

Planning Committee (Smaller Applications)

Wednesday 13 March 2024

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. For details on building access, translation, provision of signers or any other requirements for this meeting, 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: 5 March 2024



Planning Committee (Smaller Applications)

Wednesday 13 March 2024
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 - 4
	To approve as a correct record the minutes of the meeting held on 24 January 2024.	
6.	DEVELOPMENT MANAGEMENT	5 - 9
6.1.	ST OLAVES AND ST SAVIOURS SPORTS GROUND ,GREEN DALE, SOUTHWARK LONDON SE22 8TX	10 - 29

Item No.	Title	Page No.
6.2.	67 - 71 TANNER STREET, SOUTHWARK, LONDON SE1 3PL	30 - 69
6.3.	DOCTOR HAROLD MOODY PARK, GORDON ROAD, SE15 3RG & CONSORT PARK, GORDON ROAD, SE15 3RH	70 - 108
6.4.	NUNHEAD CEMETERY, LINDEN GROVE, SOUTHWARK, LONDON SE15	109 - 150

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

EXCLUSION OF PRESS AND PUBLIC

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

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

Date: 5 March 2024



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**.

- | |
|---|
| <ol style="list-style-type: none">(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.

PLEASE NOTE: As meetings are usually livestreamed, speakers should not disclose any information they do not wish to be in the public domain.

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 Committee (Smaller Applications)

MINUTES of the Planning Committee (Smaller Applications) held on Wednesday 24 January 2024 at 7.00 pm at GO2 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

OTHER MEMBERS PRESENT: Councillor Emily Tester

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
Zoe Brown (Team Leader, Major Applications and New Homes)
Liam Bullen (Senior Planner – Urban Forester)
Sadia Hussain (Senior 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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were declared.

5. MINUTES

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

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

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 SITE AT 1-36 PRITER ROAD LONDON SOUTHWARK SE16 4QW

Planning application reference 22/AP/4173

Report: See pages 10 to 88 of the agenda pack and addendum pages 1 – 4.

PROPOSAL

Demolition of 3no. two storey buildings previously used as temporary housing accommodation and the construction of a part 5 and part 6 storey building to provide 35 residential units (C3) (12 x 1 bed; 10 x 2 bed and 13 x 3 bed) and associated landscaping, cycle storage, play space and blue badge parking space.

The committee heard the officer's introduction to the report and addendum report. The officer clarified the following:

The residential mix table in paragraphs 7 and 46 are incorrect. The two and three bedroom total number units were the wrong way round. It should read 2 bed 4 person total 13 and 3 bedroom 5 person total 10.

Members of the committee noted this information and asked questions of the officers.

There were no objectors present wishing to speak.

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

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

Councillor Emily Tester spoke in her capacity as a ward councillor. There were no questions from members of the committee.

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

RESOLVED:

1. That planning permission be granted, subject to: the conditions as set out in the report and addendum report; and the completion of a unilateral undertaking.
2. That in the event that a legal agreement is not signed by 24 April 2024 the director of Planning and Growth be authorised to refuse planning permission if appropriate.

At 7.46pm, the meeting took a five-minute comfort break. The committee reconvened at 7.51pm.

6.2 TREE PRESERVATION ORDER 701 - LAND TO NORTH OF FEATHERSTONE MEWS AND REAR 13-16 TALBOT ROAD, SE22 8EH, 25-30 ST FRANCIS ROAD SE22 8DE

Report: See pages 89 to 114 of the agenda pack and addendum pages 4 – 8.

The officer (urban forester) presented the report and drew Members' attention to the addendum report.

A Tree Preservation Order (TPO) was served on a temporary basis, during the pre-application stage, which had an impact on the SINC (Sites of importance for Nature Conservation). After that, a full planning application was submitted for the site.

Members noted that two letters in support of the TPO and two written objections were submitted to the council.

The officer responded to questions from Members.

Objectors to the TPO addressed the meeting and responded to questions from members.

Supporters in favour of the TPO addressed the meeting and responded to questions from members.

There were no ward members present, who wished to address the meeting.

A motion to confirm the tree preservation order was moved, seconded put to the vote and declared carried.

RESOLVED:

That the provisional TPO reference 701 be confirmed with a change to the extent of the map and an updated schedule of species.

At 8.45pm, the meeting took a five-minute comfort break. The committee reconvened at 8.50pm.

6.3 TREE PRESERVATION ORDER 704 - LAND ADJACENT 100 GLENGALL ROAD, SE15 6RR

Report: See pages 115 to 134 of the agenda pack.

The officer (urban forester) presented the report and responded to questions from Members.

There were no objectors or supporters present who wished to address the meeting.

There were no ward members who wished to address the meeting.

A motion to confirm the tree preservation order was moved, seconded put to the vote and declared carried.

RESOLVED:

That the provisional TPO reference 704 (unamended) be confirmed.

The meeting ended at 9.00 pm

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 13 March 2024	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

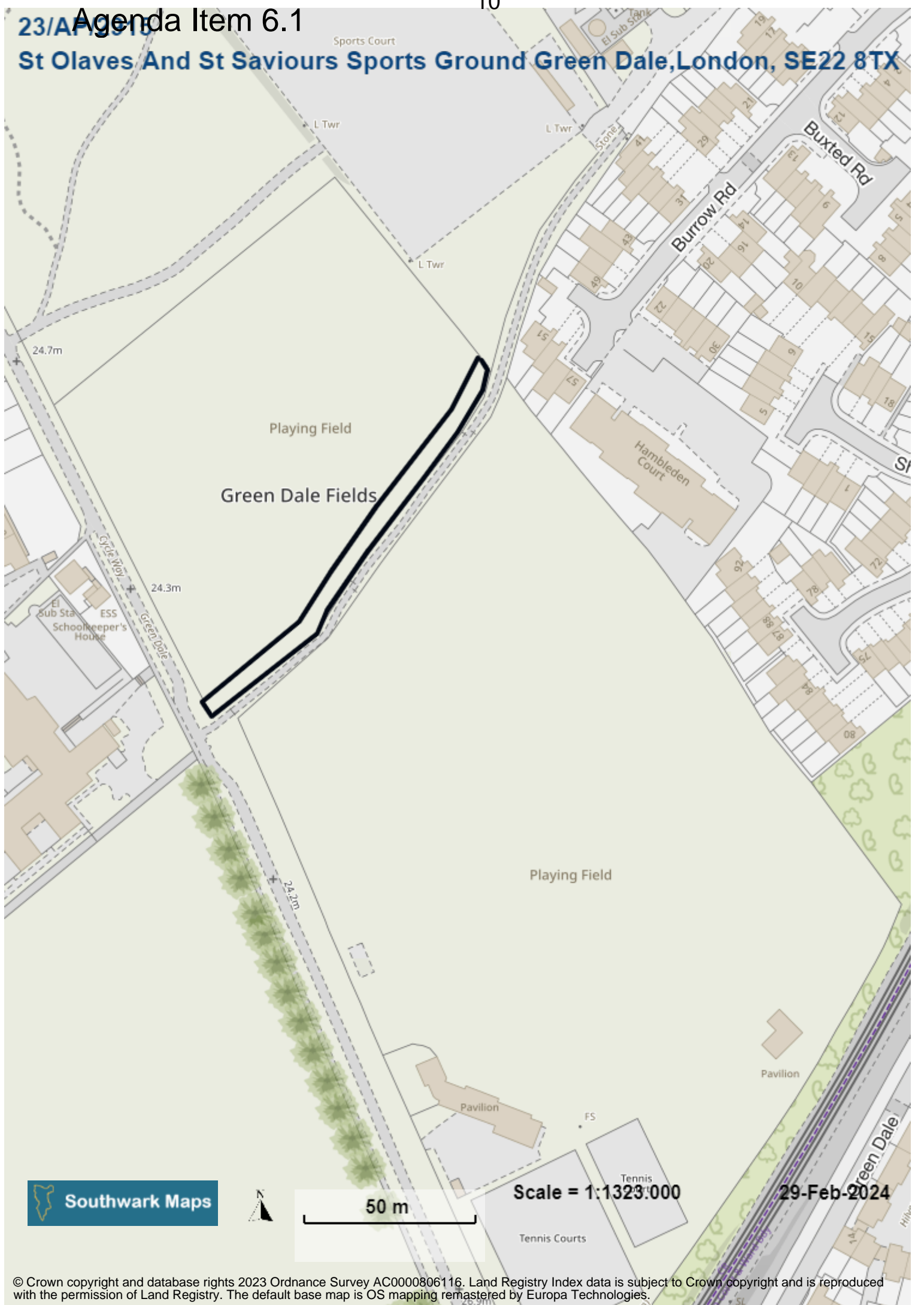
No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Beverley Olamijulo, Constitutional Officer Nagla Stevens, Head of Law (Planning and Development)	
Version	Final	
Dated	11 January 2024	
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		29 February 2024

Agenda Item 6.1

St Olaves And St Saviours Sports Ground Green Dale, London, SE22 8TX



50 m

Scale = 1:1323,000

29-Feb-2024

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Item No. 6.1	Classification: Open	Date: 13 March 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:	Development Management planning application: Application 23/AP/2915 for: Full Planning Application Address: St Olaves and St Saviours Sports Ground ,Green Dale, London Southwark, SE22 8TX Proposal: Removal of existing chain link fence; installation of a palisade fence inclusive of 1 no. double leaf gate to the side of the path that divides the sports field.		
Ward(s) or groups affected:	Champions Hill		
From:	Director of Planning and Growth		
Application Start Date: 30.10.2023		Expiry Date: 20.03.2024	

RECOMMENDATIONS

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

2. The application site is St Olaves and St Saviours Sports Ground, serving the school. The proposal is to provide new palisade fencing along the adjacent pathway between Abbotswood Road and Green Dale to secure the existing site. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL) and is therefore acceptable in principle. As this development is located within MOL, it requires determination at committee.
3. The modestly sized replacement palisade fencing would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or detract from its character. The proposal would enhance the safety of the existing school sports ground site. The proposal will not harm the amenity of neighbouring occupiers.

BACKGROUND INFORMATION

Site location and description

4. The property is not a listed building, nor is it located within a conservation area, it is designated as Metropolitan Open Land (MOL).

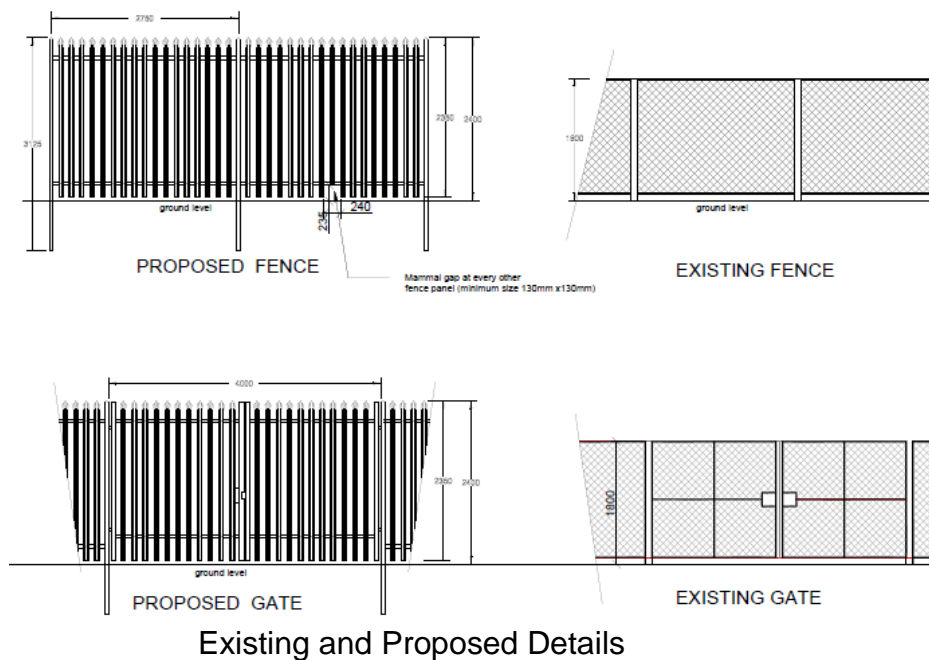


Site location plan

5. The application site is a school playing field situated between Dulwich Hamlet Sports Facilities and Green Dale.

Details of proposal

6. The proposed development involves the installation of a 2.4m high boundary fence around the perimeter of the site to replace the existing 1.8m dilapidated high chain link fence. The fence is situated adjacent to the pedestrian pathway between Abbotswood Road and Green Dale.
7. The proposal will have a length of approximately 106m and shall comprise of a black powder coated aluminium palisade fence. This includes one 4m wide double leaf gate to provide access to the playing fields and is a replacement for the existing gated entrance.
8. In 2015, planning permission was granted for a similar replacement palisade fence at the same location. However, this permission was not implemented and lapsed.



Consultation responses from members of the public and local groups

9. The application has been advertised through site notices and neighbour letters.

40 letters of objection were received from members of the public, issues raised were regarding:

- Development too high
- Not enough info given on application
- Out of keeping with character of area
- Reduced visibility
- Reduced sense of openness
- Contrary to Metropolitan Open Land policy
- Loss of privacy
- Conflict with local plan
- Affect on local ecology
- Over development
- Impact upon safety and crime
- Insufficient consultation

Officer comments:

The application consulted members of the public by means of three site notices along the pathway and neighbour letters to properties closest to the proposed fencing. As such, it is considered that sufficient public consultation was carried out in line with Southwark's planning consultation guidance.

Existing and proposed plans, a site location plan and site photos were submitted as part of this application, it is subsequently considered that sufficient details were provided.

All other issues raised by objectors have been addressed under the "Assessment" section of this report.

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

10. 08/AP/2456 - To remove the existing 1.8 metre high timber fence and install a 2.4 metre high black powder coated steel palisade fence along the south western and north western boundaries of the sports ground with new access gates. St Olaves And St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 18/12/2008. This permission was implemented.

15/AP/2745 - Removal of existing 1.8 metre high chain link fence; installation of a 2.4 metre high black powder coated steel palisade fence inclusive of 1 no. 4 metre wide double leaf gate to the side of the path that divides the sports field | St Olaves And St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 30/09/2015. This permission was not implemented.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

11. The main issues to be considered in respect of this application are:
- Principle of the proposed development on MOL in terms of land use;
 - Design and layout including impact on heritage assets
 - Transport and highways including access arrangements, cycle and pedestrian movement
 - Open space, landscaping and trees
 - Ecology and biodiversity
 - Other matters
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses
 - Community impact, equalities assessment and human rights
12. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

13. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
14. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

15. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
16. The site is located within the:
 - Metropolitan Open Land
 - Air Quality Management Area

ASSESSMENT

Principle of the proposed development in terms of land use

17. The application proposes a replacement of the existing fencing and new entrance to the MOL designated sports ground. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2023) and the Southwark Plan Policy P57. This includes ancillary facilities that positively contribute to the setting, accessibility and quality of the open space. Therefore, the proposal meets the policy test for appropriate development in MOL.
18. In respect to the London Plan Policies Policy GG2 'Making the Best Use of Land' highlights that development must protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening. Policy G3 'Metropolitan Open Land' sets out that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Policy G4 'Open Space' highlights that development proposals should not result in the loss of protected open space.
19. In terms of the Southwark Plan 2022 the relevant policy is Policy P57 Open Space which states 'Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when 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.'

20. The new fence would largely follow the same line as the existing chain-link fencing and would include a replacement entrance by means of a double leaf gate, thereby preserving the openness of the MOL, while also improving accessibility and security for the outdoor enjoyment of the sports ground. As such the proposal is considered compliant with the NPPF 2023, London Plan 2021 and the Southwark Plan 2022.

Impact on openness of MOL

21. The proposed fencing would sit 2.4 metres high, which is 0.6 metres higher than the existing fencing, while sharing a similar line to the chain-link fence. It is considered that the new fencing would increase the quality of the playing area by means of replacing a deteriorating chain-link fence, while also preserving accessibility and safety of the site. In summary, the proposal would conserve the openness of the MOL.
22. At 2.4 metres high, the proposed fencing would be 0.4 metres higher than can be installed under permitted development rights (2 metres). This permitted development fall-back position is a material consideration in the determination of this application.

Design and layout

23. The proposed fence would comprise of a modest height of 2.4 metres, 0.6 metres higher than the existing chain-link fence. The suitable palisade design which is typical in securing sites, coupled with the fact that a similar 2.4 metre palisade fence exists along the opposite side of the pathway (application ref. 08/AP/2456), means there are no new issues pertaining to impacts upon the character of the local area and design.

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

24. The proposed fence would not directly adjoin onto neighbouring residential properties, coupled with the suitable measurements and palisade design, there are no envisaged impacts upon daylight/sunlight, privacy or sense of openness and quality of outlook.

Transport and Highways

25. The proposal would run the length of an existing public footpath and cycle path. As such, a pre-commencement condition for a Construction Environmental Management Plan was agreed in order to ensure no harmful impacts upon pedestrian and cyclist access during construction, delivery and tree works.

Landscaping and trees

26. The proposal would include the removal of 3 trees, including 2 English Oak and 1 Ash. The application has been reviewed in consultation with the Council's Urban Forester who has recommended a pre-commencement condition for the requirement of 4 trees to be planted on site, to include 2x Tilia Cordata, 1x

Ulmus New Horizon and 1x Sorbus Torminalis. A compliance condition relating to compliance with the submitted Arboricultural Method Statement was also agreed. The replacement trees would ensure that there would be no net loss of amenity or biodiversity. Subject to these conditions the proposal would be acceptable in respect of impact on trees.

Safety

27. Issues were raised pertaining to possible impacts upon safety and crime, particularly along the existing pathway as a result of the new fencing. The Metropolitan Police were consulted on this application and no objections were raised regarding crime impacts.

The proposed palisade fencing would sit 0.6 metres higher than the existing chainlink fencing, it would maintain visuals onto the playing field and daylight permeability onto the pathway. Coupled with the existence of a 2.4 metre palisade fence adjacent to the proposal site and the presence of existing street lights along the pathway, it is considered that the proposed fencing would not cause further harms to the safety of pedestrians.

The existing chainlink fence protecting the school playing field is in visibly poor condition and disrepair, the proposed replacement would seek to enhance safety of the site by means of deterring potential trespass onto the playing field. It is therefore considered that the proposal would have an overall positive impact upon the safety of the site and surrounding area.

Ecology

28. Following formal consultation with an ecologist, a request was made to introduce small mammal gaps within the proposed fencing. As such, a series of small mammal gaps were detailed on the proposed elevations to promote the potential for wildlife crossing, in particular hedgehogs which have been recorded in Green Dale and the surrounding area.

Mayoral and borough community infrastructure levy (CIL)

29. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance, the development does not constitute CIL liable development.

Consultation responses from external and statutory consultees

Metropolitan Police

30. No objection

Consultation responses from internal consultees

Urban Forestry

31. No objection, subject to tree planting pre-commencement condition and Arboricultural Method Statement compliance condition.

Ecology

32. No objection.

Transport

33. No objection subject to a pre-commencement condition requiring a CEMP detailing site access and traffic.

Highways

34. No comments.

Community impact and equalities assessment

35. Southwark's guidance states that equality impact assessments are required for all Major planning applications and for proposals which involve the loss of community facilities in predominant use by protected characteristic groups.
36. Issues were raised regarding the potential reduction in safety for women and children using the pathway, especially as a result of the new fencing. Following an assessment of safety impacts, coupled with the consideration that the fence would increase the safety of children utilising the sports ground. It is considered that there would be no impacts upon protected characteristic groups and related equality issues.
37. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
38. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The development would have a significant benefit for wheelchair users as it would provide a facility designed for a particular need but accessible for other users too.
39. 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.

40. 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

41. 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.
42. This application has the legitimate aim of constructing a new accessible toilet for the park. 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

43. 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.
44. 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.

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

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

CONCLUSION

46. This proposal is being recommended for approval due to that fact that the modestly sized replacement palisade fencing would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or detract from its character. The proposal would enhance the safety of the existing school sports ground site. The proposed fencing will also remain unharmed to the amenity enjoyed by neighbouring occupiers.

BACKGROUND DOCUMENTS

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

APPENDICES

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

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Ibrahim Azam, Graduate Planner	
Version	Final	
Dated	22 February 2024	
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 Leisure	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team		28 February 2024

Recommendation (draft decision notice)

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

This document is not a decision notice for this application.

Planning permission is GRANTED for the following development:

Removal of existing chain link fence; installation of a palisade fence inclusive of 1no. Double leaf gate to the side of the path that divides the sports field

St Olaves and St Saviours Sports Ground Green Dale London Southwark SE22 8TX

In accordance with application received on 13 July 2024 and Applicant's Drawing Nos.

1 Proposed Plans

Plans - Proposed D01B (Date 12.02.2024)

Plans - Proposed P101A (Date 12.02.2024)

Plans - General P200A (12.02.2024)

Plans - Proposed P100A (Date 12.02.2024)

Arboricultural Method Statement P106jrFeb23FV02_AMS (12.02.2024)

2 Time limit for implementing this permission and the approved plans

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.

Compliance condition

3 Materials to be as specified

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

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (2023); 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).

Compliance condition

4 Arboricultural Method Statement

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 (including facilitative pruning specifications and supervision schedule) contained in the P106jrFeb23FV02_AMS Feb 2024. 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 equivalent stem girth 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 2023 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 Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards 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.

Pre-Commencement Condition

5 Construction Environmental Management Plan (CEMP)

No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:

-How any loss of access to the path for cyclists and pedestrians will be prevented for the duration of the proposed construction works
 -Site traffic – Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;

To follow current best construction practice, including the following:

-Southwark Council's Technical Guide for Demolition & Construction at <http://www.southwark.gov.uk/construction>

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP 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 National Planning Policy Framework (2023) and Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing Waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Pre-Commencement Condition

6 Tree Planting

Prior to works commencing, full details of all proposed tree planting totalling 64cm girth at time of planting and to include at least 1 each of *Tilia cordata* (nationally scarce), *Ulmus New Horizon* (White Letter Hairstreak Butterfly population), *Sorbus Torminalis* (Climate Change adaptability) . All 4 trees to be supplied as extra heavy standards with a minimum girth at planting of 14-16cm. shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

All trees and shrubs will conform to the specification for nursery stock as set out in British Standard 3936 Parts 1 (1992) and 4 (1984). Advanced Nursery stock trees shall conform to BS 5236 and BS: 4428 Code of practice for general landscaping operations.

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

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff in accordance with The National Planning Policy Framework 2023 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 Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards 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.

Relevant planning policy

National Planning Policy Framework (the Framework) 2023

Chapter 2 Achieving sustainable development
 Chapter 8 Promoting healthy and safe communities
 Chapter 11 Making effective use of land
 Chapter 12 Achieving well-designed and beautiful places
 Chapter 13 Protecting Green Belt land
 Chapter 15 Conserving and enhancing the natural environment
 Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

Policy D12 Fire safety
 Policy G1 Green Infrastructure
 Policy G3 Metropolitan Open Land
 Policy G5 Urban Greening
 Policy G6 Biodiversity and access to nature
 Policy G7 Trees and Woodlands
 Policy SI 1 Improving air quality
 Policy SI 13 Sustainable drainage

Southwark Plan 2022

Policy P13 Design of places
 Policy P14 Design quality
 Policy P16 Designing out crime
 Policy P21 Conservation of the historic environment and natural heritage
 Policy P45 Healthy developments
 Policy P50 Highway Impacts
 Policy P53 Cycling
 Policy P56 Protection of amenity
 Policy P57 Open Space
 Policy P60 Biodiversity
 Policy P61 Trees
 Policy P62 Reducing Waste
 Policy P64 Contaminated Land and Hazardous Substances
 Policy P65 Improving Air Quality
 Policy P66 Reducing Noise Pollution and Enhancing Soundscapes

Relevant planning history of the site and nearby sites

Reference and Proposal:

08/AP/2456 - To remove the existing 1.8 metre high timber fence and install a 2.4 metre high black powder coated steel palisade fence along the south western and north western boundaries of the sports ground with new access gates. St Olaves and St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 18/12/2008.

15/AP/2745 - Removal of existing 1.8 metre high chain link fence; installation of a 2.4 metre high black powder coated steel palisade fence inclusive of 1 no. 4 metre wide double leaf gate to the side of the path that divides the sports field | St Olaves and St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 30/09/2015.

Consultation undertaken

Site notice date: 01.11.2023

Case officer site visit date: 01.11.2023

Neighbour consultation letters sent: 30.10.2023

Internal services consulted

Environmental Protection Team

Ecology

Transport

Highways

External services consulted

Metropolitan Police

Neighbour and local groups consulted:

Neighbour consultation letters and three site notices displayed along the pathway.

Consultation responses received

Internal services

Ecology – No objection

Urban Forester – No objection subject to conditions

Transport – No objection subject to condition

Highways – No comments

External services

Metropolitan Police – No objection

Neighbour and local groups:

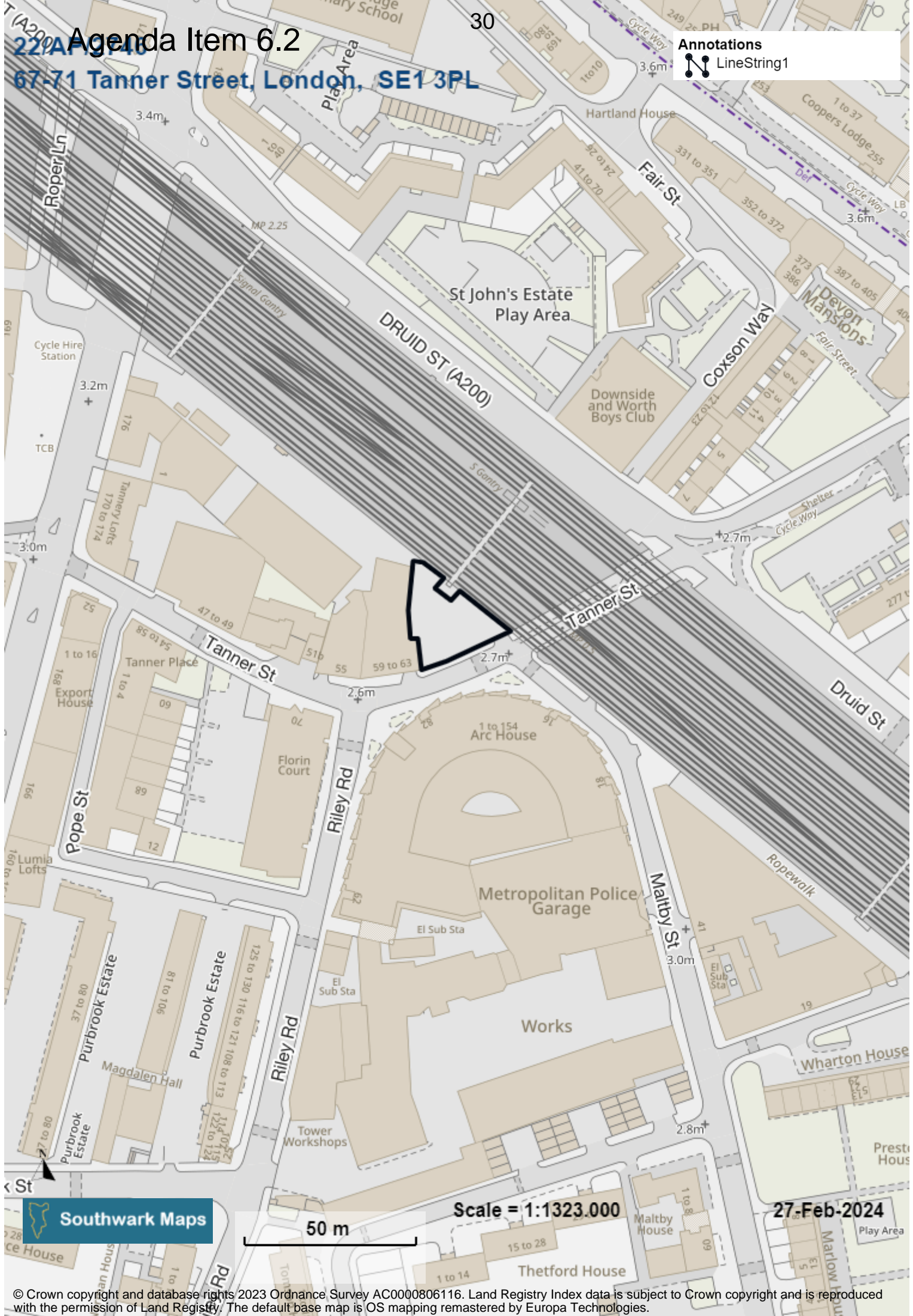
40 letters of objection received.

Agenda Item 6.2

22A Tanner St

67-71 Tanner Street, London, SE1 3PL

Annotations
LineString1



Southwark Maps

50 m

Scale = 1:1323.000

27-Feb-2024

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Item No. 6.2	Classification: Open	Date: 13 March 2024	Meeting Name: Planning Committee - Smaller Applications
Report title:	Development Management planning application: Application for: Full Planning Application 22/AP/2746 Address: 67-71 Tanner Street, Southwark, London, SE1 3PL Proposal: Minor material amendment to Condition 1 for planning application 19/AP/0865 dated 29/01/2021 for 'Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant'. Amendments include adjustment of window sizes and positions, enlargement of lift and stair overrun and plant enclosure and replacement of brick planters on west elevation with green walling.		
Ward or groups affected:	London Bridge and West Bermondsey		
From:	Director of Planning and Growth		
Application Start Date 02/08/2022		PPA Expiry Date	
Earliest Decision Date 23/08/2022			

RECOMMENDATION

1.
 - a) That planning permission is granted, subject to conditions and endorsement of the original Section 106 legal agreement.
 - b) That in the event that the legal agreement has not been endorsed by 13 June 2024 the Director of Planning and Growth be authorised to refuse planning permission for 22/AP/2746, if appropriate, for the reasons set out in paragraph 76 of this report.

EXECUTIVE SUMMARY

2. The application site is 67-71 Tanner Street and benefits from planning permission 19/AP/0865 for:
'Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant'.

3. The original application 19/AP/0865 was considered at Planning Sub-Committee B on 14 September 2020 and was approved 29 January 2021 following the completion of a Section 106 agreement.
4. This is a Section 73 (S.73) application to amend the approved plans with the following changes:
 - Adjustment of window sizes and details of reveals
 - Adjustment to width and form of ground floor bays
 - Enlargement and re-positioning of lift and stair overrun and plant enclosure
 - Replacement of brick planters on west elevation with climbers on a stainless steel frame
 - Introduction of a parapet detail
 - Omission of projecting brick detail on viaduct elevation
 - Addition of aluminium copings

Figure 1: CGI from Maltby Street



5. The original planning permission has been implemented and construction has progressed with the main structure being completed.

Figure 2: The site on 26 February 2024



6. The proposed changes are acceptable in design terms and would not adversely impact on the amenity of neighbouring properties in terms of daylight, sunlight, sense of enclosure or noise. With the proposed climbers an Urban Greening Factor of 0.345 would be achieved.
7. There are no other changes proposed to the original planning permission. It is recommended that planning permission is granted, subject to the original conditions being carried over and an additional noise validation condition being added, and the endorsement of the original Section 106 agreement.

8. BACKGROUND INFORMATION

Site location and description

9. The application site is triangular in shape and approximately 0.046 hectares in size. The plot fronts Tanner Street to the south and is bound by the railway viaduct serving London Bridge Station to the north/east and by the flank wall of the seven storey 'Leatherworks' to the west.
10. Planning permission 19/AP/0865 was approved on 29 January 2021 for the following:

'Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant'.
11. The planning permission has been implemented and construction has progressed with the main structure being completed. The hotel will be a Travelodge. Prior to the planning permission being implemented the site was vacant following demolition of a commercial building.

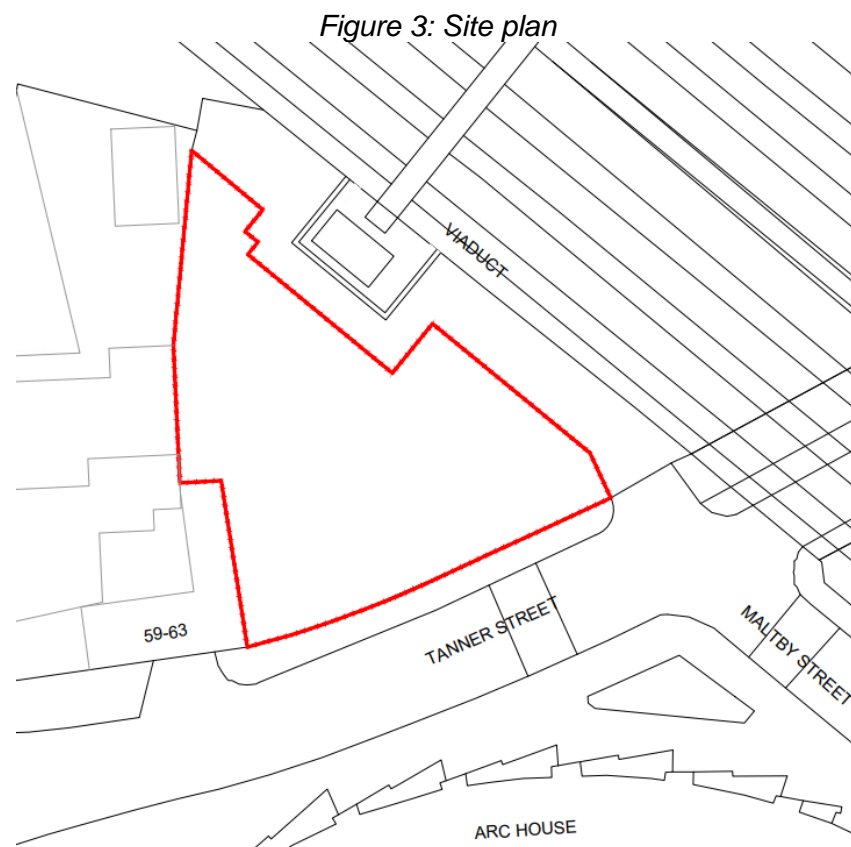


Figure 4: Consented scheme – Tanner Street elevation



12. The application site is subject to the following designations:
- Bermondsey Area Vision Boundary
 - North Southwark and Roman Roads Archaeological Priority Area
 - Parliament Hill summit to St Paul's Cathedral London Views
 - Air Quality Management Area
 - Flood Zones 2 and 3
13. The application site is not located within a conservation area and does not comprise any listed buildings. Bermondsey Street Conservation Area is located approximately 50m to the west of the site.
14. The following Grade II listed buildings are located over 130m to the east of the site:
- Warehouse (Sarsons Vinegar Factory) Roper Lane
 - Bonded Warehouse (Sarsons Vinegar Factory) Roper Lane
 - Former Still House (Sarsons Vinegar Factory) Roper Lane
 - Plumbers Office (Sarsons Vinegar Factory) Roper Lane
 - Engine House (Sarsons Vinegar Factory) Roper Lane

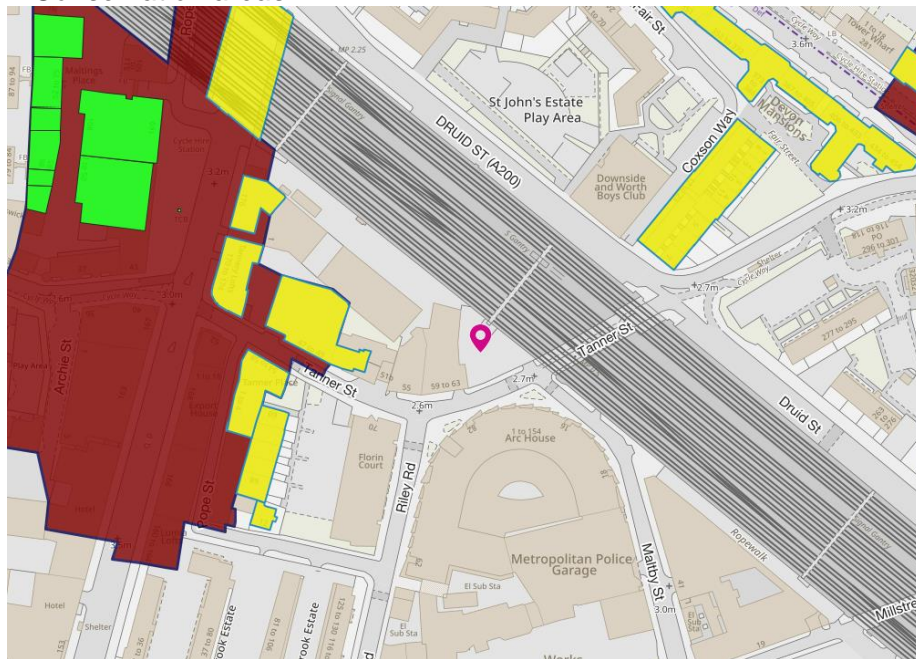
- Brewhouse (Sarsons Vinegar Factory) Roper Lane
- Malt Store (Sarsons Vinegar Factory) Roper Lane
- Fermentation Vats (Sarsons Vinegar Factory) Roper Lane

15. The following buildings close to the site are on the Local List:

- 1-23 Coxson Way
- 45-49 (odd) Tanner Street
- 12 Pope Street
- 60-68 Tanner Street
- 1-4 Pope Street
- 170-174 (even) Tanner Street
- 176 Tower Bridge Road
- Railway bridge over Tower Bridge Road

Figure 5: Heritage assets

Yellow – Local list
Green – Listed
Brown – Conservation areas



16. The local area is characterised by the complex overlapping of road and rail networks and a mix of land uses. Ground floor office units along Tanner Street complement commercial activities along Tower Bridge Road, to the west, and Maltby Street to the east. Upper floors are typically residential, though there are exceptions to this along Tanner Street. The "Arc" building opposite comprises office accommodation at ground floor level with residential use above and rises to 10 storeys. In general, the surrounding architectural character is very mixed, but there is a dense, robust, industrial character woven through much of the townscape.

Details of proposal

17. Planning permission 19/AP/0865 was approved on 29 January 2021 for the following:

'Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant'.

18. This S.73 application seeks a minor material amendment to Condition 1 (Approved Plans) of planning permission 19/AP/0865 for the following changes:

- Adjustment of window sizes and details of reveals
- Adjustment to width and form of ground floor bays
- Enlargement and re-positioning of lift and stair overrun and plant enclosure
- Replacement of brick planters on west elevation with climbers on a stainless steel frame
- Introduction of a parapet detail
- Omission of projecting brick detail on viaduct elevation
- Addition of aluminium copings
- Ground floor doors re-positioned

Figure 6: Proposed vs. Consented – Tanner Street elevation



19. The reasons for the changes within this application are:
- The window pattern has been amended so there is less of a stagger between the floors. This is due to Travelodge's requirement for the room layouts.
 - The windows to the ground floor have been widened so that the brick piers are whole bricks in a symmetrical and neat pattern.

- The head room of the stairs to the roof plant in the original planning permission was insufficient and as a result the proposal is to widen the overrun. The consented roof plant did not allow enough room for the mechanical equipment required for the hotel.
 - There was no access to the planters, hence the amendment to a green wall.
 - The parapet has been introduced to add detail to the top of the building.
 - Aluminium copings have been proposed as they allow for an overhang which reduces staining to the brick work and are safer when abseiling is proposed for the window cleaning as they do not fray the ropes as they pass over the parapet.
 - The ground floor fire escape door has been moved to the viaduct elevation to be set away from the main hotel entrance.
20. During the course of the application the proposed plans have been amended with the following:
- Top of the plant enclosure lowered (in line with consented scheme) and moved away from the parapet wall to the adjoining building 59-63 Tanner Street
 - Green walling changed to climbers on a stainless steel frame
 - Window reveals deeper set

Consultation responses from members of the public and local groups

21. Site notices were erected and neighbour letters were sent out on 10 August 2022.
22. Contributors were re-consulted on 17 January 2023 for the following reasons:
- Daylight and Sunlight Assessment submitted
 - Acoustic Report submitted
 - Proposed plans updated to show the amendments circled in red
23. Summarised below are the material planning consideration raised by members of the public.
24. 16 comments have been received comprising 14 objections relating to the following matters:
- Reduction in daylight and sunlight for neighbouring buildings from the roof top plant
 - Increase in noise and pollution from increase in size and re-location of rooftop plant
 - Lack of detail of proposed green wall
 - Lack of consultation
 - Appearance not in keeping with surrounding area
 - The size and scale of the rooftop plant

25. These matters are addressed in the relevant parts of this report.

Planning history of the site, and adjoining or nearby sites

26. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

27. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use;
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Design;
 - Transport;
 - Ecology and biodiversity;
 - Impact on trees;
 - Community impact and equalities assessment.
28. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

29. 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.
30. 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

31. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2023 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

32. The ability to seek permission to develop land without compliance with conditions attached to an extant planning permissions is set out within S.73 of the Town and Country Planning Act 1990. An application under S.73 results in a new permission being issued, although the time given to implement the permission remains unchanged, and is not extended as a result of any S.73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the point it determines a S.73 application, it must also take into account the scope of the changes being requested, and the status of the permission, in terms of how far construction has progressed.
33. The planning issues relevant to the overall development were set out in full in the committee report for application 19/AP/0865. The requested changes relate to the design of the development. No significant new material issues have been identified and as such it is not considered reasonable or necessary to carry out a comprehensive reassessment of all planning matters. The main issues to be considered in respect of this application are:
- Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Design; and,
 - Urban greening.
34. S.73 applications can be used to vary or remove conditions associated with a planning permission. This application seeks to vary Condition 1 of permission 19/AP/0865 which is the Approved Plans condition. Consented plans would be superseded in line with the proposed changes. These changes are considered to be within the scope of a S.73 application as they are minor material amendments and the description of development would not change.

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

35. The neighbouring buildings are:
- 82 Tanner Street (Arc House)
 - 70 Tanner Street (Florin Court)
 - 59-63 Tanner Street
36. The only amendments to the consented scheme 19/AP/0865 that would have a potential impact on adjoining occupiers and the surrounding area are to the lift and stair overrun and plant enclosure. The height would remain as approved.

Figure 7: Proposed viaduct elevation



Figure 8: Consented viaduct elevation

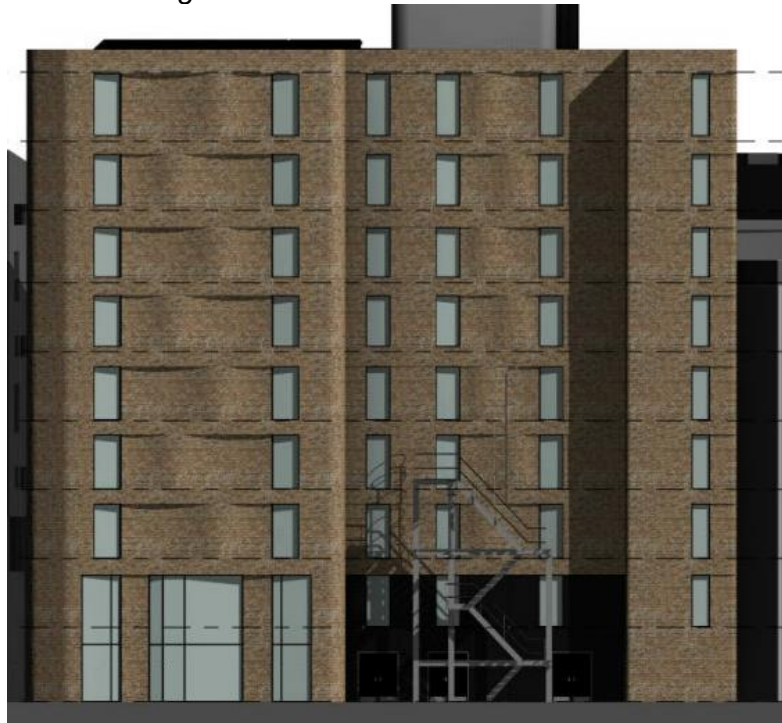


Figure 9: Consented roof plan

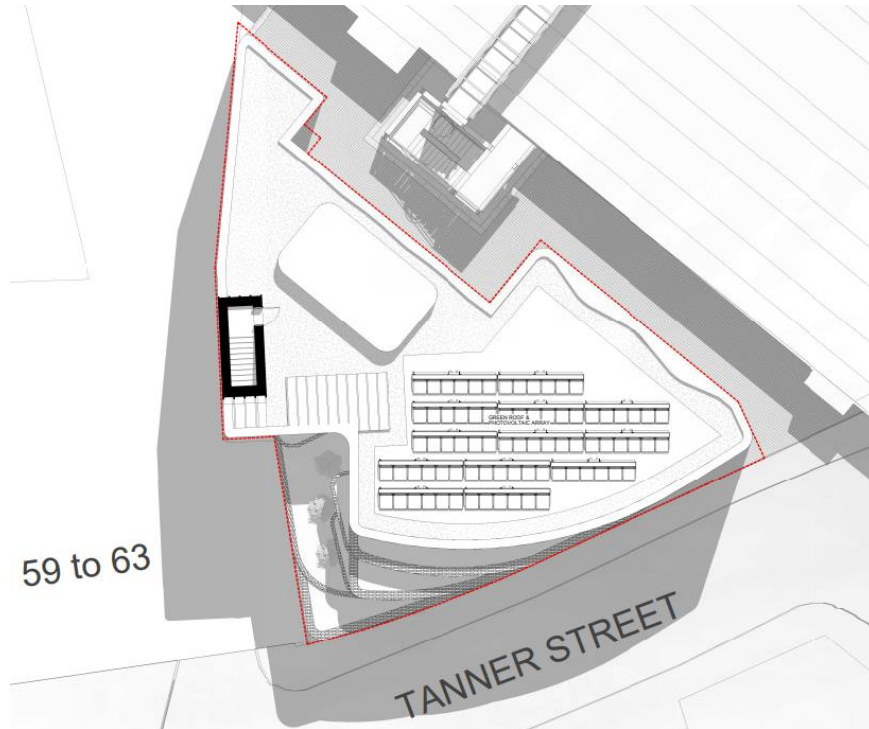


Figure 10: Proposed roof plan



Daylight and Sunlight

37. The daylight and sunlight impacts of the nine storey building were assessed under the original planning application 19/AP/0865 and it was found that there would not be an unacceptable loss of amenity to neighbouring residents.
38. BRE Guidelines sets the Vertical Sky Component (VSC) assessment which considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27%, which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight can be reduced by approximately 20% (0.8) of the original value before the loss is noticeable.
39. Given that this application seeks to enlarge the lift and stair overrun and plant enclosure, an updated assessment has been submitted. The assessment compares the impacts of the consented scheme and the proposed scheme.
40. Although there has been an increase in the plant massing on the roof, this is not visible from many of the neighbouring windows. The skyline as viewed from the neighbouring windows is generally formed by the parapets of the development and the heights of these have been marginally reduced as a result of the proposed amendments allowing slightly improved access to direct skylight for some windows.
41. A total of 117 windows have been assessed in terms of VSC. Of the 117 windows, as a result of the proposed amendments 112 would either experience the same or higher VSC values as the consented scheme. This means that the VSC values of 5 windows would reduce in comparison to the consented scheme.
42. Of the 5 windows that would experience reductions in VSC values in comparison to the consented scheme, 3 would still retain VSC values over 27% and are therefore in line with BRE Guidelines in that a good level of daylight would be achieved. One would experience a proportional reduction of 0.89 over the existing environment which is above BRE Guidelines of reductions below 0.8 resulting in a noticeable loss. The one window that would experience significant reductions upon the existing environment would be proportionally reduced by 0.33, or 0.56 with the effect of balconies and overhangs removed. This window serves a bedroom, not a principal living space, and the room is also served by another window that would not experience any noticeable impacts.
43. It is acknowledged that there would be a noticeable impact on one bedroom window, however this is mitigated by the room being served by a window which would be unaffected. The proposed amendments to the consented scheme would not have any noticeable impact on the further 116 windows assessed.

Noise

44. Given the movement of the rooftop plant, an updated Plant Noise Assessment has been submitted. The assessment identifies environmental noise, the location of the nearest noise-sensitive receptors and noise levels as a result of the proposed plant.
45. The assessment concludes that mitigation measures are required, being that atmospheric attenuators capable of achieving the minimum insertion loss values should be fitted and that the entire plant area should be enclosed by a solid screen with a minimum height of 2.2m.
46. Soutwark's Environmental Protection Team have reviewed the assessment and have no objection to the calculations and proposed mitigation measures, however require a post installation validation to be carried out to ensure the agreed noise levels are met. Condition 21 pursuant to the original permission 19/AP/0865, which is a compliance condition for internal noise, has therefore been amended to require a validation test to be carried out following completion of the development and prior to the use commencing. A condition has also been recommended for the development to be carried out in accordance with the mitigation measures set out in the Plant Noise Assessment. The plant screen has been shown on the proposed plans.
47. Subject to the proposed mitigation measures, as secured by condition, the proposed amendment of re-locating and enlarging the rooftop plant room would not be considered to result in harm through increased noise disturbance to the existing neighbouring residents.

Design

48. The proposed design changes are:
 - Adjustment of window sizes and details of reveals
 - Adjustment to width and form of ground floor bays
 - Enlargement and re-positioning of lift and stair overrun and plant enclosure
 - Replacement of brick planters on west elevation with green walling
 - Introduction of a parapet detail
 - Omission of projecting brick detail on viaduct elevation
 - Addition of aluminium copings
 - Ground floor doors re-positioned

Consented scheme

49. The consented architecture has a robust, quasi-warehouse aesthetic of brickwork piers and spandrels forming large openings with deep window reveals, but with a contemporary twist that chamfers one side of each opening and staggers the window alignment to give a more dynamic appearance to the elevation. This dynamism is further accentuated by the curves in the footprint and includes the bullnose building corner adjacent to the railway viaduct, and the high level curved planter terraces adjacent to the neighbouring building.

50. At street level, the openings extend over ground and first floor visually enhancing the sense of the building's base and avoiding it appearing too squat. The tall openings feature the brickwork chamfered piers and double-height curtain wall glazing. The floorslab at first floor level is set back to provide a double-height ground floor space. The scale of the openings and angled brickwork make for a highly engaging pedestrian experience. The main hotel entrance is located at the west end of the street frontage, with an additional entrance to the restaurant space, which is located at the east end of the street frontage, adjacent to the railway viaduct and opposite the junction with Maltby Street and Ropewalk.
51. The application site is outside a conservation area, the nearest being the easternmost edge of the Bermondsey Street Conservation Area to the west along Tanner Street. There are no nearby statutory listed buildings, the former warehouses at 45-49 Tanner Street that straddle the conservation area boundary are locally listed. However, the bend in the road and its narrow width and context of large buildings severely limits any intervisibility between the site and the heritage assets.

Proposed scheme

Figure 11: View from Tanner Street



Height and massing

52. The proposed changes only marginally affect the overall height of the building, which is shown as 29.92m, remaining just below the 30m threshold to be considered as a tall building under Policy P17 (Tall buildings) of the Southwark Plan 2022. The floor-to-floor heights and parapet heights have been slightly adjusted to accommodate the slight increase in core overrun heights. The height remains acceptable.
53. The general massing largely remains the same, retaining its quadrant footprint and built form, although there are some detailed adjustments to the setbacks of the tiered floors above fifth floor level. Whilst the east corner remains as consented, the facade line is altered at its west end, with its original articulated form smoothed out into more of a gentle curve. Aluminium copings are also added. The projecting curved brickwork planters at sixth to eighth floors at its west end have been omitted. Furthermore, at roof level the overrun and plant enclosure have been re-planned and extended.

Elevations

54. In terms of the elevational designs, the facade line of the double-height curtain walling has been slightly smoothed out and no longer appears so deeply set within the brickwork piers. The additional corner entrance at ground floor has been re-located to the flank elevation, facing onto the service yard between the building and railway viaduct. The double doors to the bin enclosure within the service yard have been repositioned.
55. At first floor and above, the size and ordering of the bedroom window openings have changed and the depth of the windows reveals similarly no-longer appear as deep as the consented scheme. Green walling is shown to cover the return and setback elevations on the uppermost floor levels. The curved brickwork projections on the flank facade onto the railway viaduct have been adjusted and appear to curve slightly inwards only.
56. With the proposed amendments, the overall architectural approach of a robust brickwork building with a quasi-warehouse aesthetic has remained. The double height appearance of the ground floor remains unaffected. The piers over ground and first floor level have narrowed to an extent and the articulation of the brickwork and curtain walling has lessened. However, the columns remain sufficiently wide to read as primary structural columns that ground the building, maintaining a good sense of the building's base. Some articulation of the brickwork and curtain walling remains, with the outer edges of the brickwork openings / window frames shown recessed 330mm from the front facade line. The depth of reveal and articulation are sufficient to convey a reasonable sense of robustness and provide visual interest.
57. Above the ground and first floor on the street elevation the hotel room window openings have become square in proportion compared to the consented scheme. The underlying character of the asymmetrical design of the opening is generally retained, albeit less expressive compared to the consented scheme where the reveals appeared deeper. Whilst deeper reveals were

requested, the applicant has responded that doing so would compromise the provision of secondary glazing. Nonetheless, the 300mm reveal is sufficient to convey the asymmetry and visual robustness of the openings.

58. The adjustment to the window proportions, combined with the shallower depth of reveals, has meant that the openings are no longer as staggered in their arrangement across the elevation as the consented scheme, but remain sufficiently offset to maintain the architectural language. The curved appearance of the street facade is retained, although the loss of the additional curved projecting planters reduces the visual interest at upper floor levels.
59. Overall, whilst there has been a reduction in the strong dynamic quality of the architecture, taken together the curved facade and revised asymmetrical window designs are sufficient to maintain the visual interest. This is evident from the junction with Maltby Road, where the visual contributions of the curved layout and setback upper floors are most apparent.
60. In addition to the changes to the proportions of the windows, the detailed height of the final storey of windows has been reduced from 2.70 down to 2.25m. The shortfall has been made up by an increase in height of the parapet, which has risen from 0.8m to 1.2m. The applicant has indicated that the consented tall windows could not be achieved due to the thickness of the roofslab, but that the windows are some 225mm taller than those on the main floors below. This is regrettable as the extended window heights of the consented scheme gave a loftier appearance to the final storey, distinguishing it as the top or 'crown' of the building. Whilst the proposed windows are taller than the floors below, the difference when viewed over eight storeys is not especially evident. As such, the tripartite elevational hierarchy and understated termination of the facade is lost. Whilst the moderately articulated elevation eases any monotony, the outcome is a notable reduction of the compositional design quality. On balance, the changes to the parapet are considered acceptable.
61. The rear elevation has always been regarded as the secondary elevation, albeit it is highly visible from the adjacent railway and therefore of importance. Compared to the approved scheme, the designs have similarly become calmer in the appearance of the brickwork panels containing the window openings, which previously undulated in the approved scheme. In the revised scheme, the modest forward projections of the brickwork have been omitted, although the inward curves and angled window frames are retained and are sufficient to provide visual interest. The increase in width of the windows is modest and has little impact in this instance, as the windows on this elevation were always designed to be vertically ordered.

Urban greening

62. The replacement of the planters with a green wall is on balance supported, maintaining the visual amenity of the greenery at high level and softening the architecture. The details for the green wall are subject to condition to ensure that this is provided should planning permission be granted.

Lift and stair overrun and plant enclosure

63. Regarding the roof plant enclosure, the extent has increased, but remains sufficiently set back from the street elevation and the initial return of the flank/rear elevation to maintain a clean parapet line when viewed from the public realm. It will be visible from the railway, but is less of a problem. The PVs are located beyond the enclosure but are sufficiently set back from the building's edge to be obscured by the low parapet wall. The core overrun will be seen from the street, but limited to glimpsed views from the west above the neighbouring building, and glimpsed above the parapet of the forward building shoulder line when seen directly head on. The structure is finished in standing seam metalwork and is sufficiently complementary to the main architecture, particularly given its limited visibility.
64. At roof level, the simplification of the overruns into a single structure has made it slightly more apparent than the consented scheme, albeit it is positioned above the recessed element of the street frontage and is finished in standing seam zinc, which is generally low-key. Its visual impact would therefore be limited.
65. The structure is mostly obscured from wider townscape views by the built up character of the street. Elsewhere at roof level, whilst the plant enclosure has widened, its height has been brought down by 450mm, which should help ease its impact. A submitted section drawing confirms that the structure would be obscured from views from street level within Tanner Street, due to the built-up character of the streetscape. Furthermore, the plant is generally well recessed and should not present as rooftop clutter in the axial view along Maltby Street. Whilst the view from the elevated railway can be considered a public view that has an importance, in this instance the plant would read as part of the quasi-industrial character which is often seen abutting the railway.

Summary

66. The proposed development seeks amendments to the consented scheme and these are considered appropriate in design terms.

Urban greening

67. The original planning permission 19/AP/0865 was approved prior to the London Plan 2021 requirement for an Urban Greening Factor of 0.3 to be achieved. Notwithstanding this, the proposed development included brick planters on the west elevation and a green roof.
68. Policy G5 (Urban greening) of the London Plan 2021 sets an Urban Greening Factor target score of 0.3 for predominantly commercial development.
69. This application seeks an amendment to the consented scheme of removing the planters and providing climbers on a stainless steel frame on the west elevation, covering an area of 64.5sqm. The green roof on 108sqm would not change as a result of this application.

Figure 12: Proposed vs. Consented – West Elevation



Figure 13: Stainless steel climbers and green roof



70. The amended scheme would achieve an Urban Greening Factor of 0.345 exceeding the current policy target. For comparison, the consented scheme achieved an Urban Greening Factor of 0.234 which would not meet the current policy target.
71. A condition has been recommended requiring the climbers to be installed within 6 months occupation and maintained as such thereafter.

Other matters

72. Under S.73 applications conditions from the original planning permission are generally re-applied, however can be added, removed or edited. Conditions are required to meet the six tests of: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects. On this basis, some conditions attached to the original planning permission 19/AP/0865 are no longer applicable and have been omitted or are subject to compliance as previously approved.

Consultation responses from internal and divisional consultees

73. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.
74. Environmental Protection Team:
- No objections to the calculations and propose mitigating measures in the noise report but will require a post installation valuation to be carried out
 - Advise a condition for a validation test
 - Previous conditions (including odour) must be carried over from the consented scheme
75. Design and Conservation Team:
- No objection – comments in the Design section of this report

Planning obligations

76. In the event that the Section 106 agreement pursuant to 19/AP/0865 has not been endorsed by 13 June 2024, it is recommended that the Director of Planning and Growth refuses planning permission, if appropriate, for the following reason:

“The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of mitigation against the adverse impacts of the development through projects or contributions, contrary to: Policy DF 1 (‘Planning Obligations’) of the London Plan 2021; Policy IP3 (‘Community Infrastructure Levy (CIL) and Section 106 Planning Obligations’) of the Southwark Plan; and the Southwark ‘Section 106 Planning Obligations and Community Infrastructure Levy SPD’ 2015”.

Consultation responses from external consultees

77. No responses have been received from external consultees.

Community impact and equalities assessment

78. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
79. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
80. 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.
81. 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

82. 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.

83. This application has the legitimate aim of amending planning permission 19/AP/0865. 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

84. 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.
85. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

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

CONCLUSION

86. The proposal seeks to vary Condition 1 (Approved plans) of planning permission 19/AP/0865. Key changes include the re-location of the lift and stair overrun and plant enclosure, elevation amendments and the replacement of brick planters with climbers on a stainless steel frame. The proposed development is acceptable in terms of design and would not adversely impact on the amenity of neighbouring occupiers. It is therefore recommended that the application is approved, subject to conditions and endorsement of the Section 106 agreement pursuant to planning permission 19/AP/0865.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254

APPENDICES

No.	Title
Appendix 1	Recommendation - Draft Decision Notice
Appendix 2	Relevant planning history
Appendix 3	Planning policies
Appendix 4	Consultation responses received
Appendix 5	Consultation undertaken

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Abbie McGovern, Team Leader	
Version	Final	
Dated	19 February 2024	
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 Neighbourhood and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team		29 February 2024

Appendix 1**Recommendation**

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

This document is not a decision notice for this application.

Applicant	Mr ROB COPPER DECO DESIGN AND BUILD LTD	Reg. Number	22/AP/2746
Application Type	S.73 Vary/Remove Conds/Minor Alterations		
Recommendation		Case Number	79-59

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

Minor material amendment to Condition 1 for planning application 19/AP/0865 dated 29/01/2021 for 'Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant'. Amendments include adjustment of window sizes and positions, enlargement of lift and stair overrun and plant enclosure and replacement of brick planters on west elevation with green walling.

67-71 Tanner Street London Southwark SE1 3PL

In accordance with application received on 2 August 2022 and Applicant's Drawing Nos.:

WINDOW REVEAL DETAILS - SECOND FLOOR VIADUCT ELEVATION NST-0359-2002 REV P1 received 13/02/2024

WINDOW REVEAL DETAILS - GROUND FLOOR TANNER STREET ELEVATION NST-0359-2001 REV P1 received 13/02/2024

WINDOW REVEAL DETAILS - SECOND FLOOR TANNER STREET ELEVATION NST-0359-2000 REV P1 received 13/02/2024

WEST ELEVATION NST-0359-1202 REV P5 received 13/02/2024
NORTH EAST ELEVATION NST-0359-1201 REV P5 received 13/02/2024
SOUTH EAST ELEVATION NST-0359-1200 REV P5 received 13/02/2024
EIGHTH FLOOR PLAN NST-0359-1019 REV P3 received 13/02/2024
SEVENTH FLOOR PLAN NST-0359-1018 REV P3 received 13/02/2024
FIFTH FLOOR PLAN NST-0359-1016 REV P3 received 13/02/2024
FOURTH FLOOR PLAN NST-0359-1015 REV P2 received 13/02/2024
THIRD FLOOR PLAN NST-0359-1014 REV P2 received 13/02/2024
SECOND FLOOR PLAN NST-0359-10134 REV P2 received 13/02/2024
FIRST FLOOR PLAN NST-0359-1012 REV P2 received 13/02/2024
GROUND FLOOR PLAN NST-0359-1011 REV P3 received 13/02/2024
BASEMENT FLOOR PLAN NST-0359-1010 REV P2 received 13/02/2024
CYCLE STORE 22/AP/2746 REV P1 received 13/02/2024
PARAPET DETAILS NST-0359-2003 REV P1 received 13/02/2024
SECTION NST-0359-1300 REV P3 received 13/02/2024
ROOF PLAN NST-0359-1020 REV P2 received 13/02/2024
SIXTH LOOR PLAN NST-0359-1017 REV P3 received 13/02/2024
PROPOSED SITE PLAN NST-0359-1001 REV P2 received 13/02/2024
SITE PLAN NST-0359-1000 REV P2 received 13/02/2024

Permission is subject to the following Grade Conditions

2. Unless previously approved pursuant to planning permission 19/AP/0865, before any above grade work hereby authorised begins, details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) shall be:
- * biodiversity based with extensive substrate base (depth 80-150mm);
 - * laid out in accordance with agreed plans; and
 - * planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

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

Discharge of this condition will be granted on receiving the details of the green roof and Southwark Council agreeing the submitted plans, and once the green roof is completed in full in accordance to the agreed plans.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2023, Policies G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2021.

3. Unless previously approved pursuant to planning permission 19/AP/0865, prior to above grade works commencing, material sample 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 the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policy P14 (Residential design) of the Southwark Plan 2022.

4. The development hereby approved shall be carried out in accordance with the signage strategy for the new building approved under planning permission 23/AP/2563.

Reasons:

In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policy P14 (Residential design) of the Southwark Plan 2022.

Permission is subject to the following Pre-Occupation Conditions

5. Unless previously approved pursuant to planning permission 19/AP/0865, prior to the occupation of the hotel hereby approved, a Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason:

To ensure compliance with the National Planning Policy Framework 2023, Policy T7 (Deliveries, servicing and construction) of the London Plan 2021 and Policies P50 (Highways impacts) and P56 (Protection of amenity) of the Southwark Plan 2022.

6. Unless previously approved under planning application 24/AP/0234, prior to the occupation of the hotel hereby approved, the applicant shall provide a hotel management plan that will demonstrate what measures shall be undertaken in order to manage noise from the guests from the hotel.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from guests of the hotel, in accordance with the National Planning Policy Framework 2023 and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

7. Prior to the occupation of the hotel hereby approved, details of the biodiverse green wall along with a long-term maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- 1) A scaled plan showing location, type and materials to be used for the green wall including specifications, where applicable;
- 2) Elevations and cross-section showing the build-up of the green wall;
- 3) A schedule detailing sizes and numbers/densities of all proposed plants; and,
- 4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice.

The green wall shall be:

- Installed within 6 months of completion of the building;
- Laid out with a fire resistant sandwich board with a fire rating of A2-S1-d0 or higher;
- Laid out with a steel frame with a fire resistance of at least 60 minutes;
- Installed with Fire Breaks every 2m of the elevation;
- Installed with an automated irrigation system which maintains moisture levels at, at least 45%;
- Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on plants with non-oily leaves and low leaf litter drop); and,
- Carried out strictly in accordance with the details so approved and shall be maintained as such thereafter, for the lifespan of the building.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance the National Planning Policy Framework, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure) and G5 (Urban Greening) of the London Plan 2021 and Policies P56 (Protection of amenity) and P60 (Biodiversity) of the Southwark Plan 2022.

8. Prior to the occupation of the hotel hereby approved, detailed plans, sections and elevations (where relevant) at a scale of 1:10 and 1:5 through:
- a. doors (including entrance provision onto courtyard), and
 - b. window frames and any ventilation grilles

to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; 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 the design and details in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policy P14 (Residential design) of the Southwark Plan 2022.

Permission is subject to the following Compliance Conditions

9. The development hereby approved shall be carried out in accordance with the full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities approved under planning permission 23/AP/1116. The development shall not be carried out otherwise than in accordance with any approval given.

Reason:

In order to ensure that that any installed ventilation, ducting and ancillary equipment in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the National Planning Policy Framework 2023 and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

10. The development hereby approved shall be carried out in accordance with details of security measures approved under planning permission 22/AP/0286. Any such security measures shall be implemented prior to occupation in accordance with the approved details which shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with: the National Planning Policy Framework 2023, Policy D11 (Safety, security and resilience to emergency) of the London Plan 2021 and Policy P16 (Designing out crime) of the Southwark Plan 2022.

11. Before the first occupation of the building, the cycle storage facilities as shown on the drawings hereby approved shall be provided and made available to the users of the development. Thereafter, such facilities 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:

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework 2023, Policy T5 (Cycling) of the London Plan 2021 and Policy P53 (Cycling) of the Southwark Plan 2022.

12. Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the premises.

The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with the National Planning Policy Framework 2023 and Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

13. The development hereby approved shall be carried out in accordance with the mitigation measures identified in Plant Noise Assessment 11622.RP03.PNA.0 RBA Acoustics 12 January 2023.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2023, Policy D14 (Noise) of the London Plan 2021 and Policies 56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

14. Any deliveries, unloading and loading to the commercial unit hereby approved shall only be between the following hours: Monday to Friday - 08:00 to 20:00.

Reason:

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2023, Policy T7 (Deliveries, servicing and construction) of the London Plan 2021 and Policies P50 (Highways impacts) and P56 (Protection of amenity) of the Southwark Plan 2022.

15. The flood resilience details as outlined within paragraph 4.2 of the submitted flood risk assessment ref:A18282 rev 09 dated January 2020 shall be employed and retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason:

To prevent the increased risk of flooding in accordance with the National Planning Policy Framework 2023, Policy SI 12 (Flood risk management) of the London Plan 2021 and Policy P68 (Reducing flood risk) of the Southwark Plan 2022.

16. 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.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2023, Policy D14 (Noise) of the London Plan 2021 and Policies 56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

Permission is subject to the following Special Conditions

17. a) The development hereby approved shall be carried out in accordance with the Travel Plan approved under planning permission 23/AP/1091.
- b) At the start of the second year of operation of the approved Travel Plan, a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason:

In order that the use of non-car based travel is encouraged in accordance the National Planning Policy Framework 2023, Policy T4 (Assessing and mitigating transport impacts) of the London Plan 2021 and Policies P50 (Highways impacts) and P56 (Protection of amenity) of the Southwark Plan 2022.

18. Unless previously approved pursuant to planning permission 19/AP/0865, within 6 months of completion of the archaeological mitigation works the applicant shall submit a brief summary report on the results of the archaeological mitigation works to the Local Planning Authority for approval in writing. No further development shall take place until that written approval is received, which will allow the development to be carried out without further archaeological on-site fieldwork, and will allow the archaeological post-excavation analysis work to commence.

Reason:

To ensure the preservation of archaeological remains by record or in situ to identify and record any features of archaeological interest discovered during the works, and in order to mitigate the impact of the works on the archaeological resource, in accordance with the National Planning Policy Framework 2023, Policy HC1 (Heritage conservation and growth) of the London Plan 2021 and Policy P23 (Archaeology) of the Southwark Plan 2022.

19. a) Based on the report EPT is satisfied with the remediation strategy for the protection of water supply pipes and the gas protection membrane.
- b) 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) above.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework 2023 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan 2022.

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

Reason:

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater, in accordance with the National Planning Policy Framework 2023, Policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage) of the London Plan 2021 and Policies Policy P68 (Flood risk) of the Southwark Plan 2022.

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

Reason:

There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located above a Secondary Aquifer), in

accordance with the National Planning Policy Framework 2023 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan 2022.

22. Within six months of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason:

In order that the archaeological interest of the site is secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with the National Planning Policy Framework 2023, Policy HC1 (Heritage conservation and growth) of the London Plan 2021 and Policy P23 (Archaeology) of the Southwark Plan 2022.

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

Bedrooms - 35dB LAeq T †, 30 dB LAeq T*, 45dB LAFmax T *

Living rooms- 35dB LAeq T †

Dining room - 40 dB LAeq T †

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

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

Following completion of the development and prior to occupation, a validation test shall be carried out on a relevant sample of premises. The results shall be submitted to the LPA for approval in writing. The approved scheme shall be implemented and permanently maintained thereafter.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2023, Policy D14 (Noise) of the London Plan 2021 and Policies 56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

Appendix 2

Relevant planning history

Reference and Proposal	Status
<p>19/AP/0865 Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant.</p>	<p>GRANTED - Major Application 29/01/2021</p>

Planning Policies

National Planning Policy Framework (the framework)

The revised National Planning Policy Framework ('NPPF') was published December 2023 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 D14 Noise
- Policy G1 Green infrastructure
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature

Southwark Plan 2022

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

- Policy P14 Design quality
- Policy P56 Protection of amenity
- Policy P59 Green infrastructure
- Policy P60 Biodiversity
- Policy P66 Reducing noise pollution and enhancing soundscapes

Consultation undertaken

Site notice date: 12/08/2022

Press notice date: n/a.

Case officer site visit date: 12/08/2022

Neighbour consultation letters sent: 09/08/2023

Internal services consulted:

LBS Design & Conservation Team

LBS Environmental Protection

Neighbour and local groups consulted:

Flat 1 61 Tanner Street London

63 Tanner Street London Southwark

Flat 13 61 Tanner Street London

Flat 14 61 Tanner Street London

Flat 11 61 Tanner Street London

Flat 8 61 Tanner Street London

Flat 5 61 Tanner Street London

Flat 2 61 Tanner Street London

59 Tanner Street London Southwark

Flat 12 61 Tanner Street London

Flat 10 61 Tanner Street London

Flat 9 61 Tanner Street London

Flat 7 61 Tanner Street London

Flat 6 61 Tanner Street London

Flat 4 61 Tanner Street London

Flat 3 61 Tanner Street London

Consultation responses received

Internal services:

LBS Design & Conservation Team

LBS Environmental Protection

Neighbour and local groups consulted:

10/61 Tanner Street London SE1

Flat 7, 55 Tanner Street London SE1 3PN

Flat 7, 55 Tanner Street London SE1 3PN

Flat 9 61-63 Tanner Street London

60 Tyler Street Greenwich London

61 Tanner street London SE1 3PP

Flat 6 61 Tanner Street London

Flat 8, 55 Tanner Street London SE1 3PN

Flat 2 61 Tanner Street London

Flat 11 61 Tanner St London

Flat3, 61 Tanner Street London SE1 3PP

Nordheimstr. 4 Frankfurt am Main 60596

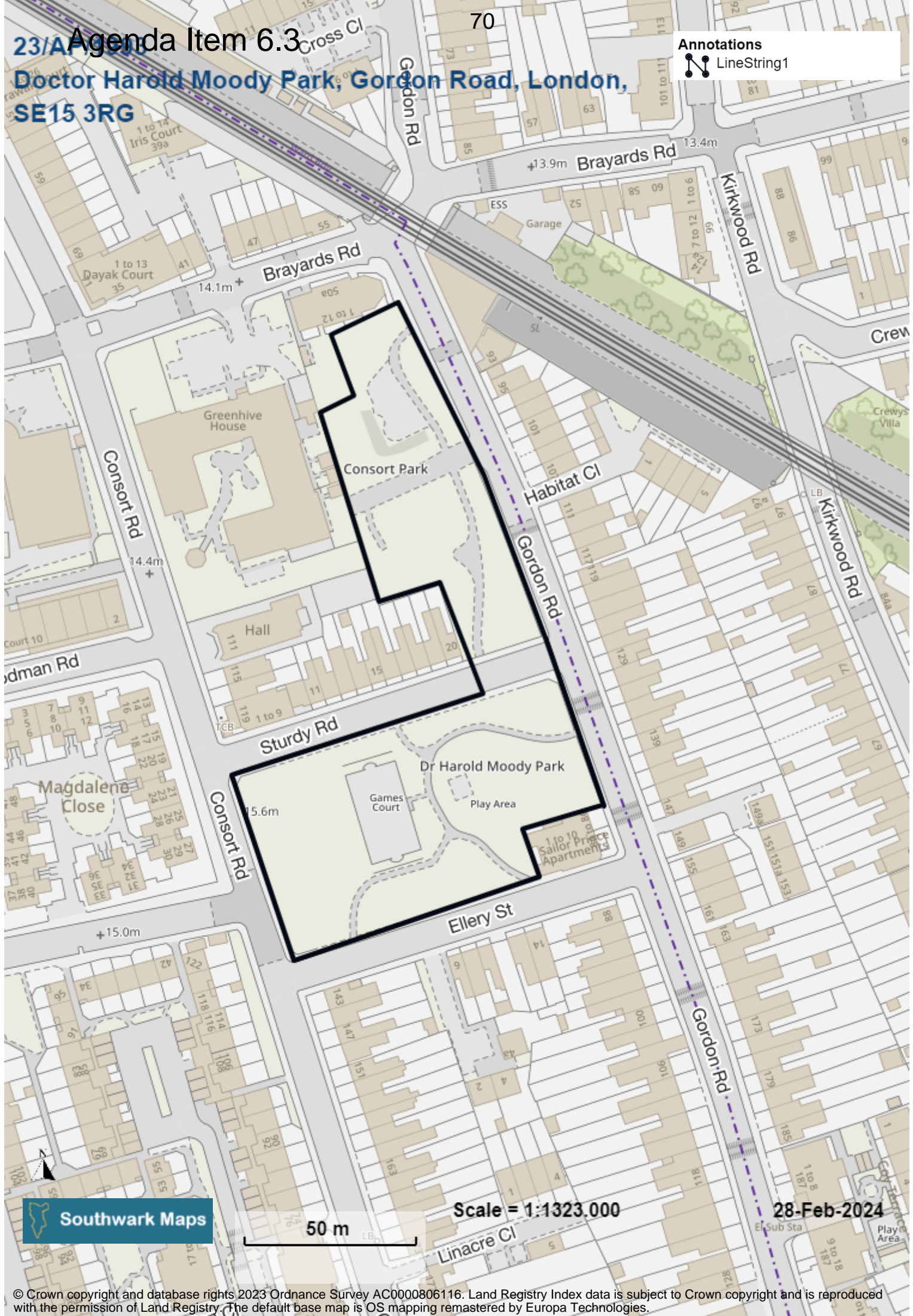
Flat 1, 61 Tanner St London SE1 3PP

Flat 14 61 Tanner Street London SE!

Agenda Item 6.3

Doctor Harold Moody Park, Gordon Road, London, SE15 3RG

Annotations
LineString1



Southwark Maps

50 m

Scale = 1:1323,000

28-Feb-2024

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Item No. 6.3	Classification: Open	Date: 13 March 2024	Meeting Name: Planning Committee (smaller applications)
Report title:	<p>Development Management planning application: Application 23/AP/1993 for: Full Planning Application</p> <p>Address: Doctor Harold Moody Park, Gordon Road, SE15 3RG & Consort Park, Gordon Road, SE15 3RH</p> <p>Proposal: Refurbishment of Consort Park and Dr Harold Moody Park, including connecting the two parks together by closing the eastern end of Sturdy Road to motor traffic, and transforming this section of highway into park land. Works to Consort Park include reduction and remodelling of existing mounds, tree removals, new footpaths, seating, creation of meadows, tiny forest and specimen tree planting. Works to Dr Harold Moody Park include expansion and refurbishment of existing playground, amendments to multi-use games court fencing, new pump track, miscellaneous informal sports equipment and cycle parking; tree planting, hedging and planting. Closure of the existing pedestrian entrance to Dr Harold Moody Park from Gordon Road to facilitate expansion of the playground. Works to the stopped up section of Sturdy Road includes earthworks, new footpath link to Gordon Road, tree planting and turning head within Dr Harold Moody Park.</p>		
Ward(s) or groups affected:	Peckham and Nunhead		
From:	Director of Planning and Growth		
Application Start Date: 17.07.2023		PPA Expiry Date: 27.03.2023	
Earliest Decision Date: 27.09.2023			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

2. The application involves the refurbishment of Consort Park and Dr Harold Moody Park. Consort Park is located on the corner of Gordon Road and Sturdy Road. Dr Harold Moody Park is located south of Consort Park. The proposal includes the closure of the eastern end of Sturdy Road to create a green link and improving the accessibility by users of different needs in accordance with the council's public sector equality duty. The proposed works are necessary because play facilities within the park are in poor condition with poor accessibility. Within Consort Park, the proposed works are required because the existing play equipment, benches and derelict area of multi-coloured wet pour rubber surfacing are in poor condition and are at the end of their lifespan. Grass

mounds in the park limit visibility/accessibility and create hidden areas which are prone to anti-social behaviour. On the other hand, Dr Harold Moody Park has subtle areas of mounding allowing views across the park and tree planting is restricted to the perimeter of the park.

3. The proposal includes connecting the two parks together by closing the eastern end of Sturdy Road, and transforming this section of the highway into park land. The plans would allow the expansion and refurbishment of the existing playground, amendments to multiuse games court fencing, new pump track, miscellaneous informal sports equipment and cycle parking; as well as the reduction and remodelling of existing mounds, tree removals, new footpaths, seating, creation of meadows, tiny forest and specimens tree planting. The closure of the existing pedestrian entrance to Dr Harold Moody Park from Gordon Road would facilitate expansion of the playground. Works to the stopped up section of Sturdy Road would include earthworks, new footpath link to Gordon Road, tree planting and turning head within Dr Harold Moody Park.
4. The proposed development would not detract from the openness and the character of the existing open space, nor would it cause adverse harm to the significance of Nunhead Green Conservation Area.
5. Revisions have been made to the turning head in light of the comments received from the Council's Transport and Highway Teams. In conclusion, the proposal is found acceptable in terms of safety, design, ecological and arboricultural impacts. The proposal not only includes improvements of the parks' facilities and biodiversity gain but by amalgamating the two parks, it creates a new green link and functional space to support active travel. This facilitates a more distinctive and functional open space that will contribute to the area's social infrastructure. The application is therefore recommended for approval subject to planning conditions.

BACKGROUND INFORMATION

Site, location and description

Location

6. The application site comprises two green spaces named Consort Park and Doctor Harold Moody Park, forming two L-shaped public areas separated by Sturdy Road. The site is bounded by Brayards Road to the north, Gordon Road to the east, Consort Road to the west and Ellery Street to the south.

7. Figure 1: Site Location Plan



8. Figure 2: Highlighted Site from Google Earth



9. Figure 3 View of Doctor Harold Moody Park from Consort Road10. Figure 4 View of Doctor Harold Moody Park from Sturdy Road11. Figure 5 View of Consort Park from Sturdy Road

12. Figure 6 View of Consort Park from Gordon Road

13. The two parks are contrasting in character. Consort Park is a linear, small local neighbourhood park surrounded by a care home, redundant church and residential houses to the west and north. It includes some play equipment and grassy mounds. Dr Harold Moody Park is open on all sides and the areas of mounding are more subtle than Consort Park. This park includes a playground and a multi-use game area (MUGA).
14. Enclosed by residential uses and immediately adjacent to Greenhive Care Home, the site provides not only a public amenity area, but also routes throughout the park to different destinations. Reflecting the latter function, Harold Moody Park benefits from multiple access points due to it being open on all sides, the four pedestrian access points are located to the north on Sturdy Road, Gordon Road to the east and two entrances are located on Ellery Street to the south-west and south-east. Consort Park benefits from two pedestrian entrances, one to the north-east from Gordon Road and one to the south at Sturdy Road.

History and conservation area designation

15. The site of both parks formerly consisted of Victorian houses of which some were destroyed and demolished from the wartime and the associated site clearance. During the latter part of the 20th Century subsequent comprehensive redevelopment of the local area included the demolition of the majority of the buildings within the urban block formed by Sturdy Road, Gordon Road, Ellery Street and Consort Road. This resulted in the new park being created in 1982.
16. Doctor Harold Moody Park and the south part of Consort Park falls within the Nunhead Green Conservation Area. The conservation area was designated on 16 January 2007. The parks are also in proximity to the Grade II Listed K2 telephone kiosk outside Shergar public house (Shergar public house not included). The Conservation Area Appraisal recognises the park as a principal open space that is an important amenity space which incorporates a Games Court in the centre and a large area of open space for use by the community.

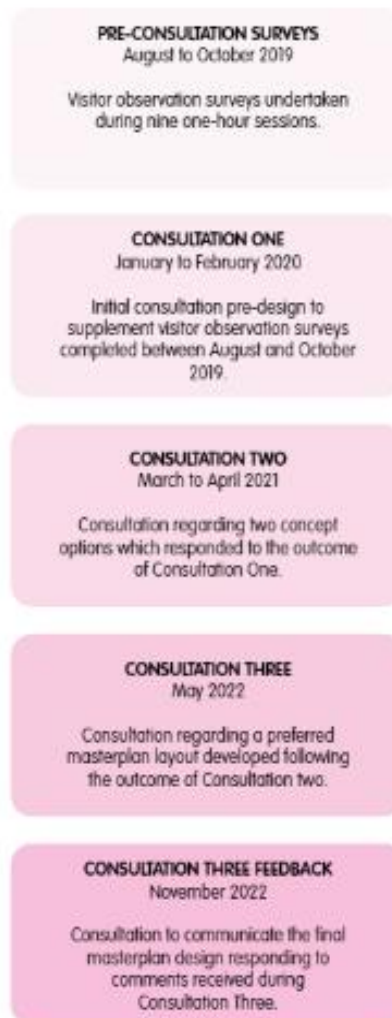
17. *Other policy designations*
18. Consort Park is Borough Open Land (BOL) with the typology of Pocket Park as outlined within the Open Space Strategy (2013). It is also a Site of Importance for Nature Conservation that contains wet woodland as outlined within SINC Review and Borough Ecological Survey (2014-2015).
19. Doctor Harold Moody Park has been designated as Other Open Space with the typology of a Small Local Park within the Open Space Strategy (2013).
20. Consort Park was identified within the Peckham and Nunhead Area Action Plan (2014) as a Green Grid Area. The action plan required a masterplan to be created to maximise the potential of this park. It called for access to better play equipment aged up to 8 years old and for the opportunity to create a bug trail within the park. The proposal includes play equipment for various age groups with a significant sized area of play equipment for younger children up to 8 years old. With regards to the bug trail, this was suggested during the public consultation and it's proposed that this is developed with the Friends of Dr Harold Moody Park and Consort Park.
21. The site is subject to the following designations:
 - *East Southwark [Southwark], Critical Drainage Area*
 - *Nunhead Green Conservation Area*
 - *Smoke Control Zone - Rye Lane*
 - *Action Area - Peckham And Nunhead*
 - *Air Quality Management Area*
 - *Area Visions - AV.14 Peckham*
 - *Borough Open Land*
 - *Site Of Importance For Nature Conservation*
 - *Other Open Space*

Details of proposal

22. Permission is sought for:
 - Connecting the two parks together by closing the eastern end of Sturdy Road, and transforming this section of the highway into park land.
 - Works to Consort Park include reduction and remodelling of existing mounds, tree removals, new footpaths, seating, creation of meadows, tiny forest and specimens tree planting.
 - Works to Harold Moody Park include expansion and refurbishment of existing playground, amendments to multiuse games court fencing, new pump track, miscellaneous informal sports equipment and cycle parking.
 - Closure of the existing pedestrian entrance to Dr Harold Moody Park from Gordon Road to facilitate expansion of the playground.
 - Works to the stopped up section of Sturdy Road include earthworks, new footpath link to Gordon Road, tree planting and turning head within Dr Harold Moody Park

Public consultation

23. The proposal has been informed and influenced by the following preliminary research:
24. Figure 7: Consultation Process, Design and Access Statement



Public Survey

25. Visitor Observation Surveys were carried out in Consort Park between August and October 2019, during seven one hour sessions between 8am and 6pm on weekdays and two one hour sessions in the morning and afternoon over two weekends. The surveys found that 110 individual visits were recorded in the park, which was low when compared to other parks and improvements could attract higher visitors.

Equalities Impact Assessment

26. An equalities impact assessment was conducted pursuant to the Public Sector Equality Act to review the equality implications of various options during the design stage. The key conclusions included:

- **Park Approach:** Sturdy Road is blocked off at the Gordon Road end, allowing an area of green space to be created by linking the parks. It is recommended that a new pavement is created to connect the north and south sides of Sturdy Road and ensure a continuous accessible pavement to follow along Gordon Road next to the park. All previous requirements for path widths, gradients and surfaces should apply. There is a significant level difference between Consort and Dr Harold Moody Parks which needs to be addressed when linking the two areas, creating access routes that are level or gently sloping along the length. It is important to ensure that the pavement remains clear of any spill effect from the park if there is no retaining fence boundary. It is recommended that a clear separation between pedestrian areas and vehicle areas is ensured. People with visual impairments, children and those with neurodiverse conditions require certainty with regards to the safety of the space they are in and the route they are being encouraged to follow. If a pavement or path crosses a vehicle area then a formal crossing point should be provided incorporating appropriate tactile surface and road marking, to highlight the potential hazard.
- **Entrance Gates:** All gates are to be removed to improve access for wheelchairs and buggies, and to provide a more open vista across the space. A wider path is good, but needs to be balanced with 'greenspace'.
- **Entrance and signage:** It is recommended that with or without gates and fences, entrances into the park should be made clear and entrance signage should be prominently located at each entrance, and be clear and easy to read. It is also recommended that dropped kerb access at the entrance points is available and kept clear.
- **Paths:** The proposed rounded corners at some path junctions will aid circulation and manoeuvrability around the park.
- **Surfaces:** Surfaces both approaching and surrounding each specific area of the park - seating, play, sport, activity and picnic areas, as well as paths - need to be accessible for all, including disabled children and adults, and should be firm and smooth.
- **Play and Activity Areas:** It is recommended that all surfaces surrounding play and activity areas follow the recommendations above in 3.03 and 3.04, with regards to surfaces and path widths, to enable all users of the park to engage and participate equally. It is also recommended that sufficient circulation space that allows for a 1500mm diameter turning circle is provided within the layout. There should be an aisle width of 1200mm between activity equipment, with a turning circle provided to negate the need to reverse out of a space. There should be easy access to toilet facilities.
- **Seating:** There should be easy access to toilet facilities. All seating areas are located on firm and level ground and that there is space within the length of seating provision to allow wheelchair users to sit alongside their companions.

- Picnic Area and Tables: Picnic tables with extended length to provide wheelchair accessible table space are recommended. It is also recommended that there are firm and level accessible approaches and surrounds to the picnic tables to ensure they can be used by everyone.
- Cycle Parking: Cycle stands should be positioned such that when in use (i.e. when a cycle is placed on one of them), they do not reduce the access route width.
- Litter Bins: Are recommended to have a minimum height of 1000mm so that they can be used easily.
- Water Bottle refill Posts: Water Bottle Refill Posts should allow single-handed bottle filling, with no extra buttons to operate with a second hand, elbow or foot.

Public consultation undertaken by the applicant: Pre-planning stage (17 January 2020-November 2022)

27. Before the submission of the full planning application on 17.07.2023, three stages of consultations were undertaken to inform and evolve the design options:
- The first consultation took place online between 17 January to 17 February 2020. In total 62 responses were received.
 - Two masterplans were created informed by the first consultation. The second consultation included a face-to-face event in Dr Harold Moody Park on 28th of May 2022 and a virtual meeting on 7th June 2022. The Southwark Young Advisors undertook five sessions in the park, one of these sessions was during the Friends of the Park Jubilee event on the 5th of June 2022. The Southwark Young Advisors visited the nearby Greenhive Care Home to seek representation from older members of the local community.
 - In December 2020, children from St Mary Magdalene Primary School were asked to choose their favourite type of play by placing stickers on equipment images.
 - The feedback from the consultation two informed the development of a preferred masterplan, which was subject to consultation three which took place in May 2022.
 - In November 2022, a final masterplan layout was published by Southwark Council to communicate the final masterplan.

Consultation responses from members of the public and local groups

28. The proposed development falls within the definition of 'minor development' in the adopted Statement of Community Involvement (2008). In accordance with the consultation requirement applying to minor development, site notices have been displayed near park entrances. In addition to the above requirement,

additional notification took place by way of a neighbour letter that was distributed to 135 addresses.

29. A total of fifteen(15) representations have been submitted from members of the public. Eight(8) of which are objections; six(6) are in support of the proposal; and one(1) neutral comment. The objections and comments in support have been arranged thematically with the corresponding officer comments.

30. Design quality and site layout:

Objection:

- The space is too small for the amount of additional equipment that will be added.
- By adjoining both parks creates an easier getaway for criminals who commonly in this area operate on foot or bicycle
- There have been problems in the past with seating in Consort Park so close to the back of the houses in Sturdy Road with sound systems at full blast and other noise associated challenges. There have also been bag thefts because it is so secluded tucked away in a corner. It would be preferred if the seating logs could be moved.

Support:

- Support for merging both with no need to cross the street to walk from one to the other. Really well thought through plans with high quality design.
- Support for the improvement works to increase the park's usability for all age groups.
- Support for the introduction of proposed structures such as the climbing trees, picnic benches, oak bench, a chess table and seats, and a second table tennis table.
- Refurbishment of the park would be a positive improvement for the conservation area creating an improved green space for both children and residents to enjoy.

Officer Comment: The comments of support are noted. With regards to the objections about the amount of anti-social behaviour that arises from the park: the perception of fear and possible crime is a material consideration in the determination of planning applications. It is important to consider the evidence. The design has been assessed by the Met Police Design Out Crime officer, who has raised concerns regarding the removal of the fence and rise in crime on mopeds. Parks have contacted the Planning Team to say that Park Liaison Officers will be monitoring the site to review anti-social behaviour and the potential increase of crime on foot and bike. Consort Park does not have any park equipment proposed, and by closing off the eastern part of Sturdy Road creates more open space to facilitate the additional play equipment within Harold Moody Park. Seating will be located a minimum of 16m away from residential properties.

31. Quality of accommodation and provision of private/communal outdoor space:

Objection:

- Desire for a separate fenced area for dogs. There is no need to join the two parks together as they serve two different purposes. Doctor Harold Moody Park is mainly used for children and adults to play and relax and Consort Park is mainly used by dog walkers. This puts users at risk of being bitten by dogs.
- The development proposes to remove the mounds which is one of the most pleasant features of Dr Harold Moody park, enjoyed by adults and children alike, it also reduces the green space.
- The purposed pump track is an over development of the Dr Moody side of the park, as there is not enough space for it. Potential for the pump track leading to several injuries to users. It seems unreasonable and manifestly excessive to also try to squeeze a pumptrack into the relatively modest area of grass in question. There are also pump tracks nearby.

Support:

- Support for the pump track as we don't have anything like that within walking distance for younger children.
- Agreement with the removal of the gates as this will encourage more people to use it not just dog walkers.
- Support for the inclusion of new play equipment including pump track (there is none locally for casual skate or roller skate riders)

Officer Comment: The comments of support are noted. There were a number of objections relating to the need for a fenced area for dogs, however this is not a planning matter and the behaviour of dogs is the responsibility of the owner. Due to the concerns raised by dog owners during the consultation, Parks have added a hedgerow at the southern end of Consort Park, to provide a physical barrier between the park and shared cycle and pedestrian pathway. A temporary fence will be installed, while the hedge becomes established. Larger parks nearby provide an opportunity for secure off-lead dog walking, both at Nunhead Cemetery, 15mins walk away, and Peckham Rye Park which is 20mins walk from Consort Park.

Dr Harold Moody Park has a play area and a ball court, which are fenced and dogs are not permitted inside. At both parks, signs are on display, with information about the Public Space Protection Order rules about dogs. There is also information on the Council website about responsible dog ownership and dog mess can be reported via our website. Under the Equality Act, the council has a legal duty to consider the needs of people with protected characteristics, including people with disabilities. When refurbishing parks, it is necessary to ensure that entrances and pathways are accessible. The Equalities Impact Assessment report has recommended that the gates are removed, as they exclude some people with disabilities from entering the park. The new park entrances linking to the shared cycle and pedestrian pathway cannot have gates, otherwise cyclists would not be able to use them. The mounds are not

being removed but are being reshaped to open up views across the park and help address issues of anti-social behaviour. Similar to above, more space has been created in the park by closing off part of Sturdy Road. This development has to accord to Policy P57 Open Space due to its land designation and therefore any development that would detract from the open nature of this land would be unacceptable. There has been careful consideration of this and it is deemed that the proposed preserves the character of the land.

32. Neighbour amenity impacts:

Objection:

- Increased noise level with the addition of the pump track
- Increased level of noise and pollution by redirecting traffic

Officer Comment: Unfortunately, due to the pump track being in open space it is not possible to implement opening hours and enforce the noise level. However, the use of the park is not changing in regards to land use and therefore it would be unreasonable to refuse the application on this basis. It cannot be confirmed that there will be an increased level of noise and pollution due to the closure of Sturdy Road. Parks have confirmed that the pump track received positive feedback during the consultations. The small pump track design is considered most suitable for this small park, as it encourages one-way directional skateboarding, roller-skating, scootering and cycling/balance bikes, for children and beginners. Feedback from Waltham Forest Council is that the pumptrack installed in Lloyd Park in Walthamstow is very popular with young children. The pump track would be located the recommended distance of 30m from residential properties. It would be made from concrete which is a quieter surface material for skate features than wood or metal. An acoustic survey was undertaken and notes that the noise level from the pump track is not expected to be a disturbance to local residents.

33. Transport, parking, highways, deliveries and servicing matters:

Objection:

- Not in favour of Sturdy Road being closed though as it will make road access to Gordon Road from Consort Road more difficult and will increase traffic along Ellery Street which is fairly narrow.
- Objection to the two parks being joined together and the closing of the eastern end of Sturdy Road, which will remove 15 parking spaces. The area already operates as a de-facto overspill for both Peckham and Nunhead highstreets
- The turning point for vehicles is an invasion of privacy because car headlights will shine directly into resident's homes.
- Cycle parking is proposed, given the amount of bikes that are left discarded on the streets, it is envisioned that people will not be responsible and they will be left abandoned throughout the park causing a hazard for users of the park.
- No double lines leading to cul-de-sac which prohibit safety when entering and exiting.

- If the pumptrack attracts increasing numbers of visitors who arrive by car, greater pressure will be placed on limited parking spaces in the surrounding streets.
- It has statistically been found that pollution concentrations are at the most extreme conditions on narrow streets lined with tall buildings such as Gordon Road/ Ellery Street which can trap pollution and lead to more elevated concentrations.
- Closing the eastern side of Sturdy road would limit access by emergency services such as ambulances, police & fire brigades which creates uncertainty for local residents.
- Concerned if these works commence and remove parking spots on Sturdy Road without permit parking occurring in tandem.

Support:

- Strong support of this development as well as the proposed controlled parking zone initiative for Nunhead.
- Merging the parks is a good idea that will calm traffic.

Officer Comment: The comments of support are noted. With regards to the closure of Sturdy Road, the Transport Team, Transport Project Officer and Network Management were consulted on this and the closure has been approved. The site is partially within the Peckham (B) CPZ, operating between the hours of 08.30-18.30, Monday to Saturday and is partially within the Nunhead CPZ which is currently under consultation. Also due to the site being PTAL 5, the proposed car-free development accords to the councils adopted policies. With regards to the road safety of this development, a road safety audit has been submitted by the applicant. At vehicle crossovers, pedestrian sightlines of 1.5m x 1.5m are required either side of the opening in the boundary, not within the opening, with no features higher than 0.6m within this area which has been demonstrated in the amended plans. Additionally, a minimum of 2.4m x 25m for 20mph roads, and 2.4m x 43.0m or 30mph roads as per Manual for Streets has also been demonstrated. The new proposed turning head is also for refuse, emergency, delivery and resident vehicle turning. Vehicle sightlines are suitable and it was agreed at 06/09/23 meeting that no updates of this are required of the turning head drawing. Highways will produce a Section 278 agreement once planning is approved. With regards to the increase in pollution levels, the Councils Environmental Health team were consulted on this application and have not raised any objections in this regard.

34. Other matters:

Objection:

- Since the original visitor observation surveys were carried out in 2019 a lot has changed in the way the two parks are used by the public, especially after the pandemic.
- No suitable survey or report appears to have been produced to assuage noise concerns, or to specify the anticipated decibels of noise likely to be created by an increase in users, and the skating activity itself.

- Neither has survey or report been provided to the residents to quantify the anticipated risk of anti-social behaviour which a skatepark in a residential quarter might create.

Officer Comment: The design has been assessed by the Met Police Design Out Crime team and they did not raise concerns about the pump track causing antisocial behaviour. Crime and anti-social behaviour reports are kept by our Environment and Community Protection team. In 2020 and 2021, it was recorded that the parks had 'very little' antisocial behaviour, however during public consultation people did raise some concerns about current antisocial behaviour. With regards to the noise assessment, as the land use of the park is not changing it would not be reasonable to require a noise assessment. It is understood that a comprehensive consultation period was undertaken and while the way the park has changed after the pandemic is important, those who were consulted would also understand how they would want to use this park.

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

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

KEY ISSUES FOR CONSIDERATION

Summary of main issues

36. 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;
 - Landscaping and trees;
 - Ecology and biodiversity;
 - Outdoor amenity space, children's playspace and public open space;
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Transport and highways;
 - Noise and vibration;
 - Community involvement and engagement;
 - Community impact and equalities assessment;
 - Human rights and;
 - Positive and proactive statement.
37. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

38. 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.
39. 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

40. The statutory development plans for the Borough comprise of the Southwark Plan (2022) and The London Plan (2021). The National Planning Policy Framework (2023) 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 proposed development

41. The proposal would not involve the change of use, but to maintain the existing uses for recreation and outdoor sport by way of upgrading and relocating the existing facilities.
42. The application site includes the refurbishment of Consort Park and Dr Harold Moody Park, including connecting the two over the eastern side of Sturdy Road. Consort Park has a Borough Open Land designation and Harold Moody Park has an Other Open Space designation. The relevant policy to consider is P57 Open Space which states that:
 1. *Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when:*
 1. *It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect 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*
 2. *It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions and above the size of the original building; or*
 3. *It consist of the replacement of an existing building, provided that the new building is no larger than the building it replaces.*

Development will not be permitted on Other Open Space (OOS). In exceptional circumstances development may be permitted if it consists of replacement OOS of equivalent or greater size or substantial better quality can be secured on site to nearby before development commences.

43. The proposal does not include any new buildings but does include new playground equipment, new seating, table tennis tables and a pump track which are all ancillary facilities that positively contribute to the setting, accessibility and quality of the open space. The closure of eastern end of Sturdy Road and the existing pedestrian entrance to Dr Harold Moody Park from Gordon Road facilitates the expansion of parkland, therefore preserving the open space in this area. The proposal therefore accords with Policy P57 Open Space.

Design, layout, heritage assets

44. The proposal is for the redevelopment of Consort Park and Dr Harold Moody Park that includes the closure of the eastern end of Sturdy Road and the creation of a green link to connect Consort Park and Dr Harold Moody Park. The redevelopment also includes a variety of new additions to both parks, which are considered to provide an attractive place for users to experience.
45. The new additions include a concrete pump track, table tennis table, concrete chess and a new rebound fencing to the Multi-use Games Area. These would be supplemented through ancillary facilities such as new seating, benches and cycle parking.
46. The hard landscaping includes asphalt concrete for the footpaths which is ensures good pushchair and wheelchair accessibility. In accordance with the Conservation Area Appraisal, the proposed works to Sturdy Road include granite kerbs and yorkstone pavings.
47. The design and quality of the playspaces and public realm would be a considerable improvement to the existing state, ensuring higher quality and better accessibility for all users.

Landscaping and Trees

48. Policy G7 of the London Plan 'Trees and woodlands' states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy P61 of the Southwark Plan states that development must retain and protect significant existing trees. It states that development must retain and enhance the borough's trees and canopy cover.

49. The proposal includes 6 trees to be removed to be replaced with a total of 22 new trees. A further 105 new trees would be planted to the western boundary of Consort Park to create a 'Tiny Forest'. New species rich hedgerows are also to be planted across both parks, as well as, three different native wildflower mixes.
50. Figure 8: Trees lost

Name:	Identified in the tree survey schedule as:
Silver Birch	T19
Crack Willow	T26
Crack Willow (Re-categorized since survey due to becoming defective)	T27
Hybrid Black Poplar	T29
Crack Willow	T32
Goat Willow	T37

51. The Councils Tree Officer has reviewed the proposal and stated that it will provide a more coherent and inviting design with a layout connecting upgraded play features, surfacing, seating, sensory garden and other planting that will enhance the parks value to biodiversity, and as a link between Nunhead/Peckham and Consort Road open spaces.
52. The Officer also asked that further assurance is needed of where the three transplanted trees T1, T46 & T47 are to be located within the masterplan, together with confirmation of such preparation and subsequent maintenance. Lastly, the planting schedule of 22 standard trees should be amended to omit drought intolerant species. Similarly, the proposed Acer and Alnus could be revised.
53. Therefore conditions will be included on the permission to ensure that more information is submitted prior to the commencement of works. The applicant has also contacted the Council to request a pre-commencement meeting to ensure that tree protection measures will be installed, carried out and retained throughout the period of the works.

Ecology and biodiversity

54. Consort Park is a Site of Importance for Nature Conservation that contains wet woodland as outlined within SINC Review and Borough Ecological Survey 2014-2015.
55. Policy G6 of the London Plan 'Biodiversity and access to nature' states that SINC's should be protected. Where harm to a SINC is unavoidable and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the policy sets out a mitigation hierarchy which must be followed. The policy states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

56. At borough level, Policy P60 of the Southwark Plan 'Biodiversity' states that development must contribute to net gains in biodiversity including through enhancing the nature conservation value of SINC's, protecting and avoiding damage to SINC's, protected species and habitats, and including features such as green and brown roofs, green walls and soft landscaping.
57. A full Ecological Impact Assessment dated 1st October 2020, has been submitted and assessed by the Council's Ecologist who has concluded that the survey is good and no further surveys are required. The proposals include planting a range of native flora which will enhance the site's biodiversity value. Conditions will be included on the permission to ensure specific habitats are included within the scheme. As such, the proposed development is supported given the new opportunity to wildlife it would provide.

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

58. Policy P56 (Protection of Amenity) of the Southwark Plan states that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations which will be taken into account include privacy and outlook, overlooking, smell, noise, vibration, daylight, sunlight and wind microclimate impacts. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.
59. The installations of new equipment, upgrading existing games facilities and addition of new park furniture is not considered to create any additional harm to neighbours. It is noted that objections have been raised relating to the new pump track increasing visitor numbers, however this is not to be to the extent which would create undue harm to residential amenity.
60. With regards to the loss of parking spaces the proposal is in line with the Council's adopted policies. It is also of note that the area is carrying out public consultation for the implementation of a Nunhead permit parking scheme.
61. No lighting is proposed as part of this application and therefore there would be no impact regarding to light pollution to surrounding occupiers.

Transport and highways

62. The proposal includes the closure of the eastern end of Sturdy Road to create a green link. A cycle route between Sturdy Road and Gordon Road is to be retained which reflects changes that encourage active travel. Cycle parking is proposed adjacent to the Multi-Use Games Area within Dr Harold Moody Park.
63. The closure will result in a total of 15 car parking spaces being lost. The Transport Team, Transport Projects and Network Management Team have all been consulted on the closure of Sturdy Road and have approved this urban realm scheme including the removal of the parking spaces.

64. The scheme also includes a turning head on Study Road which after careful consideration has a tapered shape which allows for a shared surface between vehicles and pedestrians. In order to integrate the turning head into the park, the edges are proposed to be planted.

Noise and vibration

65. The Environmental Protection Team were consulted with regards to this application have raised possible issue to the noise that could arise from the use of the pump track. However, as it is open it is not possible to condition hours of use. It is also important to note that there are no land use changes proposed and therefore it would be unreasonable to refuse the application on this basis.

Fire Safety

66. Policy D12 (a) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlines in Policy D12 (a). In reviewing whether the proposal demonstrates compliances with the relevant criteria, 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.
67. A Reasonable Exemption Statement has been provided for this proposal as it does not involve any building. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development.

Mayoral and borough community infrastructure levy (CIL)

68. The proposed development is not CIL liability as it does not involve any uplift in Gross Internal Area.

Community Involvement and Engagement

Community impact and equalities assessment

69. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
70. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
71. 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.

72. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. This development would provide a fully accessible park environment that would benefit those with disabilities including occupants of the adjacent care home. Various issues relating to antisocial behaviour and possible crime from motorbike/moped access due to changes in access arrangements have been raised; crime such as phone/bag snatching is likely to impact more on certain groups with protected characteristics such as women and children. This issue has been fully explored and on balance, the positive accessibility impacts provided by removing gates is considered to have more weight than any potential additional antisocial behaviour arising given that current incidents are low.
73. Overall, the improvements to open spaces are positive for many communities in offering benefits such as healthy exercise, an area to socialise and enjoy quiet outdoor time. Including more play equipment and seating offers improved facilities for groups such as women with children, people with mobility issues and older people who may not otherwise have access to outdoor spaces.

Human rights implications

74. 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.
75. This application has the legitimate aim of *commercial development*. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Positive and proactive statement

76. 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.
77. 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.

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

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

CONCLUSION

79. The development would enhance the facilities of Consort and Doctor Harold Moody Park and improve the general landscaping and accessibility. The loss of trees is compensated through new planting, whilst the proposal includes good use of sustainable urban drainage methods. The development would not detrimentally impact the residential amenity of neighbours and as such it is recommended that planning permission be granted.

BACKGROUND INFORMATION

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: H2080 Application file: 23/AP/1993 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	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	Stephen Platts, Director of Planning and Growth	
Report Author	Chloe Rimell, Planning Officer	
Version	Final	
Dated	20/02/2024	
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		29 February 2024

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 Michael Bury Southwark Council	Reg. Number	23/AP/1993
Application Type	Local Authority Development	Case Number	H2080
Recommendation	GRANT permission		

Draft of Decision Notice

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

The proposed development includes the refurbishment of Consort Park and Dr Harold Moody Park, including connecting the two parks together by closing the eastern end of Sturdy Road to motor traffic, and transforming this section of highway into park land. Works to Consort Park include reduction and remodelling of existing mounds, tree removals, new footpaths, seating, creation of meadows, tiny forest and specimens tree planting. Works to Dr Harold Moody Park include expansion and refurbishment of existing playground, amendments to multi-use games court fencing, new pump track, miscellaneous informal sports equipment and cycle parking. Tree planting, hedging and planting. Closure of the existing pedestrian entrance to Dr Harold Moody Park from Gordon Road to facilitate expansion of the playground. Works to the stopped up section of Sturdy Road includes earthworks, new footpath link to Gordon Road, tree planting and turning head within Dr Harold Moody Park.

Doctor Harold Moody Park Gordon Road London Southwark

In accordance with application received on 17 July 2023 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

Other Documents

PLAYGROUND PROPOSALS 7136_P_020 received 17/07/2023
 ROBINIA PLAYGROUND STRUCTURE P1 7136_P_021 received 17/07/2023
 ROBINIA PLAYGROUND STRUCTURE P2 7136_P_022 received 17/07/2023
 LANDSCAPE PROPOSALS 7136_P_015 received 17/07/2023
 LANDSCAPE PROPOSALS PLANTING 7136_P_016 received 17/07/2023
 STURDY ROAD WORKS 7136_P_025 received 17/07/2023
 STURDY ROAD SECTIONS_S15-16-17-18-19 7136_P_026 received 17/07/2023

CONSORT PARK PROPOSED SECTIONS S1-S2-S3 7136_P_031 received 17/07/2023
CONSORT PARK PROPOSED SECTIONS S4-S13 7136_P_032 received 17/07/2023
PUMPTRACK AND TABLE TENNIS AREA 7136_P_040 received 17/07/2023
PUMPTRACK AND FITNESS AREA GRADED SOIL EDGE TYPICAL SECTIONS 7136_P_041 received 17/07/2023
EXISTING SECTIONS S4-S13 7136_P_012 received 17/07/2023
TREE CONSTRAINTS PLAN received 17/07/2023
TREE PROTECTION PLAN received 17/07/2023
VEHICAL SWEEP PATH LBS/MW/STURDY_RD/03 REV C received 17/07/2023
TURNING HEAD PROPOSAL 23410-30-GA-P01 received 19/01/2024
PROPOSED DEVELOPMENT 1 received 17/07/2023
Ground Investigation Report 2 received 17/07/2023
Ground Investigation Report 3 received 17/07/2023
Ground Investigation Report 4 received 17/07/2023
Ground Investigation Report 5 received 17/07/2023
Ground Investigation Report 6 received 17/07/2023
Ground Investigation Report 7 received 17/07/2023
Ground Investigation Report 8 received 17/07/2023
Ground Investigation Report 9 received 17/07/2023
Ground Investigation Report 10 received 17/07/2023
Ground Investigation Report 11 received 17/07/2023
Ground Investigation Report 12 received 17/07/2023
REMEDIAL STRATEGY PARK REFURBISHMENT SCHEME received 17/07/2023
ASBESTOS MANAGEMENT PLAN received 17/07/2023
SUPPLEMENTARY INVESTIGATION REPORT received 17/07/2023
PLANNING STATEMENT received 17/07/2023
DESIGN AND ACCESS STATEMENT 1 received 17/07/2023
DESIGN AND ACCESS STATEMENT 2 received 17/07/2023
INITIAL COMMUNITY CONSULTATION SUMMARY received 17/07/2023
SUMMARY OF THE RESULTS OF THE INITIAL PUBLIC CONSULTATION FOR THE CONSORT PARK received 17/07/2023
SUMMARY OF THE MOST MENTIONED RESULTS OF THE INITIAL PUBLIC CONSULTATION FOR THE received 17/07/2023
APPENDIX 1 - OPTION A DESIGN, SHOWN AT SECOND CONSULTATION FOR THE CONSORT & DR received 17/07/2023
APPENDIX 2 - OPTION B DESIGN, SHOWN AT SECOND CONSULTATION FOR THE CONSORT & DR received 17/07/2023
APPENDIX 3 METAL OR TIMBER CLIMBING received 17/07/2023
CONSORT PARK SECOND COMMUNITY CONSULTATION SUMMARY ALL COMMENTS BY TOPIC received 17/07/2023
CONSORT PARK SECOND COMMUNITY CONSULTATION SUMMARY ALL COMMENTS APPENDIX 5 received 17/07/2023
CONSORT PARK AND DR HAROLD MOODY PARK SECOND COMMUNITY CONSULTATION REPORT received 17/07/2023
PROPOSED MASTERPLAN received 17/07/2023
CONSORT PARK & DR HAROLD MOODY PARK THIRD COMMUNITY CONSULTATION SUMMARY ALL COM received 17/07/2023

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 Compliance Condition(s)

3. 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.

Works shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations, BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 03:2022 (EN) - Tree Planting Standard.

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 2023; 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), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

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

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

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

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority.

In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations; BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 01:2021 (EN) -Tree Pruning Standard; EAS 02:2022 (EN) - Tree Cabling/Bracing Standard; EAS 03:2022 (EN) - Tree Planting Standard.

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 2023 Parts, 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021); Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan (2021); Policy P13 (Design of Places), Policy P56 (Protection of Amenity), Policy P57 (Open

Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

5. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority.

Details of an irrigation schedule shall be provided for all trees to ensure successful establishment.

For stem girths of up to 20cm the schedule shall be a minimum of three years, and five years for stem girths greater than 20cm. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

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.

Works shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 8545 (2014) Trees: from nursery to independence in the landscape; BS3998: (2010) Tree work - recommendations; BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 01:2021 (EN) -Tree Pruning Standard; EAS 03:2022 (EN) -Tree Planting Standard.

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 2023; 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), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

6. a) 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.

b) 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-d 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 2023.

7. Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 4 Bee (2 for each Park), bricks and/or invertebrate hotels shall be provided and the details shall include the exact location, specification and design of the habitats. Bee bricks and/or invertebrate hotels shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

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

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

Reason: To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with the National Planning Policy Framework (2023); 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).

9. Details of bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission. No less than 6 nesting boxes (for each park) / bricks shall be provided and the details shall include the exact location, specification and design

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

Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023); 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 Bioiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan (2022).

10. Details of Swift nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission. No less than 6 nesting boxes with hole sizes: 2 x 26mm, 2 x 32mm, 2 x 45mm for each park shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The Swift nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023); Policy G6 (Biodiversity and access to nature) of the London Plan (2021); P56 Protection of amenity, P57 Open space, P58 Open water space, P59 Green infrastructure, P60 Biodiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan (2022).

Informatives

Planning Policies

National Planning Policy Framework (the framework)

The relevant chapters from the NPPF 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 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

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

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D12 Fire Safety
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy T5 Cycling
- Policy T6 Car parking

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:

- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P47 Community uses
- P53 Cycling
- P54 Car Parking
- P57 Borough Open Land
- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees

Relevant planning history

No relevant planning history

Consultation undertaken

Site notice date: 09/08/2023

Press notice date: 10/08/2023

Case officer site visit date: n/a

Neighbour consultation letters sent: 07/08/2023

Internal services consulted

LBS Flood Risk Management & Urban Drain

LBS Ecology

LBS Design & Conservation Team [Formal]

LBS Environmental Protection

LBS Transport Policy

LBS Highways Development & Management

LBS Urban Forester

Statutory and non-statutory organisations

Secure by Design, comments as follows:

Issue	Recommendation
Removing gates in Consort Park will create issue with mo-peds cutting through	Strongly recommends not doing this, in has created this issue in other parks where gates have been removed and community, stakeholders and police are recommending retro-fitting gates back on. High use of dog walkers also increases surveillance
Cycling through Consort Park	Install cobbled rumble strips every 2m and on bends, 1:12 gradient
Late ball court use	Lock at 9pm, park staff or resident key holder – can't do as low fence
Sight lines with trees	Clear stem of above 2m from ground level
Sight lines with shrubs	Don't densely plant, keep at 1m low level
Rough sleeping on benches	Ensure they have arm rests
Older kids likely to use pump track	No recommendation

Additions:

Cycling – Rumble strips to slow cyclists (and mopeds), to reduce chances of accident with pedestrians/ other users. Ensure signage along paths warning cyclists to slow and

to be aware of pedestrians/ other users.

Rough sleeping on benches – Ensure seating is not positioned in a way to encourage loitering by groups of youths, street drinkers, and other anti-social behaviour. Ensure not sited under canopies/ trees which provide an area to shelter.

As mentioned, there is a great concern that removing the gates will lead to an increase in activity from moped users, and cyclists, leading to an increase in crime including as robberies, theft snatches, and drug dealing. This consequently increases the demand on the local police, and could discourage local residents from using the park. It is strongly recommended for the gates to remain in situ and not be removed.

Neighbour and local groups consulted:

50 Brayards Road London Southwark	3 Crib Apartments 84 - 86 Gordon Road
20 Sturdy Road London Southwark	London
Flat 6 50A Brayards Road London	9 Sturdy Road London Southwark
Flat 11 50A Brayards Road London	6 Ellery Street London Southwark
Flat 8 50A Brayards Road London	129 Gordon Road London Southwark
Flat 5 50A Brayards Road London	28 Magdalene Close London Southwark
Flat 2 50A Brayards Road London	111 Gordon Road London Southwark
Flat 12 50A Brayards Road London	7 Sturdy Road London Southwark
Flat 10 50A Brayards Road London	105 Gordon Road London Southwark
Flat 9 50A Brayards Road London	18B Sturdy Road London Southwark
Flat 7 50A Brayards Road London	18A Sturdy Road London Southwark
Flat 4 50A Brayards Road London	27 Magdalene Close London Southwark
Flat 3 50A Brayards Road London	13 Magdalene Close London Southwark
Flat 1 50A Brayards Road London	145 Gordon Road London Southwark
7 Crib Apartments 84 - 86 Gordon Road	15 Sturdy Road London Southwark
London	159 Gordon Road London Southwark
86L Gordon Road London Southwark	9 Crib Apartments 84 - 86 Gordon Road
86H Gordon Road London Southwark	London
86A Gordon Road London Southwark	147 Consort Road London Southwark
91 Gordon Road London Southwark	88 Gordon Road London Southwark
119 Consort Road London Southwark	10 Ellery Street London Southwark
133 Gordon Road London Southwark	22 Magdalene Close London Southwark
26 Magdalene Close London Southwark	Horeb Hall 111 Consort Road London
17 Magdalene Close London Southwark	23 Magdalene Close London Southwark
24 Magdalene Close London Southwark	86 Gordon Road London Southwark
21 Magdalene Close London Southwark	151 Gordon Road London Southwark
20 Magdalene Close London Southwark	3 Sturdy Road London Southwark
143 Consort Road London Southwark	93 Gordon Road London Southwark
119 Gordon Road London Southwark	2 Crib Apartments 84 - 86 Gordon Road
155 Gordon Road London Southwark	London
149 Gordon Road London Southwark	1 Crib Apartments 84 - 86 Gordon Road
117A Consort Road London Southwark	London
8 Crib Apartments 84 - 86 Gordon Road	121 Gordon Road London Southwark
London	122 Manaton Close London Southwark
5 Crib Apartments 84 - 86 Gordon Road	11 Sturdy Road London Southwark
London	8 Ellery Street London Southwark

14 Magdalene Close London Southwark
 99 Gordon Road London Southwark
 97 Gordon Road London Southwark
 30 Magdalene Close London Southwark
 18 Magdalene Close London Southwark
 123 Gordon Road London Southwark
 131 Gordon Road London Southwark
 14 Ellery Street London Southwark
 13 Sturdy Road London Southwark
 90 Gordon Road London Southwark
 86D Gordon Road London Southwark
 101 Gordon Road London Southwark
 16 Sturdy Road London Southwark
 29 Magdalene Close London Southwark
 125 Gordon Road London Southwark
 10A Ellery Street London Southwark
 25 Magdalene Close London Southwark
 16 Magdalene Close London Southwark
 143 Gordon Road London Southwark
 17 Sturdy Road London Southwark
 107 Gordon Road London Southwark
 86K Gordon Road London Southwark
 86E Gordon Road London Southwark
 86B Gordon Road London Southwark
 12B Sturdy Road London Southwark
 151A Gordon Road London Southwark
 12A Sturdy Road London Southwark
 First Floor Flat 117 Consort Road
 London
 103 Gordon Road London Southwark
 137 Gordon Road London Southwark
 19 Sturdy Road London Southwark
 10 Crib Apartments 84 - 86 Gordon
 Road London
 6 Crib Apartments 84 - 86 Gordon Road
 London
 4 Crib Apartments 84 - 86 Gordon Road
 London
 86G Gordon Road London Southwark
 19 Magdalene Close London Southwark
 145A Consort Road London Southwark
 147 Gordon Road London Southwark
 157 Gordon Road London Southwark
 120 Manaton Close London Southwark
 145B Consort Road London Southwark
 15 Magdalene Close London Southwark
 141 Gordon Road London Southwark
 135 Gordon Road London Southwark
 113 Gordon Road London Southwark
 86I Gordon Road London Southwark
 147B Gordon Road London Southwark
 115 Gordon Road London Southwark
 95 Gordon Road London Southwark
 139 Gordon Road London Southwark
 149A Gordon Road London Southwark
 127 Gordon Road London Southwark
 14 Sturdy Road London Southwark
 5 Sturdy Road London Southwark
 1 Sturdy Road London Southwark
 117 Gordon Road London Southwark

Re-consultation:

Consultation responses received

Internal services

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

Statutory and non-statutory organisations

Neighbour and local groups consulted:

145 Gordon Road 145 Peckham
 2 Ellery Street London SE15 3RL
 73, Gordon Road London SE15 2AF
 143 Consort Road 143 Consort Road,
 London London
 84-86 Gordon Road London
 13 Sturdy Road London SE15 3RH
 14 Ellery Street Peckham SE153RL
 101 Gordon Road Peckham LONDON

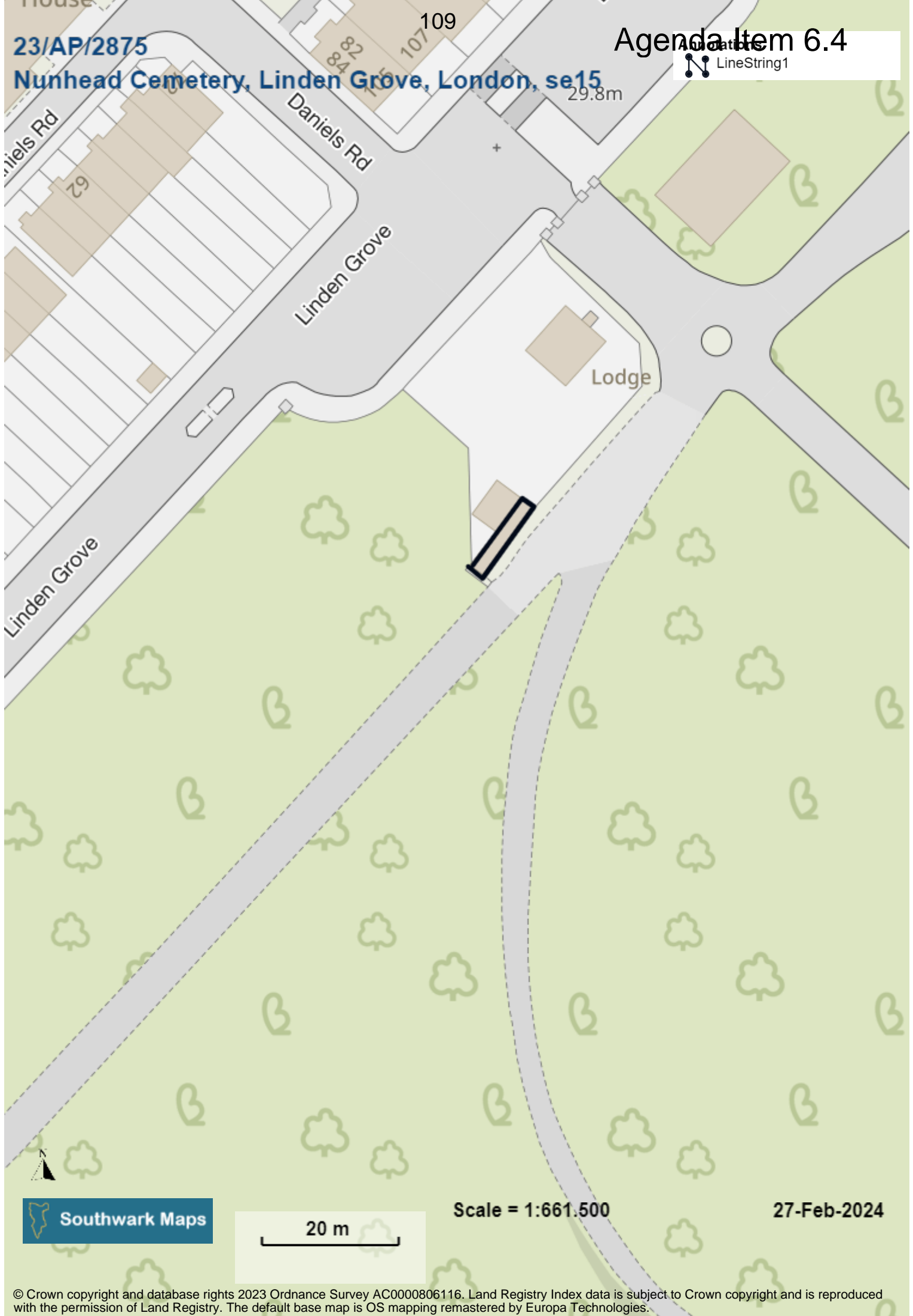
Flat 8 Sarawak Court 47 Consort Road
 London
 5 Sturdy Road London SE15 3RH
 9 Lugard Road London SE15 2TD
 73 gordon road, southwark London
 17 Sturdy Road London Southwark
 141 Gordon Road London SE15 3RR
 86 Scylla Road London SE15 3PB

23/AP/2875

Nunhead Cemetery, Linden Grove, London, se15

Agenda Item 6.4

LineString1



29.8m

Linden Grove

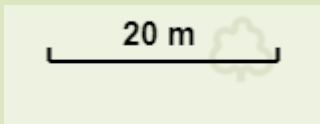
Daniels Rd

Lodge

Linden Grove



Southwark Maps



Scale = 1:661,500

27-Feb-2024

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Item No. 6.4	Classification: Open	Date: 13 March 2024	Meeting Name: Planning Committee (smaller applications)
Report title:	Development Management planning application: Application 23/AP/2875 for: Full Planning Application Address: Nunhead Cemetery, Linden Grove, London, Southwark, SE15 Proposal: Demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin.		
Ward(s) or groups affected:	Nunhead & Queen's Road		
From:	Director of Planning and Growth		
Application Start Date	24.10.2023	PPA Expiry Date	27.03.2024
Earliest Decision Date	13.03.2024		

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

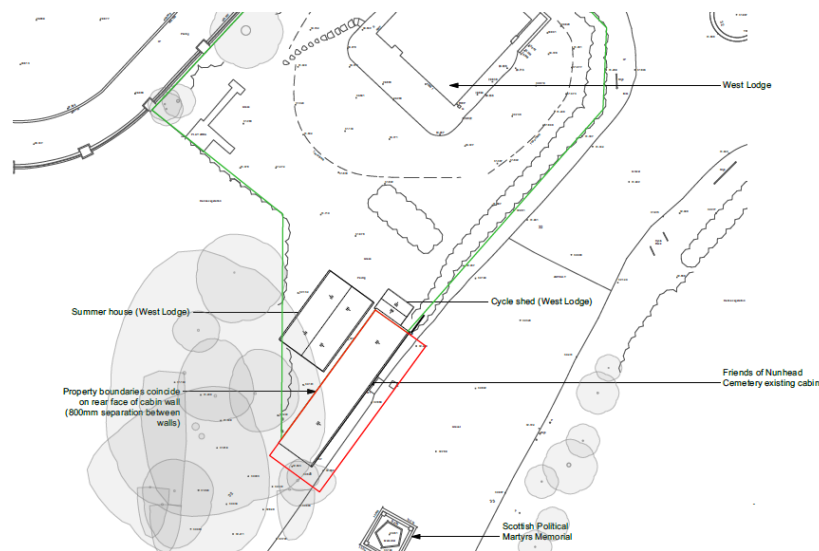
2. It is proposed to demolish the existing Friends of Nunhead Cemetery cabin and to construct a replacement cabin in the same location.
3. The application is for decision by the planning committee (smaller applications) as the application site lies within Metropolitan Open Land (MOL).
4. The application site lies within Nunhead Cemetery (All Saints) registered Historic park and garden (Grade II*), the Nunhead Cemetery Conservation Area, Metropolitan Open Land (MOL), Site of Importance for Nature Conservation (SINC), Nunhead Area Vision, Green Chain Park, Local Nature Reserve, Peckham and Nunhead Action Area, and an Air Quality Management Area. The application site is also in close proximity to a number of statutorily listed structures; West Lodge (Grade II), East Lodge (Grade II), Entrance gates, piers and railings (Grade II) and the Scottish Martyrs Memorial (Grade II).
5. The existing cabin has been in situ since at least the 1980's and is in visibly dilapidated condition. The appearance of the existing cabin detracts from the heritage and open land setting of Nunhead Cemetery and is no longer fit for purpose.

6. The replacement cabin would not be a like-for-like replacement to the existing cabin with a slightly different footprint and massing than the existing. It would be constructed of modern, long-lasting materials and would present a significant improvement to the setting of Nunhead Cemetery and the other nearby heritage assets. It would facilitate the ongoing conservation work undertaken by Friends of Nunhead Cemetery (FONC).
7. Two comments were received in support of the proposals. Two comments were raised in objection to the proposed replacement cabin relating to amenity concerns regarding the proposed height of the boundary fence and the cabin (daylight / sunlight and overshadowing); the quality and appearance of external materials to be used on the cabin and the fence; accuracy of the proposed plans; construction management / construction sequencing. These matters are dealt with in full in the assessment section and consultation responses sections of this report.
8. In summary, the proposed replacement cabin would present an overall improvement to the Grade II* registered park and garden, the conservation area and the setting of the nearby heritage assets. The cabin would comprise ancillary facilities that would contribute to the setting, accessibility and quality of the metropolitan open land. The proposal is therefore recommended for approval subject to conditions.

BACKGROUND INFORMATION

Site location and description

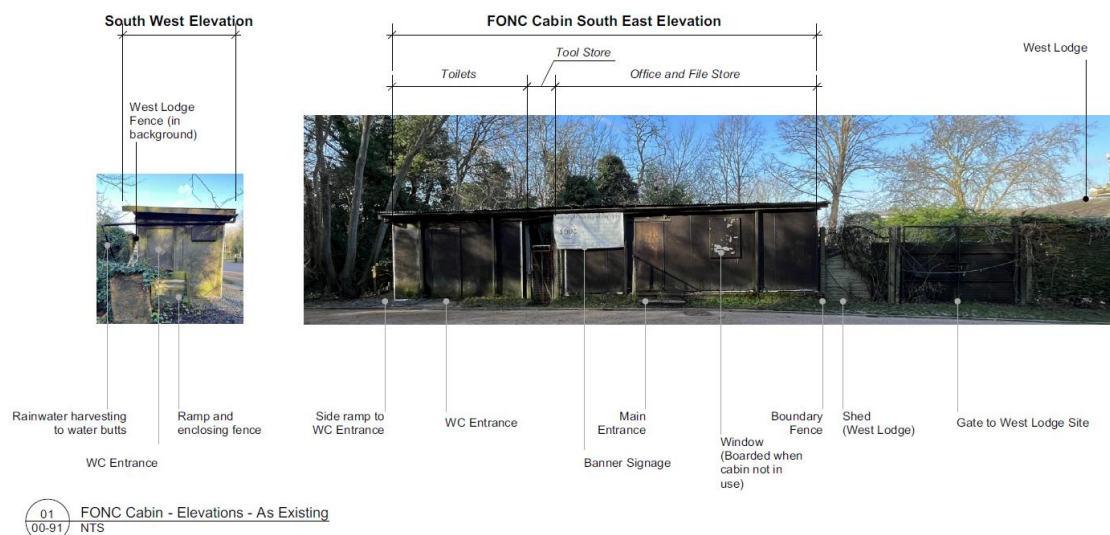
9. The application site is located approximately 40m southwest of the entrance gates to Nunhead Cemetery on Linden Grove and approximately 20m south east of the West Lodge.



10. The site is subject to a number of heritage designations. Nunhead Cemetery is a Grade II* registered Historic Park and Garden, and is also designated as the Nunhead Cemetery Conservation Area. A number of statutorily listed assets lie within Nunhead Cemetery, those which are in closest proximity to the

application site are the Scottish Martyrs Memorial (Grade II), the West Lodge (Grade II), the East Lodge (Grade II) and the Gates, railings and gate posts to Linden Grove (Grade II).

11. The site is also subject to a number of other planning and environmental designations. This includes Metropolitan Open Land (MOL), Site of Importance for Nature Conservation (SINC), Nunhead Area Vision, Green Chain Park, Local Nature Reserve, Peckham and Nunhead Action Area, and an Air Quality Management Area.
12. While there is no planning permission on record for the existing cabin which is thought to date from the 1980's, it is considered to be immune from enforcement action due to no action being taken within 4 years of completion in accordance with section 171B of the Town and Country Planning Act (1990). It is a single storey structure with a mono-pitch roof, measuring 12.6m in width, 2.8m in depth and varying between 2.8m (south corner) and 3.3m (north corner) in height due to the varying ground levels. It was originally comprised of two structures, now unified under a single roof. It comprises a "mess room" and toilet cubical at one end, a roofed open storage area in the centre and a toilet block at the other. A structure occupying the same footprint appears on OS maps of the site from 1977 onwards.



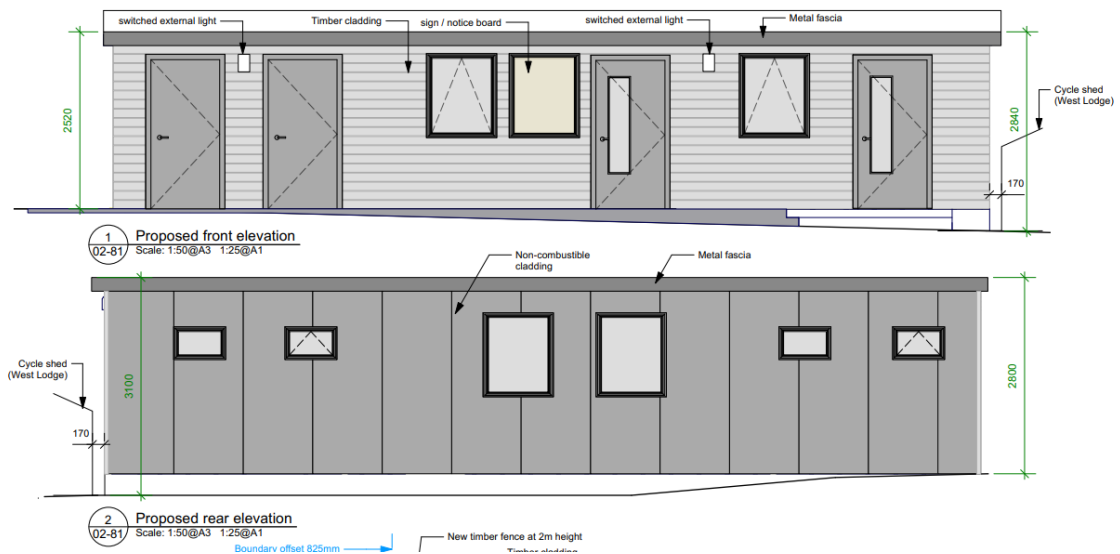
Details of proposal

13. Planning permission is sought for the demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin comprising a kitchenette / office, storage space and WCs.
14. The height of the cabin would measure between 2.52m (south corner) to 3.1m (north corner) from ground level due to the changes in ground level on the site. The cabin would measure 12.5m in width and would be 2.6m in depth. There would also be an access ramp / platform measuring 9.6m in width and 1.5m in depth.
15. Rather than positioning the proposed cabin within the precise footprint of the existing cabin, it would be pulled away from the boundary to the West Lodge

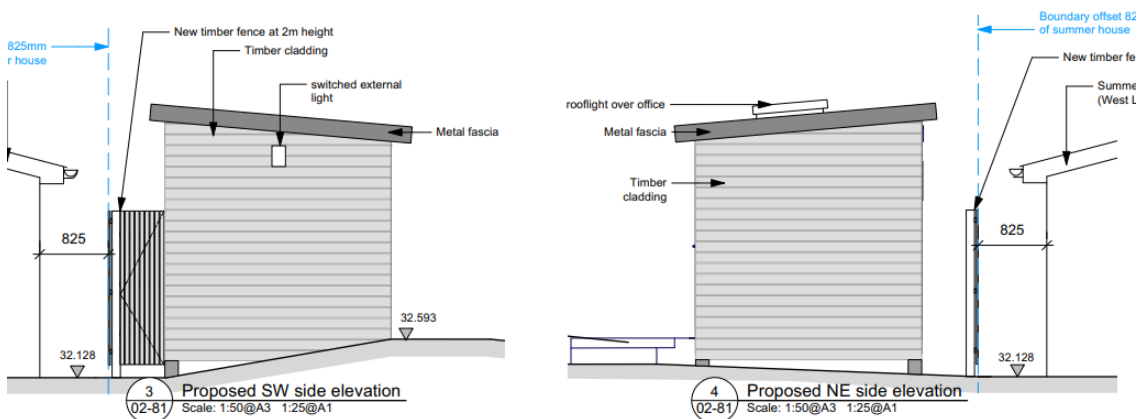
garden by 0.6m on the northwestern side to provide maintenance access to the rear of the cabin. There would be a 0.17m gap between the proposed cabin and the boundary to the West Lodge garden on the northeastern side. A 2m timber fence is proposed to the boundary between the application site and the West Lodge garden.

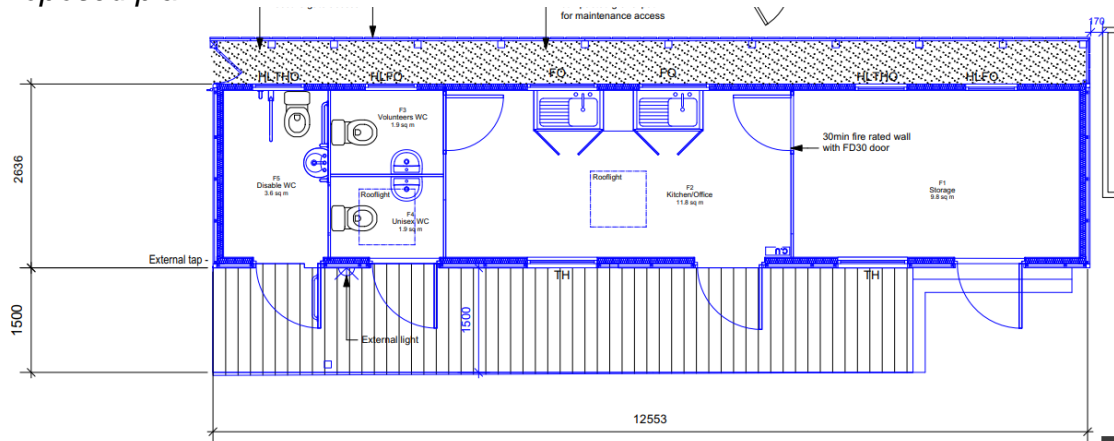
- The proposed cabin would have a monopitch roof that would have a metal finish with two rooflights. The front elevation (south east facing) and both return elevations would be finished with horizontal timber cladding. The rear elevation (north west facing) would be finished with non-combustible cladding.

Proposed front elevations



Proposed side elevations



Proposed planAmendments to the application

17. The proposals were amended in response to comments from neighbours during the initial public consultation. The changes included:
 - Clarifications to the measurements on the plans (distance between proposed fence and summer house of the West Lodge revised from 800mm to 825mm, distance between bike shed and proposed cabin marked up as 170mm, height of fence revised from 3m to 2m)
 - External materials were revised to show timber cladding on both flank elevations to match the front elevation
 - Reduction in height of proposed fence to 2m.
18. The case officer also requested a more detailed proposed block plan better display the position of the replacement cabin relative to the surrounding existing features such as the existing drainage on the cemetery pathway, and for the measurements of the proposed cabin to be fully marked up on the plans.
19. Some additional information on archaeology and ecology was also submitted by the applicant following a request from LBS Archaeologist and LBS Ecologist. This is dealt with in the “assessment” section of the report.

Consultation responses from members of the public and local groups

20. Two site notices were displayed on 30.10.2023. A total of 41 notification letters were sent to the surrounding residential properties on 30.10.2023. Following the provision of revised drawings, 41 neighbour notification letters were sent to the surrounding residential properties on 08.01.2024.
21. A total of 4 comments were received from members of the public. Under the first round of consultation, 1 response was received in support and 1 response was received in objection. Under the second round of consultation, 1 further response in objection and 1 further response in support was received.
22. The comments received in support of the application noted that the existing cabin has reached the end of its lifespan and requires replacement in order to

facilitate the ongoing work of FONC. The design is environmentally sympathetic, and has been designed to address concerns of residents of the West Lodge. Cemetery visitors have expressed support for the design. The second comment in support noted that the use of timber cladding on the visible elevations will improve the environmentally sympathetic design, and the reduced height to the boundary fence may improve natural light for users of the cabin.

23. The material considerations raised by members of the public in the objection letters are summarised as follows:
- Amenity concerns regarding the proposed height of the boundary fence and the cabin (daylight / sunlight and overshadowing);
 - The quality and appearance of external materials to be used on the cabin and the fence;
 - Accuracy of the proposed plans;
 - Construction management / construction sequencing.
24. Concerns relating to the height of the fence, external materials and accuracy of the proposed plans have been resolved following revision of the proposal. Matters relating to neighbouring amenity, the height of the proposed cabin and construction management / sequencing are addressed in the “assessment” section of this report.
25. A number of other matters, including the maintenance of the proposed cabin and fence, safety (including the use of ladders and storage of flammable materials) and matters relating to the boundary were also raised in the objection letters. These matters, including a party wall agreement, lie beyond the scope of planning control and are not addressed further in this report.

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

26. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. It should be noted that pre-application advice was sought prior to the submission of this proposal.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

27. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use specifically the designation of the development site as Metropolitan Open Land (MOL);
 - Design, including layout, building heights, landscaping and ecology;
 - Heritage considerations
 - Archaeology
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight

- Ecology and biodiversity
- Planning obligations (S.106 undertaking or agreement)
- Mayoral and borough community infrastructure levy (CIL)
- Consultation responses and community engagement
- Community impact, equalities assessment and human rights

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

Legal context

29. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
30. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

National Planning Policy Framework (NPPF)

31. The revised National Planning Policy Framework ('NPPF') was published in September 2023 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.
32. Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
33. The relevant chapters are:
- Chapter 8 Promoting healthy and safe communities
 - Chapter 12 Achieving well-designed and beautiful places
 - Chapter 13 Protecting Green Belt Land
 - Chapter 14 Conserving and enhancing the natural environment
 - Chapter 16 Conserving and enhancing the historic environment

London Plan (2021)

34. 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.

35. The relevant policies are:

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G3 Metropolitan open land
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

Southwark Plan (2022)

36. 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.

37. 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
- P56 Protection of amenity
- P57 Open Space
- P60 Biodiversity
- P61 Trees

ASSESSMENT

Principle of the proposed development in terms of land use

Metropolitan Open Land

38. It is proposed to construct a replacement cabin within Nunhead Cemetery which is designated as Metropolitan Open Land (MOL). Metropolitan Open Land is afforded the highest degree of protection from inappropriate development in the National Planning Policy Framework (NPPF, 2023), the London Plan (2021) and the Southwark Plan (2022). The NPPF makes it clear that MOL should be treated in the same way as designated green belt land.

39. Policy P57 Open Space of the Southwark Plan (2022) states that development may be permitted on Metropolitan Open Land in exceptional circumstances when:

- (i) 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
- (ii) It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or
 - (iii) It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.
40. The proposed cabin would be used by the Friends of Nunhead Cemetery (FONC) which is a charitable group whose objective is “to promote, for the public benefit, the preservation, care and improvement of Nunhead Cemetery as a place of historic and ecological interest and beauty and as a burial ground”. The group organises and plans events and tours relating to the cemetery and carries out practical conservation and woodland management on site. The proposed cabin would be used by the group in a similar manner to the existing cabin, providing mess and storage facilities as well as WCs for volunteers and the public when FONC events are taking place. There is therefore no change in land use implied by the proposals.
41. The proposed single storey cabin would measure a maximum of 3.1m in height when measured from ground level, it would be 12.5m in width and would be 2.6m in depth. It would be smaller than the existing cabin which measures 3.3m in height (maximum) but slightly wider and deeper measuring 12.6m in width x 2.8m in depth. The proposed cabin would be simple rectangular structure with a shallow mono-pitched roof and deck access to the front elevation. The replacement cabin would be of a similar scale as the existing and would not detract from the openness of the MOL by way of its height, form or massing. The architectural design includes timber cladding and landscaping and is considered to complement the woodland setting and therefore an improvement over the existing dilapidated cabin structure.
42. In providing essential storage and mess facilities for the Friends of Nunhead Cemetery (FONC) the proposed cabin would provide ancillary facilities that contribute to the ongoing maintenance and enjoyment of Nunhead Cemetery. It would comprise a replacement structure that is smaller in height than the existing cabin, and is of a simple architectural design and modest dimensions that would not detract from the openness of the MOL. For these reasons the proposed cabin would satisfy the requirements set out in part (i) (ii) and (iii) of Policy P57 Open Space of the Southwark Plan (2022).

Good design and heritage

43. Paragraph 205 (Chapter 16) of the National Planning Policy Framework (NPPF) sets out 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.”

44. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in the assessment of proposals affecting conservation areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

45.



Map and aerial imagery of the site. The map shows the conservation area (brown) and nearby listed structures (green).

46. The application site lies within Nunhead Cemetery which is a Registered Park and Garden (Grade II*). The Cemetery is also designated as a conservation area (Nunhead Cemetery Conservation Area). A number of statutorily listed structures lie in close proximity to the site, including the West Lodge (Grade II) and The Scottish martyrs memorial (Grade II). While not forming the immediate context of the application site it should be noted that the East Lodge (Grade II) and the entrance gates piers, gates and railings to Nunhead Cemetery (Grade II) are also situated nearby.
47. Policy P20 Conservation areas of the Southwark Plan states that the demolition of buildings or structures that make a positive contribution to the historic character and appearance of a conservation area will not generally be permitted. The existing structure is made of plywood-style timber panels with timber and metal roofing and is elevated from ground level by brick bund walls. The structure is in visibly poor condition and most of the building materials appear to have reached the end of their functional lifespan, with visible areas of rot. The poor quality building materials, dilapidated appearance and temporary character of the existing structure are not in keeping with the historic garden character of the Nunhead Cemetery conservation area. The existing structure is not considered to make a positive contribution to the historic character or appearance of the conservation area due to its aesthetic appearance. Its demolition is therefore acceptable in accordance with policy P20 Conservation Areas of the Southwark Plan.
48. Policy P20 Conservation Areas of the Southwark Plan also sets out that any replacement structures must conserve or enhances the conservation area’s character and distinctiveness. This is echoed in policy P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2021) which

sets out that development must conserve and enhance the significance of designated and non-designated heritage and their settings including registered parks and gardens. The replacement cabin would have a simple architectural form and modest dimensions as set out above. The cladding materials that would be visible in important views of the proposed building within the conservation area (i.e. from the public open space of the cemetery) would be finished with timber cladding. The use of natural materials, particularly timber, would be an appropriate response to the surrounding context that is heavily characterised by the presence of trees and greenery. Non-combustible cladding is proposed to the rear elevation. This is considered to be acceptable in principle due to the 'back of house' character of this part of the cabin, however the colour and finish of the cladding should be suitably sympathetic – i.e. a matte, natural colour. The simple, modest design of the proposed cabin alongside the use of appropriate natural materials means that the cabin would sit unobtrusively within its setting and would conserve the significance of the Nunhead Cemetery Conservation area and Grade II* registered park and garden, complying with policies P20 (Conservation Areas) and P21 Conservation of the historic environment and natural heritage of the Southwark Plan. The proposed cabin is considered to present a significant aesthetic improvement over the existing dilapidated structure. Samples of the proposed external materials are secured by condition. It should also be noted that external planting, including trellis planting, is secured under the landscaping condition and this would further soften the appearance of the cabin.

49. Policy P19 Listed buildings and structures of the Southwark Plan sets out that development relating to listed buildings or structures and their settings will only be permitted if it conserves or enhances their special significance. The settings of two Grade II listed assets would be affected by the proposed cabin: Scottish Martyr's Memorial (Grade II) and the West Lodge (Grade II). The proposed cabin would be positioned to the rear, approximately 17.5m from the West Lodge. It would be adjacent to the existing summer house and bike shed which lie within the curtilage of the West Lodge, and would be partially screened from the main dwelling by some shrubbery / planting. The West Lodge is primarily appreciated from its front and side elevations as they relate to the entrance and main avenue of the cemetery. It holds a positive relationship with the Grade II listed gates and piers, as well as the Grade II listed East Lodge. Due to the position of the proposed cabin away from these principal views of the West Lodge, as well as its unobtrusive massing and design which is sympathetic to the broader setting of the cemetery, the proposed cabin is considered to conserve the setting of the West Lodge. The setting of the Scottish Martyr's Memorial is indivisible from the Nunhead Cemetery Conservation Area and registered park and garden. Again, by way of its unobtrusive massing and design which is sympathetic to the broader setting of the cemetery, the proposed cabin is considered to conserve the setting of the Grade II listed Scottish Martyr's Memorial. The proposed cabin would conserve the special significance and appreciability of the Grade II listed West Lodge and Scottish Martyr's Memorial, and therefore complies with Policy P19 Listed buildings and structures of the Southwark Plan (2021) and the guidance set out in Historic England's Historic Environment Good Practice Advice in Planning Note 3: the

Setting of Heritage Assets (2017).

50. Due to the sensitive location of the proposal within a Grade II* registered park and garden both Historic England and the Gardens Trust were consulted on the proposals. Historic England expressed general support for the proposals, but recommended that conditions should be imposed requiring the submission of materials samples and a landscaping plan, to ensure that the materials would be of a suitably high quality and that the landscaping contributes positively to improve the presentation of the area around the cabin. A materials sample condition and landscaping plan condition are therefore recommended. The Gardens Trust initially expressed that they did not wish to comment on the proposals. However, during the re-consultation period a full comment was provided. The Gardens Trust expressed general support for the proposals, but noted that the external materials and design of the cabin is somewhat utilitarian. It was suggested that external landscaping, such as climbing plants, could be used to mitigate against the general utilitarian aesthetic of the proposals. The installation of climbing plants on the exterior of the cabin is secured by condition, under the landscape plan condition.

Landscaping, trees and urban greening

51. An arboricultural impact assessment and method statement, tree survey schedule, tree constraints plan and tree protection plan were submitted in support of this application. The proposal has been reviewed in consultation with the Council's Urban Forester, who has noted that a number of fruit and self-sown trees would require removal and that these should be replaced elsewhere in the vicinity. Three conditions were recommended to be imposed. The first requires the submission of a hard and soft landscaping scheme for approval by the council, including the replacement of the four fruit and self-sown trees that require removal. The second requires that all arboricultural supervisory elements are to be undertaken in accordance with the arboricultural method statement, and also requires the submission of the site supervision schedule and monitoring of the tree protection measures as approved in the tree protection schedule. The third condition requires that the existing retained trees shall be protected and managed in accordance with the recommendations contained in the arboricultural method statement. Subject to these conditions the proposal would be acceptable in respect of impact on trees.

Ecology and biodiversity

52. A preliminary Ecological Assessment was submitted in support of this application. The proposal has been reviewed in consultation with the Council's Ecologist, who noted that the development should avoid damage to SINCS (Sites of Importance to Nature Conservation) and LNRs (Local Nature Reserves) and that development must contribute to gains in biodiversity through enhancement of LNRs and SINCS in accordance with Policy P60 of the Southwark Plan. Three conditions were imposed, requiring the submission of a CEMP (Construction Environment Management Plan), details of x4 bat boxes / bat roosting features and a bat-friendly lighting plan. Subject to these

conditions the proposal would be acceptable in respect of impact on ecology. Clarity was also sought on the number of trees to be removed due to a discrepancy between the submitted arboricultural method statement and the preliminary ecological assessment, which was accordingly revised.

Fire safety

53. Policy D12 of the London Plan (2021) 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.
54. A fire safety statement has been submitted in support of this application. The report concludes in section 5.0 that the proposed new building would comply with Policy D12 of the London Plan with regard to fire safety. A full technical assessment of the requirements of fire safety in the new building will be dealt with comprehensively at the building regulations stage. Officers are satisfied that the information provided satisfies the requirements of planning policy.

Archaeology

55. The proposal has been reviewed in consultation with the Council’s Archaeologist, who noted that the key archaeological concern is that the proposals do not unnecessarily disturb human remains due to the location of the application site within a cemetery. Burial records were subsequently supplied by the applicant, indicating that no burials would be impacted by the proposals. LBS Archaeologist confirmed that there was no further archaeological interest in the development.

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

56. Policy P56 of the Southwark Plan sets out that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations that will be taken into account include:
1. The privacy and outlook of occupiers of both existing and proposed homes;
 2. Actual or sense of overlooking or enclosure;
 3. Impacts of smell, noise, vibration, lighting or other nuisances;
 4. Daylight, sunlight, and impacts from window and on microclimate;
 5. Residential layout, context and design.

57. The application site is surrounded by Nunhead Cemetery to the southeast and southwest. The site shares a boundary to the northeast and north west with the West Lodge, which is currently in residential use and which comprises the only residential neighbour to the site. The residential dwelling at the West Lodge is located 17.5m to the north from the application site, separated by the garden of the West Lodge including some hedge planting. There is a garden room (marked on the plans as the 'Summer House') positioned just over 800mm to the northwest of the site boundary, and a bike shed positioned 170mm to the northeast of the site boundary. During the course of a site visit it was confirmed that the Summer House is not in independent residential use and is incidental to the enjoyment of the residential dwelling (The West Lodge).

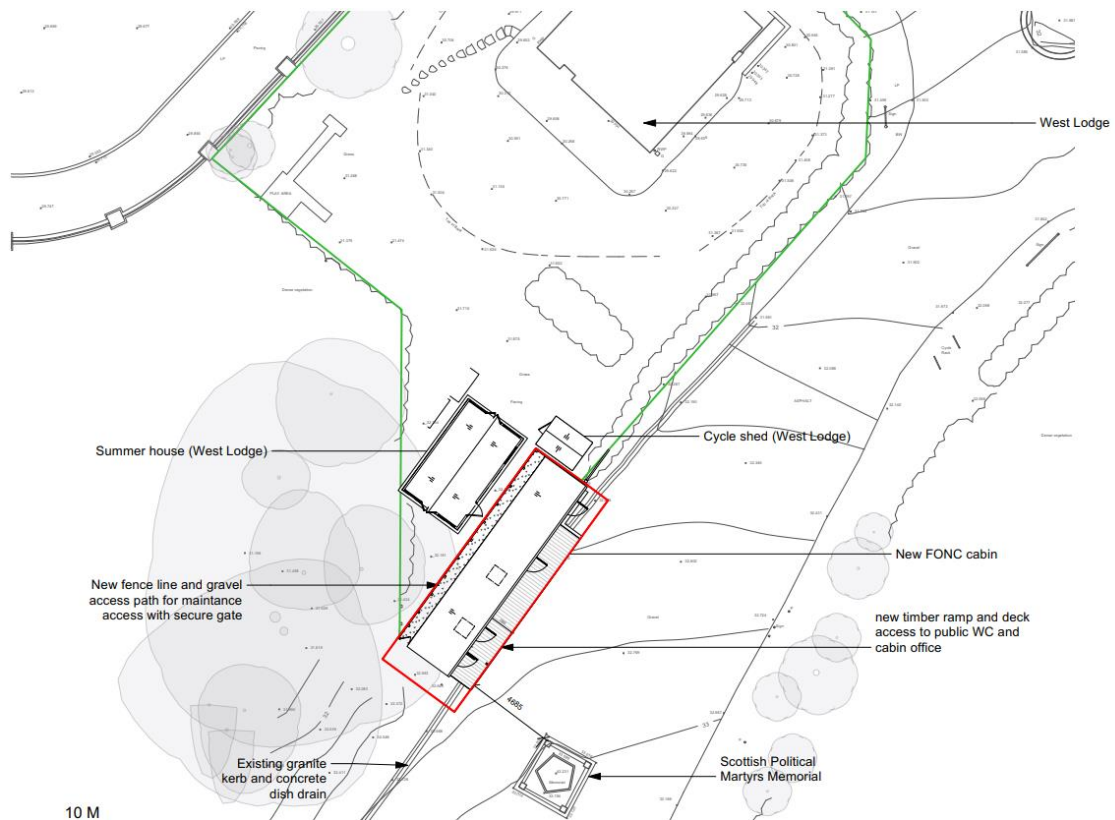
Existing block layout showing relationship to the West Lodge residence

58.



Proposed block layout showing relationship to the West Lodge residence

59.



Outlook and privacy

60. Due to the 17.5m distance between the residential dwelling at the West Lodge and the proposed cabin, there would be no overbearing impacts on the outlook enjoyed by users of this residence from primary living spaces. Again, due to the distance between the cabin and the residential dwelling it is unlikely that there would be any unacceptable overlooking of the neighbours as a result of the development. It should be noted that there are windows on the rear elevation of the existing cabin. These are in a similar location to the windows which are proposed to the replacement cabin. However, it is noted that obscure glazing is proposed to all windows facing the West Lodge garden. While there is no primary living accommodation within the Summer House, the use of obscure glazing is welcome and would ensure that there would be no loss of privacy to the users of the West Lodge site by way of overlooking. A new 2m tall fence is proposed to form a boundary between the application site and the West Lodge garden. This would be a slatted timber fence with gaps of 22mm between the slats. The proposed fence constitutes an improvement on the existing arrangement where there is no visual boundary between the application site and the garden of the West Lodge. The fence, by way of its design and height, would effectively screen views into the garden of the West Lodge.

Daylight and sunlight

61. Due to the 17.5m separation distance between the proposed cabin and the residential dwelling at the West Lodge, combined with the single storey height of the proposed cabin (3.1m at the tallest point from ground level) there would

be no detrimental loss of daylight or sunlight to the habitable rooms of the residential dwelling at the West Lodge. There is a window on the southeast facing elevation of the Summer House, however as established above the Summer House does not provide primary living accommodation. It should be noted that the proposed cabin would be positioned further away from the boundary between the sites, and would be lower in height than the existing cabin. Due to the position and height of the proposed cabin, there would be no detrimental impacts to the daylight or sunlight to the residential dwelling at the West Lodge.

Overshadowing of amenity spaces

62. There is a small amount of paving directly in front of the Summer House which constitutes outdoor amenity space for the residents of the West Lodge. While the proposed cabin would be positioned to the south of this outdoor amenity space, the West Lodge is set within a sizeable garden. While the proposed cabin may cause a similar amount of overshadowing to this area as the existing cabin, the extent of overshadowing to the garden of the West Lodge is not considered to be detrimental or excessive given that only a small portion of the West Lodge garden would be affected.

Other amenity impacts

63. The proposed cabin would provide office space, a small kitchenette, storage and WCs for the occasional use of FONC. As set out earlier in this report, there would be no change in use implied by the proposed cabin. The use of the cabin, including noise, light, smell or other nuisances would be similar to the existing and would not have an increased impact on the West Lodge or its garden.

Conclusion on amenity of adjoining occupiers

64. Due to the position of the proposed cabin (over 17.5m from the nearest residential dwelling), the single storey height of the proposed cabin and the use of obscure glazing no unacceptable loss of amenity to the neighbouring residential dwelling at the West Lodge is anticipated as a result of the proposed development. It is noted that objections were made on the basis of loss of amenity to users of the Summer House and the paving directly in front of it due to the height and position of the proposed cabin. Since the Summer Lodge does not provide residential accommodation and only a very small portion of the garden of the West Lodge may be affected by the proposed development, no further concerns regarding the impact of the proposed development on neighbouring amenity are raised. The proposals comply with Policy P56 of the Southwark Plan as set out above.

Environmental matters

Construction management

65. While a preliminary construction management plan was submitted in support of this application, some concern was expressed in public comments regarding construction sequencing and management. The site also lies within Nunhead Cemetery and would be accessed for the purpose of demolition and construction via the walkways within the Cemetery. Given the sensitivity of the site location, in addition to the recommendation made by LBS Ecologist, it is recommended that a Construction Environment Management Plan (CEMP) should be secured by condition in order to ensure that the development is constructed with due consideration to neighbouring occupiers, users of the cemetery and the sensitivity of the site's MOL status.

Mayoral and borough community infrastructure levy (CIL)

66. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark.
67. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy. Due to the minor scale of the proposal it is not liable for the levy.

Other matters

68. None identified.

Consultation responses from members of the public and local groups

Members of the public

69. As set out above, two rounds of public consultation were undertaken: a total of 41 notification letters were sent to the surrounding residential properties on 30.10.2023. Following the provision of revised drawings, 41 neighbour notification letters were sent to the surrounding residential properties on 08.01.2024. Four comments were received in total: two in support and two in objection.
70. The comments in support of the proposal were received on 23.11.2023 and 16.01.2024. Both comments in support were submitted on behalf of the Friends of Nunhead Cemetery (FONC), and raised the following points:
- The current cabin has reached the end of its lifespan and requires

replacement to facilitate the ongoing work of FONC;

- The cabin has been designed to address concerns raised by the occupants of the West Lodge, and cemetery visitors have also been consulted - a large amount of support has been expressed for the design;
- The design is environmentally sympathetic;
- [following amendment of the plans] the use of timber cladding on all visible elevations will improve the environmentally sympathetic design of the cabin, and the reduction in height to the boundary fence will increase natural light to the cabin.

71. *Officer response:*

Noted.

72. The first comment received in objection to the proposals was received on 20.11.2023. It should be noted that prior to the submission of the objection letter a phone call was requested with the case officer, which was made on 09.11.2023. The comment in objection raised the following points:

- A replacement structure is supported in principle due to the poor state of the existing cabin;
- The existing structure sits on the boundary between the application site and the West Lodge;
- The appearance of the building is important due to the location within a Grade II* registered park and garden, timber cladding (which is a sustainable material) should be shown on all elevations;
- Concern was raised that the 3m tall fence could lead to a 4m high boundary to the West Lodge due to this change in ground level and concern was raised regarding the weight of the new structure;
- Concern was raised regarding the colour or finished appearance / thickness of the fence and the cabin;
- Concern was raised regarding the fixing mechanism of the fence to the base;
- Concern was raised regarding the future / long term maintenance of the fence and external cladding to the cabin;
- Concern was raised that the access / maintenance gap to the rear of the cabin would not be wide enough to accommodate a ladder;
- Concern was raised about construction sequencing and whether access would be required to the West Lodge garden in order to construct the new cabin;
- Concern was raised regarding the storage of flammable materials on site;
- Concern was raised regarding the accuracy of measurements on the plans (namely the distance between the fence and wall of the summerhouse should be 825mm instead of 800mm, and a separation distance of 180mm between the bike shed and the application site should be marked up on the plans;
- Objection was raised to the increase in height proposed which would impose on the amenity of users of the summerhouse and patio area of the West Lodge garden, (it was suggested that the original cabin is 2.5m tall);
- The amendments suggested by the objector included reducing the

height of the fence to 2m, set back the building by 75cm in each direction, timber cladding to be used on all sides, reduction in height to 2.5m and change the slope of the roof to the opposite direction.

73. *Officer response:*

A number of matters raised in this objection lie beyond the scope of planning control, including matters related to the boundary / party wall agreements, construction access, future maintenance responsibility and safety (including ladders and storage of flammable materials). Following the submission of this objection the case officer arrange a site visit with the objector to assess the impact of the proposed development on the amenity of the adjoining user. The site visit was conducted on 27.11.2023. During the course of this site visit the relationship between the application site and the garden of the West Lodge was inspected. The interior of 'Summer House' in the West Lodge garden was also inspected, and was found to be in incidental use to the main dwelling, i.e. not containing residential accommodation or habitable rooms. The other planning matters raised in this objection (i.e. residential amenity, appearance of the proposed cabin) are dealt with in the assessment section of this report. Some matters, including the detailed appearance of the external materials and construction management, are secured by condition.

74. Some amendments were made to the scheme in response to the objections raised above. The amendments included:

- Clarifications to the measurements on the plans (distance between proposed fence and summer house of the West Lodge revised from 800mm to 825mm, distance between bike shed and proposed cabin marked up as 170mm, height of fence revised from 3m to 2m)
- External materials were revised to show timber cladding on both flank elevations to match the front elevation.
- Height of fence was reduced to 2m and the drawings were clarified to show the fixings.

75. The second comment received in objection to the proposals was received on 27.01.2024, and raised the following points in relation to the amended plans:

- The reduction in height to the fence is welcomed;
- Concern was raised regarding the style of fence, which is described as a 'gapped picket fence' that would compromise privacy due to the gaps allowing visibility towards the summer house and the garden of the West Lodge;
- Concern was raised that the fence would be 'partial' on the side closest to the bike shed of the West Lodge;
- Excavations / levelling of the site to reduce height would be welcome;
- Strong objection was raised to the proposed cabin being taller than 2.5m, and it was suggested that the maximum height allowed by LB Southwark on a boundary is 2.5m. Concern was raised that a cabin taller than 2.5m would harmfully impact the daylight and sunlight of

users of the adjoining site and would also cause overshadowing.

- Concern was raised that timber cladding would not be used on the rear elevation of the cabin;
- Some matters from the first objection were repeated here, including the detailed appearance of the external materials and matters relating to the boundaries.

76. *Officer response:*

A follow-up phone call was held with the objector on 12.02.2024. While the mark ups on the drawings suggest a picket style fence, the drawings show a slatted timber fence. The use of a slatted fence is not considered to be contentious in this location. Slatted fences are commonly used as a boundary to front and rear gardens. The gap between the timber slats are shown on the plans to be 22mm wide – this is a very narrow gap that would effectively discourage visibility towards the garden. The proposed drawings confirm that the maximum height of the proposed cabin would be 3.1m when measured from ground level at the northern corner. This constitutes a reduction in height on the existing cabin, which measures 3.3m at this corner when measured from ground level. LB Southwark recommend reductions in height to development on a boundary where additional height would result in a harmful loss of amenity to the adjoining user, for example where development would result in a loss of daylight / sunlight or outlook to a window serving a habitable room or substantially overshadow a small garden. No such harmful loss of amenity has been identified in this instance, as set out in full under the Impact of proposed development on amenity of adjoining occupiers and surrounding area section above. Details of the external materials, including the rear cladding, are secured by condition.

Conservation Area Advisory Group (CAAG)

77. CAAG noted the works of demolishing and reinstating an ancillary structure within the cemetery in connection with the grounds maintenance and raised no objection.

78. *Officer response:*

Noted.

Consultation responses from external and statutory consultees

Historic England

79. Nunhead Cemetery is one of London's Magnificent Seven cemeteries established in the 19th century in response to the city's expanding population. In recognition of its very high degree of significance, the cemetery is listed at Grade II* on Historic England's Register of Parks and Gardens (RPG). The cemetery's condition has deteriorated in recent years largely due to unmanaged vegetation growth which has damaged various monuments and reduced the legibility of the landscape. As such, the cemetery has been a long-standing entrant on Historic England's Heritage at Risk Register.

The existing portacabin is located near the Linden Grove entrance to the cemetery, and in an area sensitive to change due to its prominent position along a public pathway, and proximity to the separately listed Grade II listed West Lodge and the Scottish Martyrs Memorial, both of which are separately Grade II listed. The portacabin is understood to date from the 1980s and provides on-site facilities for the Friends of Nunhead Cemetery (FONC). Despite being relatively visually recessive, the structure detracts from the quality of the historic landscape due to its low-quality temporary-style construction and poor condition.

The submitted drawings indicate that the proposed replacement cabin would be of a similar single-storey scale, and broadly within the same footprint as the existing. In terms of its design, it would be a relatively plain and standardised timber-clad structure with a sloped roof. The new cabin would incorporate the existing service connections to accommodate improved facilities including a toilet and wash facilities for the FONC, and separately accessed toilets and wash facilities which we understand would be accessible to the visiting public.

By developing broadly within the footprint and height of the existing structure, and incorporating the existing servicing, we do not wish to raise any concerns in relation to the impact on the Grade II* RPG and its component listed structures. The submitted design does suggest a fairly standard portacabin structure, and we suggest that conditions are attached to the planning permission to ensure that the materials would be high-quality and contextual to the Cemetery. We also suggest that a landscaping condition is imposed to improve the presentation of the area immediately surrounding the cabin and its integration with the adjacent gates and shed (which currently has a cluttered appearance).

Recommendation

Historic England broadly supports this application on heritage grounds in the interest of improving public access and the presentation of Nunhead Cemetery which we hope should reduce its At Risk status.

80. *Officer response:*

Noted, material samples condition and landscaping condition has been imposed as recommended.

The Gardens Trust

81. Thank you for re-consulting the Gardens Trust (GT), a Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Gardens. We have liaised with our colleagues in the London Gardens Trust (LGT) and their local knowledge informs this response.

You will be aware that when we recently responded to this, we did not submit any substantive comments. Whilst the design of the proposed building is not what we would ideally wish to see in such a sensitive historic location, we fully appreciate the financial constraints leading to the proposed choice of structure. On balance, we consider that the need for a base for the Friends is the more

important criterion, so that they can continue their excellent work. Other buildings in the Cemetery, The Chapel and the West Lodge are constructed in London stock brick with stone detailing, and although this would be far more desirable as a building material we would ask that should your officers allow this application, in order to mitigate the utilitarian appearance, an external surface treatment, such as climbing plants be used.

82. *Officer response:*

Noted, landscaping condition has been imposed as recommended.

Consultation responses from internal consultees

Urban Forester

83. A number of fruit and self sown trees require removal: 3 Category 'C' and 1 category 'U' grade.

Although these are of relatively minor contribution to amenity, the small number of trees should be replaced elsewhere within the vicinity.

Please see recommended condition wording (on uniform).

84. *Officer response:*

Noted, conditions related to trees have been imposed as recommended.

Ecology

85. The site is located within Nunhead Cemetery which is a Local Nature Reserve, green chain park, SINC and MOL. The citation states:

One of London's most important Victorian cemeteries of historical and wildlife interest that has developed a character that is almost unique. The nearest large area of woodland and scrub to southcentral London, and an outstanding site for its location. It is largely an ash-sycamore woodland, natural in structure and growing amongst gravestones, with many remnants of the Victorian plantings also remaining, including mature horse chestnut, holm oak, turkey oak and pedunculate oak. There is also a well-developed shrub layer with native and non-native shrubs. The ground flora is limited in dense shade but in opens areas along rides and in proximity to the spring-fed pond, a wide range of herbs are present including most notably yellow loosestrife, agrimony, old man's beard, false woodbroom, cowslip, reed sweet grass and meadowsweet. A good list of breeding woodland birds includes at least 60 pairs of wrens, chiffchaff, blackcap, great spotted woodpecker, tawny owl, sparrow hawk and jay. The invertebrate fauna includes the nationally scarce white-letter hairstreak butterfly. Foraging and roosting bats are highly likely. This is a borough-owned site, managed in partnership with the Friends of Nunhead Cemetery. The Friends Group organise a conducted tour of the cemetery on the last Sunday of each month at 2.15 p.m., starting at the Linden Grove gates. Nunhead Cemetery is a Local Nature Reserve and a Grade II* Listed landscape.

Policy P60 states that development should avoid damage to SINC's and LNR's. A CEMP should be in place to avoid effects on Nunhead Cemetery during construction. There should be no additional light spill onto Nunhead Cemetery from the development. Tree loss should be mitigated for with additional tree planting.

Policy P60 states that development must contribute to gains in biodiversity through enhancements of LNR/SINC's. It is recommended that green walls are installed on the external walls of the cabin. These could comprise of native pollinator friendly climbing plants such as honeysuckle and jasmine on a trellis. Planting of an elm such as new horizon will provide suitable habitat for the White letter hairstreak butterfly.

Bat boxes should be installed on adjacent mature trees.

The PEA suggests that no trees will be removed as part of the development, whereas the AIA states that 3 trees will be removed. The PEA states that trees adjacent to the building were surveyed for bat roosting potential with no suitable features found. Confirmation is required that the trees due to be felled were included within this survey, or an updated survey should be undertaken to include these trees.

Recommended conditions

PTC11- CEMP

AGW06- Bat boxes x 4

PTO14- Bat friendly lighting plan.

86. *Officer response:*

Noted, conditions related to the CEMP, bat boxes, bat friendly lighting and landscaping have been imposed as recommended.

Archaeology

87. The key archaeological concern for this development is that the proposals do not unnecessarily disturb human remains. There is nothing in the documentation to suggest such an assessment has been undertaken. This should be confirmed with the applicants.

88. *Officer response:*

Noted. The applicants subsequently provided burial records, indicating that no burials would be impacted by the proposals.

Transport Policy

89. As requested at pre-app stage, the applicant has provided further details of the gradient as well as a basic CEMP. Transport Policy have no comment on these documents and no objection to the proposal.

90. *Officer response:*

Noted.

Highways Development Management

91. I have reviewed the documents received and we don't have any Highway comments on this planning application.

92. *Officer response:*

Noted.

Community impact and equalities assessment

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

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

95. 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.

96. 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

97. 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.
98. This application has the legitimate aim of constructing a cabin to replace the existing dilapidated structure. 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

99. 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.
100. 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.

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

Was the pre-application service used for this application?	Yes
If the pre-application service was used for this application, was the advice given followed?	Yes
Was the application validated promptly?	Yes
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	Yes

CONCLUSION

102. The proposal would contribute to the ongoing maintenance and enjoyment of Nunhead Cemetery and would not detract from the openness of the

Metropolitan Open Land. The design of the cabin is suitably unobtrusive within the sensitive setting of the MOL, Grade II* registered park and garden and Nunhead Cemetery Conservation Area. It would respect the amenity of neighbouring properties and would present a significant improvement on the appearance of the existing cabin. Accordingly, it is recommended that planning permission be granted subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2522-F Application file: 23/AP/2875 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	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	Stephen Platts, Director of Planning and Growth	
Report Author	Eleanor Heagney, Planner Design and Conservation	
Version	Final	
Dated		
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No

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	Ms Nina Chantry London Borough of Southwark, Environment and Leisure, Par...	Reg. Number	23/AP/2875
Application Type	Minor application		
Recommendation	GRANT permission	Case Number	PP-12528220

Draft of Decision Notice

Planning permission is GRANTED for the following development:

Demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin.

Nunhead Cemetery Linden Grove London Southwark

In accordance with application received on 13 October 2023 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

PROPOSED ELEVATIONS 1939-02-81 REV H received 01/02/2024

Other Documents

PROPOSED BLOCK PLAN 00-92 REV D received 05/01/2024

PROPOSED PLAN 02-80 REV F received 05/01/2024

PROPOSED FENCE 02-82 REV E received 05/01/2024

PROPOSED SECTIONS 1939-02-83 REV B received 01/02/2024

Time limit for implementing this permission and the approved plans

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

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

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

3. Prior to commencement of demolition works, a valid construction contract (under which one of the parties is obliged to carry out and complete the works of redevelopment of the site for which planning permission was granted simultaneously with this consent) shall be entered into and evidence of the construction contract shall be submitted to for approval in writing by the Local Planning Authority.

Reason:

As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act (1990) and to maintain the character and appearance of the Nunhead Cemetery Conservation Area, in accordance with the National Planning Policy Framework (2023); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); Policy P19 (Listed buildings and structures), Policy P20 (Conservation areas) and Policy P21 (Conservation of the historic environment and natural heritage) of the Southwark Plan (2022).

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

- Site perimeter continuous automated noise, dust and vibration monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.);
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations; and
- 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:
 - Southwark Council's Technical Guide for Demolition & Construction at <https://www.southwark.gov.uk/construction>;
 - Section 61 of Control of Pollution Act 1974;
 - The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition';
 - 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';

- BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise';
- BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration';
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration;
- BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting; and
- 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 (<https://nrmm.london>).

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP 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 National Planning Policy Framework (2023); Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Permission is subject to the following Grade Condition(s)

5. Prior to above grade works commencing (excluding demolition and archaeological investigation), material samples/sample panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall remain on site for inspection for the duration of the building's construction 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 to the setting of the Grade II* Registered Park in terms of materials to be used, and achieve a quality of design and detailing in accordance with the National Planning Policy Framework (2023), Policy D4 (Delivering good design) of the London Plan (2021) and Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

6. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme including the replacement of 4 trees, trellis planting on the external walls of the cabin and 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.

Works shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations, BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 03:2022 (EN) - Tree Planting Standard.

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 2023; 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), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

7. Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 4 bat tubes, bricks or boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or boxes 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 bat tubes, bricks or boxes 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 roost features and mapped locations and the Local Planning Authority agreeing the submitted plans, and once the roost features are installed in full in accordance to the agreed plans.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework (2023); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening), Policy G6 (Biodiversity and access to nature) of the London Plan (2021); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

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

8. Prior to the new development being first brought into use/occupied a bat friendly Lighting Plan shall be submitted to and approved by the Local Planning Authority.

The recommended lighting specification using LED's (at 3 lux) because they have little UV. The spectrum recommended is 80% amber and 20% white with a clear view, no UV, horizontal light spread ideally less than 70° and a timer.

If required a 3D plan of the illumination level should be supplied so the Local Planning Authority can assess potential impact on protected species.

Reason:

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act (1981), (as amended), and because bats are known to be active in vicinity of the development site.

Informatives

Appendix 2: Planning Policies

The revised National Planning Policy Framework ('NPPF') was published in September 2023 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 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

The relevant chapters are:

- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 13 Protecting Green Belt Land
- Chapter 14 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

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 HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G3 Metropolitan open land
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

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

Supplementary Planning Documents and guidance

Of relevance in the consideration of this application are:

- Heritage SPD (2021)
- Nunhead Cemetery Conservation Area Appraisal.

Appendix 3: Relevant planning history

No relevant planning history

Appendix 4: Consultation undertaken

Site notice date: 30/10/2023

Press notice date: 02/11/2023

Case officer site visit date: 27.11.2023

Neighbour consultation letters sent: 08/01/2024

Internal services consulted

LBS Urban Forester
 LBS Transport Policy
 LBS Archaeology
 LBS Ecology
 LBS Highways Development & Management
 LBS Transport Policy
 LBS Urban Forester
 LBS Highways Development & Management
 LBS Ecology
 LBS Archaeology
 LBS Ecology
 LBS Ecology

Statutory and non-statutory organisations

Historic England
 Historic England

Neighbour and local groups consulted:

105 Linden Grove London Southwark	96 Daniels Road London Southwark
88 Daniels Road London Southwark	94 Daniels Road London Southwark
104 Daniels Road London Southwark	92 Daniels Road London Southwark
46 Daniels Road London Southwark	86 Daniels Road London Southwark
111 Linden Grove London Southwark	82 Daniels Road London Southwark
62 Daniels Road London Southwark	112 Daniels Road London Southwark
108 Daniels Road London Southwark	110 Daniels Road London Southwark
102 Daniels Road London Southwark	106 Daniels Road London Southwark
117 Linden Grove London Southwark	100 Daniels Road London Southwark
The Lodge Nunhead Cemetery Linden Grove	72 Daniels Road London Southwark
98 Daniels Road London Southwark	68 Daniels Road London Southwark
90 Daniels Road London Southwark	66 Daniels Road London Southwark
84 Daniels Road London Southwark	60 Daniels Road London Southwark
70 Daniels Road London Southwark	58 Daniels Road London Southwark
64 Daniels Road London Southwark	54 Daniels Road London Southwark
56 Daniels Road London Southwark	52 Daniels Road London Southwark
50 Daniels Road London Southwark	48 Daniels Road London Southwark
44 Daniels Road London Southwark	42 Daniels Road London Southwark
	119 Linden Grove London Southwark

115 Linden Grove London Southwark
113 Linden Grove London Southwark
109 Linden Grove London Southwark

107 Linden Grove London Southwark

Re-consultation:

Appendix 5: Consultation responses received

Internal services

LBS Urban Forester
LBS Transport Policy
LBS Archaeology
LBS Ecology
LBS Highways Development & Management
LBS Transport Policy
LBS Urban Forester
LBS Highways Development & Management
LBS Ecology
LBS Archaeology
LBS Ecology
LBS Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

The Lodge, Nunhead Cemetery Linden
Grove Nunhead
The Gardens Trust 70 Cowcross Street
London
33 Chalsey Road Brockley London
The Lodge, Nunhead Cemetery, Linden
Grove, Nunhead London SE15

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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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