. As such, the sub-urban location provides a low level of background noise, which is intermittently interrupted by the passing of train and vehicular traffic. It is noted that the operations of the velodrome would also contribute to low level background noise, with most activity occurring on the evenings and weekends in line with the velodrome's activities.

57. *Policy and guidance on noise*

P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022) outlines that development must:

1. *Avoid significant adverse impacts on health and quality of life; and*
2. *Mitigate any adverse impacts caused by noise on health and quality of life; and*
3. *Mitigate and manage noise by separating noise sensitive developments from major noise sources by distance, screening or internal layout, in preference to sound insulation.*

58. The above listed policy is also supported by the council's technical guidance note for noise (as amended) (2019), which makes recommendations on the assessment of noise sources which are not regular such as children's playgrounds, nurseries, sports areas and beer gardens. Section 5.9 of this document recommends the following should be included where no relevant standards exist to guide an acoustic assessment;

- *Comprehensive measurement of examples of the noise source from existing sites operating elsewhere*
- *Comparison and verification of measured data against existing data sources where possible (e.g. from scientific literature or international standards)*
- *Assessment of the existing background level at the receptor location*
- *Calculation of the predicted specific noise level at the façade, gardens and amenity areas of sensitive receptors, based on relevant obtained data*
- *Comparison of noise levels to relevant general standards such as WHO standards and BS8233:2014*
- *Full consideration of the impact of LAFmax noise (for example from door slams, ball strikes, shouts or whistles)*
- *Consideration of the character of the noise and whether this may exacerbate the impact on amenity*
- *Full consideration and reporting of assessment uncertainty**

59. *Findings of the acoustic impact assessment submitted by applicants*

The application has been supported by an updated acoustic impact assessment (AIA), as outlined above. The most recent iteration of the AIA makes an assessment of the operation of the forest school, along with the impact of the 20 additional children in place when the holiday club is in operation as well as the character of the noise and confirms that this is a typical day of activities onsite. Figure 4.3 shows the assessment of background noise levels to be between 39 and 41 dB across the day.

60. Section 4.3.1 of the AIA outlines that an assessment of the forest school's noise activities in situ have been undertaken. The assessment of the noise produced includes $L_{Aeq,T}$ (an average of a fluctuating noise level over a sample period)

and L_{Amax} (the maximum time weighted sound level measured during a given period). Table 4.3 outlines that the highest average sound level of 58.3 dB is recorded between the 08:00 and 08:30 occurs during the drop off children near the entrance of the site. Activities during the rest of the morning were generally quieter, ranging between 45.2 and 50.6 dB average sound levels, where this produced generally higher noise levels, however the spread of children through the area helps to offset these higher noise levels. Therefore, self-guided activity and children playing would produce an average noise level 50.6 dB and maximum noise level of 72.9 dB.

61. Whilst this initially produced a maximum noise level from playing in zones a to c, it is noted in section 5.2 of the AIA that this was undertaken when 16 children were present at the forest school. To account for the possibility of the forest school being at capacity of 24 children, it is estimated that the forest school at full capacity would generate 50% more noise, utilising a worst case scenario for the purposes of assessing the impact. Therefore, it is estimated that noise from zones a to c would produce an average noise level of 52.4 dB and a maximum noise level of 72.9 dB.
62. To provide a more comprehensive assessment of the impacts of the proposal, the AIA has been updated to take account of the presence of an additional 20 students during school holidays, who utilise Zone D of the application site. Table 4.4 of the AIA outlines that the highest average noise level of 54.9 dB was produced from 10:15 to 10:25 when 27 students were present. Beyond this, average noise levels ranged from 50.3 to 52.4 dB, which again was offset by the spread of children through the application site. This is considered to produce an overall average noise level of 53.5 dB and maximum noise level of 79.3 dB.
63. Section 5.3 of the AIA outlines that impact of these noise levels at the nearest sensitive receptors at properties 52 to 60 Burbage Road has been predicted using a noise model, as outlined in figure and table 5.1, citing the receipt of 46.3 dB at an outbuilding located in the rear garden of 54 Burbage Road. The existing ambient noise level in this area is 51.6 dB, if the contribution of the Forest School is added to this logarithmically, this would increase ambient noise levels by 1.1 dB, considered to be a negligible increase, according to IEMA Guidelines.
64. Section 5.3.2 refers to BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' and WHO guidelines, internal noise levels can be calculated and compared to acceptability criteria. These recommend that internal noise levels within dwellings do not exceed 35 dB during the daytime or 55 dB in gardens or amenity spaces. It is noted that this criteria is generally used to assess steady noise sources, which when compared to the tonal characteristics of noise created from a forest school, as such it is considered necessary to reduce the adopted criteria by 5 dB below those in BS 8233.
65. With consideration of this, it is noted that the maximum noise level recorded at

Burbage Road properties is 36 dB (at No.52), which when accounting for a 15 dB attenuation for an open window provides a result of 21 dB, below 30 dB adjusted internal noise level criteria during the daytime. Moreover, predicted noise levels at the nearest outbuilding, which is noted as being in use as a home office at 54 Burbage Road would measure 46.3 dB. Assuming 15 dB attenuation, this would generate a figure of 31.3 dB, below the adjusted minimum noise level of 35 dB for offices. The AIA makes clear that these assumptions are based on the prediction of full occupancy of the forest school with 44 students, as such the noise levels will likely be lower when less children are in attendance.

66. Section 5.3.3 of the AIA includes consideration of the L_{Amax} , the maximum sound level received by nearby properties. Figure 5.3 outlines sound levels of 66 dB and 56 dB at the closest outbuildings and rear façade of properties on Burbage Road were recorded, respectively. However, figure 4.2 outlines that L_{Amax} noise levels regularly exceed 60 dB in any 5 minute period, reaching between 65 and 70 dB, with some cases of sound levels exceeding 80 dB. Therefore, whilst it is acknowledged that these noise levels are audible, they are considered to be in line with noise conditions in the area and the proposed use is unlikely to increase the amplitude of L_{Amax} events to an unacceptable degree.
67. Section 5.3.4 of the AIA makes an assessment of the character of the noise produced by the forest school, which can include laughter and shouting, singing, clapping and crying or distress. Such noises are characterised by their tonal and intermittent nature which are unpredictable. The report recognises that noise sensitive receptors are situated near the boundary such as outbuildings in use as home offices may experience audible noise inside and outside due to the nature of the building fabric. Due to the nature of the proposed use it is acknowledged that there is no specific methodology to forecast the impact of noise from children, however a noise management plan is recommended which can detail precise and enforceable actions to manage excessive noise at the source.
68. *Summary of findings of the applicants' AIA*

It is noted that consultations and late representations have cited the harm of the noise produced by the nursery and its audibility. The AIA submitted in support of the application acknowledges the forest school will at times lead to noise levels that are audible at neighbouring properties. However, as detailed above, it is considered that the impact of the forest schools operations above ambient noise levels would be negligible. This acknowledges that whilst noise levels will at times be audible, that they are within an acceptable range, according to approved IEMA guidelines. Furthermore, when considering the impact of the adjusted noise levels predicted to be received by noise sensitive receptors, it considered that these would also be within acceptable levels for internal noise levels, in accordance with BS 8233: 2014. Moreover, when considering the impact of maximum noise events, it is noted that background

noise levels can mask intermittent spikes of noise from the nursery, demonstrating that the noise produced by the nursery would not be incongruous to the surrounding area.

69. It is noted that both objections to the planning application and late stage representations have emphasised the requirement for the proposal to consider mitigation through re-locating the use further into the site and provision of acoustic fencing. However, as outlined above, the council is satisfied that the impact of the noise produced, is not considered to be present an unacceptably adverse noise impact, and therefore does not require the requested mitigation. Furthermore, the council has liaised with the applicant on the requested relocation of the nursery, who cite that the use has already been moved further into the site following engagement with residents and that Area D would be too enclosed and overshadowed to accommodate the main forest school. In light of the assessment of the impact upon the neighbouring residents, the council considers that the placement of the school is considered to be acceptable on balance.
70. For these reasons, the council is satisfied that the findings of this report which utilises representative on site measurements of background noise levels, measured noise levels according to variable activities and numbers of students present, worst case scenario adjustments to provide greater certainty and assesses the impact of these noise levels at neighbouring properties using NoiseMap 5 software. The above projections of the noise model demonstrate that the impact of the noise received by neighbouring properties is considered to be within an acceptable level, as such is not considered sufficient to warrant refusal of the proposal. As such the proposal is considered to accord with P56 'Protection of amenity' and P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022).
71. *Findings of acoustician's letter submitted by neighbours*
- In response to the AIA, a letter from a KP Acoustics was commissioned by neighbours on Burbage Road. The letter scrutinises the report on its omission of assessment uncertainty, which is relevant to the proposal due to the impulsive noise from young children. The letter also outlines that where enforceable conditions cannot be applied mitigation or refusal should be considered. The letter also welcomes the consideration of the character of the noise produced but asserts that this could be more comprehensive to include, screaming, shouting and laughter which is not necessarily limited to periods of distress.
72. The letter goes on to outline that maximum noise events of 55 db would exceed the average ambient noise level of 51.1 dB by approximately 4 db and 8 dB at the rear façade of properties on Burbage Road. In addition the maximum noise events of 55 dB would exceed the background noise level of 39 dB by 16db, and would disagree with conclusion that this would be inaudible. Furthermore, the recordings of neighbours are considered to show the noise levels being

clearly audible, anecdotally contesting the assertions of the AIA, and indicating the requirement for an uncertainty assessment to be undertaken. The letter asserts that the noise is noticeable and disruptive constituting that which is Significant Observed Adverse Equivalent Level (SOAEL) and therefore should be avoided or mitigated against. Other comments question whether the assessment takes into account the surrounding topography and that the presence of the outbuildings and their ability dissipate noise is overstated. The letter cites pre-application advice issued by the council in which the applicant is advised to relocate the proposed use and consider mitigation measures to alleviate noise concerns.

73. *Discussion of noise in late stage representations*

Additional representations from residents of Burbage Road has raised multiple points in regard to the council's assessment of the noise impact. It is asserted that noise disturbance from the nursery is not infrequent, detailing an account of a morning where there was consistent disruption from intermittent and tonal noise. It is also asserted that the noise produced is not characteristic of the area as this use would be wholly outside, preventing the ability of children in distress to be taken inside. It is asserted that the nursery produces an adverse noise impact that harms quality of life to neighbours and must be mitigated. The representations cite that the proposed noise management measures in the operational management plan, should not be deferred and are not considered to be precise or enforceable. As a result of the above, the representations assert that mitigation should be provided by relocating the nursery further into the site and or the provision of acoustic fencing should be explored.

74. *Discussion of comments from EPT*

The application and the amended acoustic impact assessment has been assessed in consultation with the council's EPT, who have raised the following comments. A comment has been raised whether following the application of a correction factor to the 16 children surveyed, this was typical of the forest school's activities. In addition, it is cited that whilst the noise levels may meet appropriate guidelines, the nature of human noise and that of children in distress is more disruptive to those who hear it and may adversely affect well-being. It is noted that the report does not make assessment of the noise produced when the summer school is in operation, and that the AIA be amended to account for the subjective reception of children in distress and the greater number of children present through the holiday club. Further aspects of consideration include the use of mitigation measures such as moving the activities further into the site or the construction of a natural bund. In addition, due to the difference between the existing areas of operation and the proposed site plan, this should be accounted for in the noise calculations. Consideration should also be given to whether the outbuildings near the boundary are classed as habitable rooms.

75. It is noted that both the comments from EPT and the objector's acoustician letter has raised the issue of the distance of the school to the outbuildings in the neighbouring properties gardens, and the provision of amended figures to

account for the impact upon outbuildings at the rear of gardens on Burbage Road. Figures to account for the impact upon these receptors have been provided as outlined above, when taking an on-balance approach, whilst these may be have been converted into habitable rooms in some cases, it is considered that the impact upon these neighbouring rooms is considered to be acceptable on balance.

76. Following assessment of the most recent AIA from the applicants and scrutiny of the KP Acoustics letter, EPT have the following comments to make. EPT notes that the AIA has not made provided full consideration of assessment uncertainty in accordance with noise technical guidance, the exploration of increasing the distance between the forest school or the inclusion of fencing to alleviate impact to residents is explored, visits to the site have shown that the activities can be undertaken without disruption however this must be balanced against an Observed Adverse Noise Effect Level to be mitigated or reduced to a minimum. It is recommended that a noise management plan is drawn up in conjunction with residents and utilised by planning enforcement to monitor the activities of the Velodrome.
77. It is noted that in the comments from EPT, that exploration of mitigation measures such as a natural bund or acoustic fencing is recommended to be explored. However, for the reasons set out below, it is considered that the impact overall is considered to be acceptable, therefore such mitigations are not required and would need to be considered against their impact upon the open character of the MOL.
78. *Discussion and conclusion on matters of noise*

It is noted that the noise impacts associated with the proposed use has been prevalent amongst the reasons for objections to the proposal. However, due to the intermittent nature of this noise and how it is perceived by the human ear, this cannot be predicted for. Notwithstanding the impact of the noises produced by SOD against background noise levels, it is important to note that interpretation of this noise type is tonal and intermittent unlike more constant noise sources, which invokes a subjective assessment of the noise impacts against their projected frequency and impact. It is noted that late representations cite the asserted frequency of noise events detailing an anecdotal account from October 2021, however as this is account is not subject to a reliable methodology and refers to one event, it is considered more robust to have regard to the impact of average noise levels and maximum noise events at the façade of the properties and against background noise levels, as detailed in the AIA, which is more representative of the nursery's impacts. This may have an impact upon the well-being of the neighbouring residents if they cannot assist a child in distress, however it is considered that due to the overall number of children attending the forest school, that this would be likely to be an infrequent event.

79. For this reason, officers have resolved to undertake a balanced assessment of the use in situ, with multiple site visits to review the carrying out of SOD's operations. When undertaking such visits in the morning and afternoon, the

number of children varied between 7 and 21 with those present engaging in a mixture of guided and self-led learning with noise kept to a low level. Whilst it is acknowledged that the operations of SOD will lead to occasional increases in sudden noises from the children present, it is considered that this would not be frequent enough to present a detrimental harm to amenity that would warrant refusal.

80. Furthermore, it is noted that the presence of such forest school is not dissimilar to other nursery uses which are commonly located in residential areas that serve their client base. Whilst it is noted that this use is wholly outside, it is considered that due to the spread of children through the site, average noise levels produced across the day and observed noise levels from site visits, that the impact from this is considered to be acceptable on balance.
81. The late representation discusses the proposed wording for the condition to request the submission of an operational management plan with specific reference to the noise management section. It is asserted that the submission of a noise management plan is insufficient by way of noise mitigation and that this is not precise or enforceable. However, it is noted above, that due to the assessment of the noise impacts, the proposal would be considered acceptable without the submission of a management plan. In addition, the proposed condition is considered to be sufficiently precise in requesting the details of locations and durations of activities undertaken within the site and process for managing disruptive noise at the source is considered to be precise and enforceable in what is required of the applicants to submit and operate by. This is considered to continual accountability of the applicant from the council and residents and contribute to the reduction of disruptive noise.
82. For the reasons outlined above, notwithstanding the assessments raised in both the AIA, acoustician's letter, late representations and assessment by EPT, it is considered that both require an on balance assessment of the site's operation due to the nature of the noise produced. As such, it is considered that the impact of the school's operation is considered to be acceptable in amenity terms, in accordance with P56 'Protection of amenity' and P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022).

Energy and sustainability

83. Due to the scale and nature of the use, it is considered that the operations of the SOD would demand a very low level of energy. In addition, the free-standing structures would not be considered permanent and therefore would not be expected to meet the requirements of P70 'Energy' of the Southwark Plan (2022).

Ecology and biodiversity

84. *Ecology impact*

As the application site falls within Herne Hill SINC, the council's ecology officer has been consulted. Concern has been raised that works undertaken in the enforcement case 23/EN/0047 have degraded the ecological value of the site which cannot be restored and will not deliver biodiversity net gain. The primary ecological assessment (PEA) has been assessed and is considered to be satisfactory, with no requirement for further studies. In order to secure ecological enhancement, a condition has been attached to oblige the applicant to submit details of ecological enhancement to be carried out in accordance with the recommendations outlined in the PEA, in accordance with P60 'Biodiversity' of the Southwark Plan (2022).

Air quality

85. Consultation responses have cited concern with regard to smoke pollution from open fires produced by the forest school. It is noted that all of Southwark is a smoke control zone and it is only permitted to burn an approved smokeless fuel. To ensure that the operation of the forest school is not contributing to smoke pollution, it is considered necessary to include the agreement of smokeless fuels, cited on the council website¹, within a wider management plan for the site, secured by planning condition.

86. Concern has been raised via late representations that the proposed condition will not be sufficiently enforceable and would lead to a harmful impact to young children and air quality. The council has liaised with the applicant on this point who has provided a response detailing that fires are not lit within the summer months, children are in the presence of the fire for a period of 10-20 minutes after which point the fire is extinguished and children are sat 2.5m away from the fire. With consideration of these mitigations and the low scale and intensity of the use of fires, it is considered their use is acceptable on balance. With the appropriate conditions in place, it is considered that the proposal accords with P65 'Improving air quality' of the Southwark Plan (2022).

Ground conditions and contamination

87. During the consultation, no concern has been raised with regard to ground contamination, given the nature of the site as MOL and having had no previous industrial use, in accordance with P64 'Contaminated land and hazardous substances' of the Southwark Plan (2022).

¹ Southwark Council. 2022. Main causes of air pollution. <https://www.southwark.gov.uk/environment/air-quality/about-air-quality/main-causes-of-air-pollution>

Archaeology

88. The application site is located in the Dulwich Village APZ, however due to the scale and nature of the proposals, there is no concern regarding the impact of the works upon archaeological heritage assets, in accordance with P23 'Archaeology' of the Southwark Plan (2022).

Water resources and flood risk

89. The application site is located in the Herne Hill Critical Drainage Area, however due to the scale and temporary nature of the structures associated with the site's use, which does not include hardstanding, the proposals are not considered to increase surface water flooding. As such the proposal would accord with P68 'Reducing flood risk' of the Southwark Plan (2022).

Other matters

90. *Alleged breach of condition*

It is noted that in addition to the existing planning enforcement case (20/EN/0297) at the land, it is alleged a breach of condition has occurred in respect of planning permission 15/AP/0790, approved 10/06/2015. This granted consent for the "Demolition of existing pavilion building and spectator seating areas, and erection of proposed two-storey pavilion building with spectator seating, erection of new gazebo -pavilion tent to provide external cover, rationalisation of existing shipping containers and provision of new cycle and car parking spaces."

91. Condition 10 of 15/AP/0790, sets out that the proposal shall be carried out in accordance with the terms of use enclosed in a code of conduct document drawn up by the applicants in conjunction with local residents. The code of conduct related to use of the site for cycling purposes, hours of use, frequency of major cycling events, modes of transport for site users, limits to amplified noise, lighting and security arrangements.
92. However, the site location plan for 15/AP/0790 illustrates the access road and pavilion in red, with the wider Velodrome site outlined in blue, the former delineating the area in which works are proposed and for which permission is sought and the latter illustrating land that is in the ownership of the applicants. The forest school use is located at the southern end and its daily operation does not occur within the application 'red line' boundary. Therefore, this condition would not apply to any use outside of the red line application boundary, as is common practice.
93. In addition, whilst it is noted that the wording of condition 10 refers to operations of the site as a whole, these do not relate to the works referred to in the description of the development granted permission, cited above in paragraph 83, which relate to the demolition of the pavilion and associated structures and

do not contain any reference to the wider use of the site. Notwithstanding, enforcement investigation 20/EN/0297 remains an open investigation in regards to the forest school use at the land and will be reviewed pending the outcome of this planning application.

Consultation responses from internal and divisional consultees

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

95. Ecologist:

- The ecology survey is acceptable, no further surveys are required.
- The report makes recommendations for ecological enhancement.
- It would be good to provide a statement and plan of habitat enhancements as part of this application to facilitated learning and focal interest and enhance biodiversity.

Officer comment:

- In light the comments received, a condition has been attached to secure the submission of details for ecological enhancement.

96. Environmental Protection Team (EPT):

At the moment, I am unable to give you a recommendation whether planning permission should be granted, as the acoustic report does not cover all the relevant points to give an officer recommendation.

The report highlights that this type of application does not fall under any formal standard to assess the impact of the development.

However the report makes a correction for only 16 children being on site at the time of the measurement to the normal attendance of 24 children, it is difficult to state that correction factor used is the correct value. If we accept that correction factor, the report does not state whether the activities on the survey day, was a typical day, or were quite activity being undertaken on the survey day.

It appears that the quoted values in the report, meet the various criteria used in the report, but that is based on the quoted figures, but humans react different to human voice. If there appears to be children in distress, the human reaction to that sound, is to seek help for that child, but if they are a neighbour, they cannot adequate respond to the sound, which will affect the residents well – being.

In the application it states that the nursery capacity is 24, however when the outdoor school is in operation, the total number of children on the site could be

44. The acoustic report does not cover the activities or the number of children of the outdoor school, which run for 10 weeks of the year, but a large portion of this time is the summer holidays, when the neighbours will have their windows open and / or in the rear gardens.

Therefore a further revision of the acoustic report is required to take into account the subjective response of children in distress and the change in activities within the summer school and the increase of the number of children on the site.

Also the applicant could move the main activity further away from the residential neighbours boundaries, they could explore whether the main activity area could be shielded by a natural bund.

Within the documentation the current area being used is different to the proposed area in the application, which adds another factor to take into account when the noise calculations being made, but at present is not clear whether this has been taken into account in the report.

There is also the question whether the out buildings on the boundaries of the residential properties can be taken as habitable rooms. This has recently changed due to the Covid outbreak, where many people have converted their out - buildings into a home office, but the construction of these out – buildings may be not as robust as a normal residential building, so the impact will be greater, due to the lack of adequate sound insulation.

In respect of the bonfires on the site, this should be stopped by a suitable condition.

Following the submission of the above, the below comments have been received in response to the most up to date AIA and letter from KP Acoustics;

I have read all the new information in connection with the Forest School Nursery Application.

1. I agree that the Hawkins environmental has not provided a full consideration and reporting paragraph in the report of uncertainty of the measurements and modelling results in accordance with our Noise Technical Guidance.
2. I agree that a noise management plan should be provided, with a strong consideration that the majority of time the nursery uses the area the furthest distant from the residential properties.
3. As the proposed development is an open – aired nursery, there will be an element of noise all day from the children and staff. Increasing the distance between the area used by the nursery or an insertion of fencing between the nursery area would reduce the noise exposure to the residents of the adjacent properties.

4. I have been on site once, at the time of the visit, there was no noise emanating from the site. However with the evidence from the reports, there is a disruptive noise occurring on the site. I believe that a there is an Observed Adverse Noise Effect Level is occurring in the area and it should be mitigated and reduced to a minimum. Therefore before planning permission is granted, I suggest that a noise management plan is drawn up by the operator in conjunction with the residents. The noise management plan will have to be enforceable by planning to be acceptable for it to be a condition on any future planning decision.

I would encourage the nursery, not to include campfires on the site, as the campfires produces a large concentrations of PM_{2.5} which can affect the development of the children's lungs and can cause respiratory diseases in the future. At present the Borough the exceeds the interim WHO guidelines for PM_{2.5} and the whole Borough has now been declared an Air Quality Management Area, so eliminating this source would help to improve the air quality in the Borough.

Officer comment:

- In response to point 1, it is considered that the AIA provides measured assessments of the noise produced onsite using a worst case scenario assumptions to provide greater certainty of the current and future impacts
- In response to point 2, further to the assessment of the impact of the noise, is not considered to be sufficiently harmful to warrant refusal, it is considered that the location of the use is considered acceptable on balance and further re-siting is not required
- In response to point 3, for the reasons outlined above, provision of further fencing is not required and would disrupt the operation of the forest school through enclosure as well as harming the openness of the MOL
- In response to point 4, notwithstanding the observations of EPT, it is considered that the noise sections of the operational management plan are sufficient for the purposes of planning enforcement
- In response to points on air quality, it is considered that the scale and prevalence of open fires would not adversely affect air quality to a harmful to degree
- See further discussion in sections on air quality and noise above.

97. Highway Development Management:

- Following the submission of the transport statement addendum in November 2022, safeguarding concerns have been addressed and there are no further comments.

Officer comment:

- No further comment.

98. Transport Planning Policy:

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

1. The applicant has provided a survey of activity at the site from September 2021 when operating as a nursery and summer club contained within Table 1.3 of the Transport Statement. This represents the highest demand associated with the site which is acceptable. It would be useful to see comparable figures for when operating solely as a nursery.
2. The applicant states that access to the nursery/holiday club is via shared access for vehicles, cycles and pedestrians. The applicant should outline how pedestrians, particularly vulnerable young children are safeguarded when accessing the site, where vehicles and delivery vans, cycles etc could be accessing the site at the same time. The applicant should provide details of the safe area within the wider velodrome site that pupils are dropped-off/picked-up from and how it is managed to ensure that it is not overwhelmed. It is unclear if it is the same location as where any servicing and delivery activity may occur for the wider velodrome site.
3. The applicant states that there is a 16 space car park for the velodrome and ample cycle parking. Details should be given as to if any of the car parking and cycle parking has been specifically dedicated to the nursery/holiday club.
4. The applicant should outline arrangements for accommodating disabled pupils/visitors to the site arriving by car.
5. Of particular concern is the shared access route and car park at nursery/holiday club start/pick-up times with motorists dropping off/picking-up children (it is acknowledged from the trip survey undertaken in September 2021 that car usage is relatively low). The applicant needs to outline how this will be managed to safe guard pedestrian and cyclist safety and ensure no adverse impact on the local highway network since movements will likely to be concentrated.
6. The applicant states that pupils' buggies, bikes and scooters are stored in an appropriate location within the wider velodrome site and staff member's cycles. Details of the location of such facility and the quantum and specification should be provided. This should be commensurate with the long-stay nature of the use at the site, i.e. cycle parking should be secure, weatherproof, and easily accessible and to Sheffield stand design specification.
7. The applicant should outline servicing and delivery arrangements for the site and the frequency of such activity. It is unclear if it will be

accommodated within any pre-existing arrangements for the wider velodrome site.

8. The applicant should clearly mark up on plans the waste storage location and capacity. It is unclear as to the arrangements for this.
 - Transport Recommendations
The application will only be acceptable from a transport perspective, once the above mentioned issues are addressed

Officer comment:

- Following the submission of a transport statement addendum in response to the above listed comments, the proposal is considered have addressed these concerns.

99. Urban Foresters:

- The application is for a retrospective planning permission in respect of the use of an area of the cyclo-cross track for an outdoor nursery in the Scandinavian model for Forest schools.
- The site is operated by School Outdoors Dulwich, a part of Under the Willow Ltd, a Montessori Nursery School located on Croxted Road.
- The site is dominated by scrub and secondary woodland with areas cleared to facilitate the school's toilet facilities and tent.
- The structures appear to be temporary in nature and it is unclear as to whether there are any onsite wash, cooking, or cold storage facilities.
- I am concerned that without a tree risk assessment, the placement of the tent beneath the canopy of the trees would be unwise. This would be best placed at least 1.5m (x height) away from any mature tree.
- The toilets, comprising 2 wooden sheds appear to be situated outside of the root protection areas of trees. I am assuming that these are composting toilets but I have not seen any details on this and how the waste is managed.
- Further detail should be provided as to the activities on site, including the lighting of fires, alluded to in their website; and also identify how waste is managed, including the use of onsite wood arisings. Indeed the applicant should show that any fires are lit well away from the stems and canopies of trees, built structures and at least 5m away from any boundary with neighbours. A suitable fire safety strategy also to be included in an overall management plan.
- A woodland management plan should be conditioned for the site, this could include all of the outstanding information mentioned above.
- I would also consider conditioning remediation for the cleared areas in line with the findings of the Preliminary ecological report and to include native tree planting along with ground and shrub layer planting (to be advised by the Borough Ecologist)

Suggested Condition Wording:

WOODLAND MANAGEMENT PLAN

Prior to first occupation of the development hereby approved, a Woodland Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:

- A statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility
- Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement where tree loss or vandalism occurs
- Frequency of safety inspections, which should be regular in areas of high risk, OR following storms, less often in lower risk areas
- Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010)
- Special measures relating to Protected Species or habitats (e.g. intensive operations to avoid March - June nesting season or flowering period)
- Inspection for pests, vermin and diseases and proposed remedial measures and;
- Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, in accordance with: Parts 8,11,12,13,14,15,16 of the National Planning Policy Framework 2021; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and Conservation) and 13 (High Environmental Standards) of the Core Strategy 2011, and the following policies of The Southwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity, and P61, Trees.

Officer comment:

- Following the receipt of additional details from the agent, the Urban Forester is satisfied to recommend the attachment of ecological and

tree planting conditions.

Consultation responses from external consultees

100. Due to the scale and nature of the proposals, no external consultations have been undertaken.

Community impact and equalities assessment

101. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
102. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
103. 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.
104. In accordance with the above, the provision of the forest school is considered support young people as a protected characteristic through age, with access to an outdoor source of education develops valuable life skills for the future.
105. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human rights implications

106. 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.
107. This application has the legitimate aim of providing social rented housing. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Positive and proactive statement

108. 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.
109. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

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

110. Overall, it is considered the provision of a forest school within the grounds of the Velodrome site is considered to be acceptable on planning policy grounds and will not prejudice the character of the MOL. It is considered that notwithstanding the arguments both in favour and against the noise impacts of the proposal, on balance the proposal is considered to be acceptable in amenity terms and is not atypical of similar uses in residential areas. The proposal is considered to be acceptable in all other regards in accordance with adopted local policy. Furthermore, the proposal is considered to be in accordance with the council's public sector equalities duty, as the retention of the use would directly benefit young people as a protected characteristic group. For these reasons, it is recommended that planning permission be granted subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2074-C Application file: 21/AP/3417 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries: 020 7525 0254 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	Planning Policies
Appendix 3	Planning History
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Steve Platts, Director of Planning and Growth	
Report Author	Ewan Lawless, Planner	
Version	Final	
Dated	21 June 2023	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team		22 June 2023

Recommendation

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

This document is not a decision notice for this application.

Applicant	Mr Tim McInnes Herne Hill Velodrome Trust	Reg. Number	21/AP/3417
Application Type	Minor application		
Recommendation	GRANT permission	Case Number	2074-C

Draft of Decision Notice

Planning permission is GRANTED for the following development:

Retrospective planning application for the use of land as a class E(f) outdoor nursery (and temporary use as a holiday club) and the stationing of associated temporary free standing structures. This application is a DEPARTURE APPLICATION: The proposed development is a departure from Policy P57 (Open Space) of the Southwark Plan (2022).

Herne Hill Stadium 104 Burbage Road London Southwark

In accordance with application received on 28 September 2021 and Applicant's Drawing Nos.:

SITE LOCATION PLAN SK0105 - REV D received 25/11/2021

Existing Plans

Proposed Plans

EXISTING AND PROPOSED PLANS AND ELEVATIONS SK0107 - REV B received 25/11/2021

Other Documents

PLAN SHOWING THE FOREST SCHOOL SK0106 - REV B received 28/09/2021

PROPOSED SITE PLAN SK0106 - REV D received 25/11/2021

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

2. The following measures for the mitigation of impact and enhancement of biodiversity, as set out in the preliminary ecological appraisal recommendations on the Local Planning Authority's planning register, titled 'Preliminary Ecological Assessment', dated 28/09/21, will be submitted to and approved in writing by the Local Planning Authority within three months and implemented in full within nine months, from the date of this consent.

Options to Include: meadow creation and grassland enhancement. New tree and native shrub planting, Bulb planting, pond creation and installation of bird and bat boxes.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity and to contribute to the Urban Greening Factor requirements of the London Plan 2021 and help attain a minimum score of 0.4 for residential developments and 0.3 for commercial developments. In accordance with policies: G1, G5, G6, and SI 13 of the London Plan 2021, Policy P59 and P60 of the Southwark Plan 2022.

3. Within three months of the date of this consent, full details of all proposed planting of 7 Elm 'New Horizon' trees with a minimum total girth of 112cm girth to screen the proposed development at the southwestern boundary shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any

variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in accordance with the statutory duty (s.197a TCPA 1990) of the council to ensure that in granting permission, provision is made for the planting of trees, where appropriate, the National Planning Policy Framework 2021, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021 and Policies P60 (Biodiversity), P13 (Design of places), P14 (Design quality) and P56 (Protection of amenity) of the Southwark Plan 2022.

4. Within 8 weeks of the date of this consent, a management plan shall be submitted to the Local Planning Authority for approval, to detail how the use operates within the site with regard to the wider operations of the velodrome.

This shall include but is not limited to the following sections and criteria;

- o Arrival and departure times and management procedures
- o Land use
- o Detail of procedure to manage safety of children when mountain biking holiday club is in progress
- o Noise
- o Locations of activities within the site
- o Times and durations of activities within each area
- o Process for managing disruptive noise at source
- o Fire safety
- o Access procedure for fire appliances
- o Identification of evacuation assembly point near the pavilion
- o Detailed location of firefighting equipment used
- o Detail on provision of safe fire pits to reduce risk of fire spread
- o Procedure for avoiding air pollution and compliance with smokeless fuel
- o Servicing and delivery processes of the forest school
- o Waste management procedures

Reason:

To ensure that the local planning authority has an accurate account of the management of the proposed use, which can be monitored and enforced if necessary, in accordance with P50 'Highway impacts', P56 'Protection of amenity' and P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

5. The use hereby granted permission, shall be carried out between the hours of 08:00 and 18:00 Monday to Friday, excluding weekends and bank holidays and shall not be carried out outside of these hours without the prior consent of the local planning authority.

Reason:

To ensure that the neighbouring residents do not experience noise nuisance associated with the carrying out of the use, in accordance with Policy D14 'Noise' of the London Plan (2021), P56 'Protection of amenity' and P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022).

6. The use hereby granted consent, permits a maximum of 44 children to be present on site at any one time in association with the nursery or holiday club, this comprises 24 children as part of the nursery use and 20 children during the 10 weeks of the year when the holiday club is in operation, this includes any site visits from the sister nursery Under the Willow.

Reason:

To ensure that the neighbouring residents do not experience noise nuisance associated with the carrying out of the use, in accordance with Policy D14 'Noise' of the London Plan (2021), P56 'Protection of amenity' and P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022).

7. The use hereby granted permission includes only sub-class E(d) 'Creche, day nursery or day centre (not including a residential use)', and does not confer permission to sub-classes; E(a), E(b), E(c), E(d) E(e) and E(g) of the Town and Country Planning (Use Classes) (Amendment) (England) (Regulations) (2020), the use carried out shall not be altered without the prior consent of the local

planning authority.

Reason:

To ensure that the neighbouring residents do not experience noise nuisance associated with the carrying out of the use, in accordance with Policy D14 'Noise' of the London Plan (2021), P56 'Protection of amenity' and P66 'Reducing noise pollution and enhancing soundscapes' of the Southwark Plan (2022).

8. The use hereby granted permission shall not benefit from permitted development rights under Schedule 2, Part 7 'Non-domestic extensions, alterations etc' Class M 'Extensions etc for schools, colleges, universities, prisons and hospitals' of the Town and Country Planning (General Permitted Development) (England) Order (2015).

Reason:

To ensure that the use does not lead to incremental extensions which would harm the openness of the surrounding MOL and intensify the use in a manner that is detrimental to the amenity of neighbouring residents, in accordance with P20 'Conservation areas' and P57 'Open space' of the Southwark Plan (2022).

9. Following the cessation of the use hereby granted permission, all free-standing structures associated with the nursery's operations, shall be removed to returning the land to its original condition preceding the establishment of the forest school and shall not be altered without the prior consent of the Local Planning Authority in writing.

Reason:

In the interests of the ecological preservation and openness of Metropolitan Open Land, in accordance with Chapter 13 'Protecting Green Belt Land' and 15 'Conserving and enhancing the natural environment' of the National Planning Policy Framework (NPPF) (2021), Policy G4 'Open space' and G6 'Biodiversity and access to nature' of the London Plan (2021), P57 'Open space' and P60 an 'Biodiversity' of the Southwark Plan (2022).

Informatives

Planning Policies**National Planning Policy Framework (the Framework)**

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.

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

The London Plan 2021

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

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G2 London's Green Belt
- Policy G3 Metropolitan Open Land
- Policy G4 Open space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T3 Transport capacity, connectivity and safeguarding

- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.5 Non-residential disabled persons parking
- 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:

- P13 Design of places
- P14 Design quality
- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P23 Archaeology
- P27 Education places
- P45 Healthy developments
- P47 Community uses
- P50 Highways impacts
- P51 Walking
- P53 Cycling
- P54 Car Parking
- P55 Parking standards for disabled people and the physically impaired
- P56 Protection of amenity
- P57 Open space
- P58 Open water space
- P59 Green infrastructure
- P60 Biodiversity
- P61 Trees
- P62 Reducing waste
- P65 Improving air quality
- P66 Reducing noise pollution and enhancing soundscapes
- P68 Reducing flood risk
- P70 Energy

Supplementary planning documents

- Dulwich SPD (2013)

Relevant planning history

Reference and Proposal	Status
<p>12/AP/3195 Installation of track lighting along the perimeter of the main velodrome track.</p>	<p>GRANTED- Minor Application 31/01/2013</p>
<p>12/AP/3196 Construction of a 250m flat junior track in the centre of the main velodrome track and an associated multi-use games area with fencing.</p>	<p>GRANTED- Minor Application 31/01/2013</p>
<p>15/AP/0790 Demolition of existing pavilion building and spectator seating areas, and erection of proposed two-storey pavilion building with spectator seating, erection of new gazebo -pavilion tent to provide external cover, rationalisation of existing shipping containers and provision of new cycle and car parking spaces.</p>	<p>Granted 10/06/2015</p>
<p>22/AP/2788 Construction of a single storey building to provide an accessible toilet</p>	<p>GRANTED- Minor Application 04/04/2023</p>

<p>23/AP/0824</p> <p>Works to trees in a conservation area:</p> <p>Species and Location of Tree(s)</p> <p>G1. A Sycamore (<i>Acer pseudoplatanus</i>) and dead Poplar (<i>Populus alba</i>) up to 17m height located on the boundary with the railway viaduct.</p> <p>G2. A group of three Sycamore (<i>Acer pseudoplatanus</i>) and a Robinia (<i>Robinia pseudoacacia</i>) located either side of a cycle trail slope adjacent to the railway viaduct.</p> <p>G3. A pair of Sycamore (<i>Acer pseudoplatanus</i>) located either side of a cycle trail slope between G2 and G4.</p> <p>G4. A forest school area consisting of multiple dead Elm suckers (<i>Ulmus procera</i>) and Ash saplings (<i>Fraxinus excelsior</i>) together with Hawthorn (<i>Crateagus monogyna</i>), Elder (<i>Sambucus nigra</i>) and Buddleia. A multistem and a similar sized mature Sycamore are located nearer the embankment to the east and west of the group, with a large mature Ash (<i>Fraxinus excelsior</i>) in between. The canopy of the Ash supresses one large and a smaller stem diameter Sycamore (<i>Acer pseudoplatanus</i>) located directly either side of its stem.</p> <p>Description of Approved Works</p> <p>G1. Sycamore - Deadwood. Dead Poplar- Monolith to branch unions as shown in attached photo.</p> <p>G2. 2 x Sycamore - deadwood. 1 x Robinia & 1 x Sycamore - fell to ground.</p> <p>G3. 2 x Sycamore - deadwood.</p> <p>G4. Up to 26 dead Elm suckers - fell to ground. 1 x Large Ash, 1 x Sycamore and 1 x multistem Sycamore - deadwood. Su pressed Sycamore adjacent to swing rope - fell. Buddleia bush - fell to ground.</p>	<p>Granted TCA 02/05/2023</p>
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Consultation undertaken

Site notice date: 08/12/2022

Press notice date: 08/12/2022

Case officer site visit date: 08.12.2022

Neighbour consultation letters sent: 17/04/2023

Internal services consulted

Planning Enforcement

Transport Policy

Highways Development and Management

Environmental Protection

Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

60 Burbage Road London Southwark
First Floor And Second Floor Flat 64
Burbage Road London

72 Burbage Road London Southwark

56 Burbage Road London Southwark

74 Burbage Road London Southwark

66 Burbage Road London Southwark

50 Burbage Road London Southwark

48 Burbage Road London Southwark

76 Burbage Road London Southwark

70 Burbage Road London Southwark

68 Burbage Road London Southwark

62 Burbage Road London Southwark

58 Burbage Road London Southwark

54 Burbage Road London Southwark

52 Burbage Road London Southwark

Re-consultation:

APPENDIX 5

Consultation responses received

Internal services

Transport Policy
Highways Development and Management
Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

86 Burbage Road Dulwich London	0BG
52 Burbage Road London SE24 9HE	25 Court Lane, Court Lane, Court Lane
37, Chatsworth Way, Chatsworth Way	Court Lane LONDON
Chatsworth Way London	30 Tylney Avenue London SE19 1LN
52 Burbage Road London SE24 9HE	5 Frank Dixon Way London SE21 7BB
16 Cameron Road Bromley BR2 9AR	25 Ellesmere Road Twickenham TW1
129 Burbage Road Dulwich SE21 7AF	2DJ
8 Greenhurst Rd London SE27 0LH	22 Rosemary Avenue London N3 2QN
56 Burbage Road Herne Hill London	95 Stradella Road Herne Hill London
46 Brantwood Road London SE24 0DJ	17 Worlingham Road London SE22 9HD
22 Danby Street London SE15 4BU	5a Limesford Road London
63 henslowe rd London Se220ar	5a Limesford Road London
54 Burbage Road London London	3 Hillworth Road London
54 Burbage Road London	Flat 20 Strickland Court, Fenwick Road
70 Burbage Road London SE24 9HE	London SE15 4HP
61a Burns House Doddington Grove	98 Hindmans Road East Dulwich
London	LONDON
11 FERRINGS LONDON SE21 7LU	55 Felhampton Road London London
103 Burbage Road London	Flat 2 20 Turney Road London
37 Chatsworth Way London SE27 9HN	24 Poplar Walk London SE24 0BU
12 Kingston Square London SE19 1JE	52 Burbage Road London SE24 9HE
34 Pellatt Road London SE22 9JB	10 Oakenbrow Sway Lymington
29 Hollingbourne Road London SE24	29 Voltaire Sceaux Gardens Estate
9NB	London
94 Elms Road London SW4 9EW	3 Hillworth Road London SW2 2DZ
131 Burbage Road London SE21 7AF	24 Christchurch Way London SE10 9AL
52 Landells Road London SE22 9PQ	16 Hadrian Estate, Hackney Road
27 Bicknell Road London SE5 9AU	London E2 7AS
55 Felhampton Road London London	12 Octavia Street London SW113DN
1a Hexham Rd London SE27 9EF	50 Hollingbourne Road London SE24
6 St Mary's Grove London SW13 0JA	9ND
6 Walkerscroft Mead London SE21 8LJ	20 Eastbourne Road Tooting London
8 Greenhurst Road LONDON	28 Burgoyne Rd London SE25 6JT
149 Fawnbrake Avenue London SE24	62 Casino Avenue London SE24 9PH

192 Leahurst Road London SE13 5nl
 27 Tylney Avenue Crystal Palace
 LONDON
 29 Leigham vale London sw162jh
 54 Burbage Road London Southwark
 86, Burbage Road London SE24 9HE
 52 Burbage Road London SE24 9HE
 54 Burbage Road London SE24 9HE
 Flat 2, 20 Turney Road London SE21
 8LU
 46 Brantwood Road London SE24 0DJ
 Flat 1 westerham Lodge 22 Park Road
 London
 30 Tylney Avenue London SE19 1LN
 22 Danby Street Peckham London
 63 Henslowe rd east dulwich London
 174 Forest Hill Road London SE233QR
 180 Lowden Road, Herne Hill London
 SE24 0BT
 66 Ruskin Walk London SE24 9LZ
 244 Sylvan Road London SE192SB

54 Burbage Road London Southwark
 76 Burbage Road London SE24 9HE
 104 Burbage Road, LONDON SE24 9HE
 63 Henslowe rd London SE220AR
 6 Sherwood Avenue Streatham London
 6 PELHAM CLOSE GROVE PARK
 LONDON
 12 Kingston Square London SE19 1JE
 54 Burbage Road London Southwark
 43 Barry Rd London SE22 0HR
 5 Frank Dixon Way London SE21 7BB
 36 Cliveden Road London SW193RB
 42 Spenser Road London SE24 0NR
 11 Briar Lane Carshalton SM5 4PX
 50 Hollingbourne Road London SE24
 9ND
 22 Hendham Rd London SW17 7DQ
 29 Hollingbourne Road Herne Hill SE24
 9NB

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MUNICIPAL YEAR 2023-24

COMMITTEE: PLANNING COMMITTEE (SMALLER APPLICATIONS)

NOTE: Original held in Constitutional Team; all amendments/queries to Beverley Olamijulo, Constitutional Team, Tel: 020 7525 7234

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