

# Planning Committee (Smaller Applications)

Monday 9 September 2024  
7.00 pm

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

## Membership

Councillor Cleo Soanes (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor Sam Dalton  
Councillor Sabina Emmanuel  
Councillor Sam Foster  
Councillor Adam Hood  
Councillor Richard Livingstone

## Reserves

Councillor Renata Hamvas  
Councillor Emily Hickson  
Councillor Richard Leeming  
Councillor Emily Tester  
Councillor Joseph Vambe

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## INFORMATION FOR MEMBERS OF THE PUBLIC

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### Access to information

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

### Babysitting/Carers allowances

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

### 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](mailto:Beverley.olamijulo@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 29 August 2024



## Planning Committee (Smaller Applications)

Monday 9 September 2024  
7.00 pm  
GO2 meeting rooms, 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>MINUTES</b>	1 - 5
	To approve as a correct record the minutes of the meeting held on 30 July 2024.	
6.	<b>DEVELOPMENT MANAGEMENT</b>	6 - 10
	<b>6.1. 67 PLOUGH WAY, LONDON SE16 2LS</b>	11 - 59

**Item No.**

**Title**

**Page No.**

**6.2. 9 - 29 EASTLANDS CRESCENT LONDON SE21 7EG**

60 - 96

**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: 29 August 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"><li>(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.</li><li>(b) The applicant or applicant's agent.</li><li>(c) One representative for any supporters (who live within 100 metres of the development site).</li><li>(d) Ward councillor (spokesperson) from where the proposal is located.</li><li>(e) The members of the committee will then debate the application and consider the recommendation.</li></ol> |
|---|

**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. **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](mailto:ConsTeam@southwark.gov.uk) in advance of the meeting by **5pm** on the working day preceding the meeting.

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

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

Planning Committee Clerk, Constitutional Team  
Governance and Assurance  
Tel: 020 7525 72342



## Planning Committee (Smaller Applications)

MINUTES of the Planning Committee (Smaller Applications) held on Tuesday 30 July 2024 at 7.00 pm at G02 meeting rooms, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Jane Salmon (Vice-Chair), in the Chair  
 Councillor Sam Dalton  
 Councillor Sam Foster  
 Councillor Adam Hood  
 Councillor Richard Livingstone

**OFFICER SUPPORT:** Dennis Sangweme (Head of Development)  
 Jonathan Welch (External Legal Counsel, FTB Chambers)  
 Abbie McGovern (Development Management)  
 Andre Verster (Development Management)  
 Beverley Olamijulo (Constitutional Officer)

### 1. APOLOGIES

Apologies for absence was received from Councillor Cleo Soanes (Chair).

### 2. CONFIRMATION OF VOTING MEMBERS

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

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

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

- Addendum report relating to item 6.2 – development management items
- Members pack.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

**Agenda item 6.1 – Land Adjacent to Warwick Court, Choumert Road (Rear of 160-162 Rye Lane) London SE15 4SH**

Councillor Richard Livingstone, non-pecuniary, because although the planning application was not in his ward, for openness and transparency he explained that he had spoken to the applicant concerning the merits of the application, he would consider it with an open mind.

Councillor Sam Dalton, non-pecuniary, because he knows the father of the applicant who is a serving councillor. For openness and transparency, he said he would consider the application with an open mind.

**5. MINUTES**

**RESOLVED:**

That the minutes for Planning Committee (Smaller Applications) meeting held on 24 April 2024 be approved as a correct record and signed by the chair.

**6. DEVELOPMENT MANAGEMENT**

**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 LAND ADJACENT TO WARWICK COURT, CHOUMERT ROAD (REAR OF 160-162 RYE LANE) LONDON SE15 4SH**

**Planning application reference 17/AP/1285**

Report: See pages 11 to 67 of the agenda pack

**PROPOSAL**

*Construction of a part two, part three and part four-storey block for co-living (Sui generis) comprised of 11 rooms with shared facilities, roof pavilion and roof terrace, external walkways, balconies and associated cycle and bin stores.*

It was proposed that the planning application be deferred, due to the time that had passed since the application was initially submitted and the need for further details about the application's ecological impact to be included in the report, before it could be considered at committee.

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

**RESOLVED:**

That the planning application be deferred to a future meeting.

**6.2 FRIENDSHIP HOUSE, 3 BELVEDERE PLACE, LONDON SE1 0AD**

**Planning application reference 23/AP/2122**

Report: See pages 68 to 144 of the agenda pack and addendum pages 1 – 93.

**PROPOSAL**

*Construction of a part one, part two and part three storey upward extension above the existing Friendship House building to provide 62 additional Sui Generis (Hostel) accommodation units, along with 5 additional shared kitchen spaces and an additional communal space in the form of a sky room. Provision of an additional cycle parking spaces within secure area, an enlarged bin storage for increased refuse capacity; and the removal of 1 car parking space at ground floor level.*

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

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

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

There were no supporters present, who lived within 100 metres of the development site and wished to speak.

There were no ward councillors present who wished to speak at the meeting.

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



**RESOLVED:**

1. That planning permission be granted subject to the conditions set out in the report, and the amended condition outlined in the addendum report and subject to the applicant entering into an appropriate legal agreement.
2. That in the event that the legal agreement has not been endorsed by 30 January 2025, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 164 of the report.

**6.3 MALBOROUGH CRICKET CLUB, DULWICH COMMON, SOUTHWARK SE21 7EX****Planning application reference 24/AP/0050**

Report: See pages 145 to 185 of the agenda pack

**PROPOSAL**

*Demolition of existing pavilion including removal of three trees; and erection of a new single storey cricket pavilion along with refuse / recycling stores, cycle parking facilities, hardstanding, landscaping and associated works.*

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

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

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

There were no supporters present, who lived within 100 metres of the development site and wished to speak.

There were no ward councillors present, who wished to speak at the meeting.

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

**RESOLVED:**

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

The meeting ended at 7.50 pm.

**CHAIR:**

**DATED:**

<b>Meeting Name:</b>	Planning Committee (Smaller Applications)
<b>Date:</b>	9 September 2024
<b>Report title:</b>	Development Management
<b>Ward(s) or groups affected:</b>	All wards
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	Not Applicable
<b>From:</b>	Proper Constitutional Officer

## RECOMMENDATIONS

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

## BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning 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

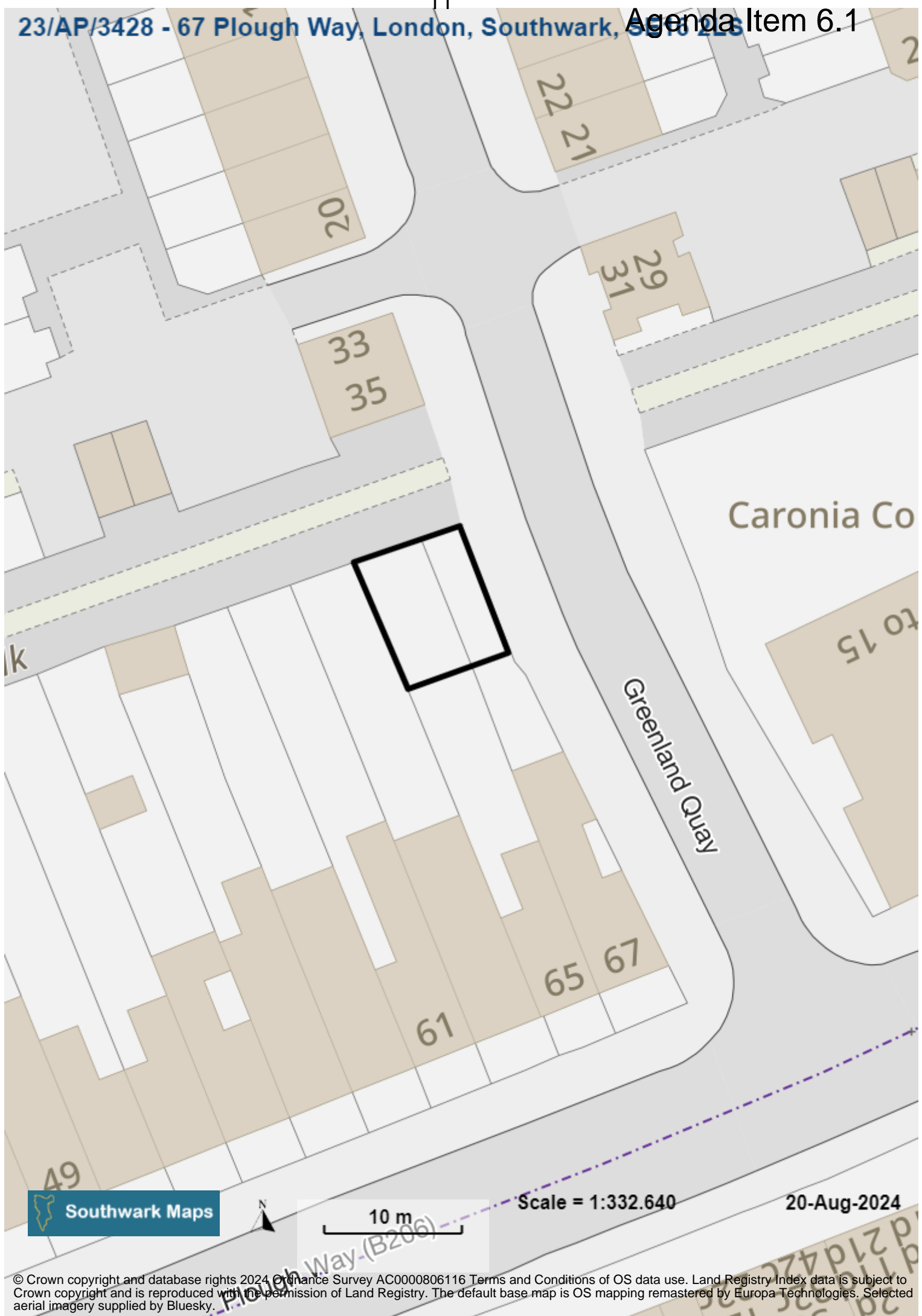
Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525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

## APPENDICES

No.	Title
None	

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Beverley Olamijulo, Constitutional Officer Nagla Stevens, Head of Law (Planning and Development)	
<b>Version</b>	Final	
<b>Dated</b>	29 August 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Director of Planning and Growth	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		29 August 2024



Southwark Maps



10 m

Scale = 1:332.640

20-Aug-2024



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<b>Meeting Name:</b>	Planning Committee (Smaller Applications)	
<b>Date:</b>	9 September 2024	
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/3428 for: Full Planning Application  <b>Address:</b> 67 PLOUGH WAY, LONDON, SOUTHWARK SE16 2LS  <b>Proposal:</b> Construction of a single-storey, one-bedroom house fronting Greenland Quay and Cunard Walk.	
<b>Ward(s) or groups affected:</b>	Surrey Docks	
<b>Classification:</b>	Open	
<b>Reason for lateness (if applicable):</b>	Not Applicable	
<b>From:</b>	Director of Planning and Growth	
<b>Application Start Date:</b> 16/01/2024	<b>PPA Expiry Date:</b> N/A	
<b>Earliest Decision Date:</b> 09/08/2024		

## RECOMMENDATION

1. That planning permission is granted, subject to:
  - a) The conditions as set out in the report and,
  - b) The completion of a Section 106 agreement.
2. That in the event that a legal agreement is not signed by 5 December 2024 the Director of Planning and Growth be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 108 of this report.

## EXECUTIVE SUMMARY

3. This application has been referred to the Smaller Applications Planning Committee for determination. The proposed development comprises the erection of a single storey one bedroom dwelling with amenity space on a plot of land to the rear of 65 and 67 Plough Way. The proposal incorporates a flat roof with rooflights and retained 3no PV panels and amenity space with a boundary wall. The site is currently vacant and fenced off to the neighbouring gardens.

4. The internal accommodation complies with policy requirements and would result in a good quality of accommodation for future occupiers. A 12.6sqm garden would be provided which is proportionate to the one bedroom dwelling proposed. The shortfall in outdoor amenity space would be secured through a S106 Agreement. The development is a self-build proposal and therefore is exempt from providing affordable housing on site. In the event that the property is disposed of within three years, the development would become liable to affordable housing. This would also be secured through a S106 Agreement.
5. The proposed development would be set amongst two-storey terrace properties to the northern side of Plough Way and blocks of 3-4 storey flatted development across Greenland Quay and Cunard Walk. The dwelling would be set below these properties as a single storey development. The site slightly slopes uphill northward from Plough Way, up Greenland Quay towards Greenland Dock. The development responds to the change in gradient. The development measures 2.9m towards the rear of the application site from ground, and 3.1m towards the front of the application site. The visual difference is a result of the natural slope, the height of the proposed dwelling remains consistent. The external walls project above the existing boundary wall (2.1m in height) and therefore sits well below the neighbouring properties. This presents a comfortable height in relation to the immediate and surrounding area. The proposed materials appropriately reflect the character of the area.
6. Given the scale and siting of the proposed development there would not be significant adverse impacts on neighbouring properties in terms of daylight and sunlight or privacy.
7. The proposal would make use of a vacant site to provide a much needed additional dwelling within the borough that would not result in significant harm to the surrounding character of the area or the amenity of the neighbouring occupiers. It is recommended that planning permission is granted, subject to conditions and completions of a S106 Agreement.

## **BACKGROUND INFORMATION**

### **Site location and description**

8. The application site is a parcel of land located directly behind No's. 65 and 67 Plough Way in Surrey Docks, covering 85 sqm. It previously formed part of the rear gardens of 65 and 67 Plough Way. The site is currently fenced off to these gardens and to the surrounding highways, forming a separate planning unit. The site is located at the corner of Greenland Quay, a secondary road off Plough Way, and a pedestrian route called Cunard Walk, running parallel and to the north of Plough Way, both of which form publically-fronting boundaries to the site.
9. The site slopes uphill northward from Plough Way, up Greenland Quay towards Greenland Dock. The portion of the rear garden of No. 67 which makes up the site is unusual in that it incorporates a double width portion which effectively wraps around the rear garden boundary of No. 65 to the west

which the site also abuts.

10. The site is subject to the following designations:

- Action Area – Canada Water
- Adopted Highways
- Air Quality Management Area
- Archaeological Priority Zone
- CIL Zone 3
- Controlled Parking Zones
- Flood Zone 2
- Flood Zone 3
- Neighbourhood Plan - Rotherhithe And Surrey Docks
- Opportunity Area- Canada Water

11. *Figure 1: Site Location Plan*



12. The surrounding area is characterised by traditional two-storey terrace properties to the northern side of Plough Way and blocks of 3-4 storey, 1980-90s flatted developments across Greenland Quay and Cunard Walk. Distinction between the two types of properties is clear. The terraced housing has a number of traditional features including butterfly roofs and relatively long rear gardens, with some having ancillary buildings sited along the rear boundary walls which are small and domestic in nature. The long rear gardens, the associated mature planting and the adjacent street trees add a pleasant sense of spaciousness and greenery, in an otherwise predominantly hard urban landscape. Meanwhile, the large blocks of flatted development appear relatively modern in their design, layout, increased height, mass and density.
13. The site is not within a conservation area. There are no listed buildings nearby.

## **Details of proposal**

14. The proposed development is for the construction of a single-storey one-bedroom house fronting Greenland Quay and Cunard Walk. A boundary wall is proposed to the south-west elevation surrounding the proposed amenity space.

15. *Figure 2: Proposed site plan*



16. The dwelling would be constructed to the following dimensions:

- Maximum depth: 7.8m
- Maximum width: 10.9m
- Maximum height: 3.1m
- Private outdoor space: 12.6sqm

17. *Figure 3: Proposed Ground Floor Plan*



18. *Figure 4: Proposed Elevations*



1 | East Elevation Proposed  
1:50



2 | North Elevation Proposed  
1:50



2 | South Elevation Proposed  
1:50



1 | West Elevation Proposed  
1:50

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

19. 1 site notice was displayed on 6 February 2024. 23 neighbour letters were sent out on the 14 February 2024.
20. 18 objections were received and raise the following material planning considerations:
- Negative impact on the neighbouring properties through loss of privacy
  - Too much development on site
  - The construction process would lead to noise nuisance
  - The proposal would negatively impact ecology in the area
  - There would be an increase in traffic as a result of the proposal
  - The proposal would be uncharacteristic of the area
  - Loss of privacy to the neighbouring properties
  - Inappropriate height, scale and massing
  - Increased chance of flooding
  - Inadequate parking provision
  - Strain on existing community facilities

Re-consultation was carried out on 25 April 2024 to all neighbours for the following reasons:

- Revised plans submitted further to objections raised by design officers
  - Objections were raised towards the mix of zinc cladding and bricks on the walls fronting Greenland Quay and Cunard Walk. English garden wall bonds throughout were therefore recommended. The applicant provided these details on the revised drawings.
21. A further 16 neighbour letters were sent out on 8 May 2024 to contributors for the following reason:
- Daylight/sunlight report submitted.
22. Two additional comments were received during the re-consultation period raising the following material planning considerations:
- Revised plans submitted further to objections raised by design officers.
  - Daylight/sunlight report submitted.
23. A further 72 neighbour letters were sent out on 17 July 2024 to contributors for the following reason:
- Revised proposed plans submitted omitting the pitched roof element from the scheme.
24. One additional comment was received during the re-consultation period raising the following material planning considerations:
- Height, scale and massing inappropriate

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

25. Planning permission 19/AP/6820 was refused on the 17 January 2020. The description of development reads as follows:

‘Construction of a two storey, 2 bedroom house fronting Greenland Quay and Cunard Walk with first floor level terrace amenity space’.

26. The reasons for refusal are as below:

- Neighbouring amenity: the development would incur a risk of noise and disturbance from the first floor level roof terrace, a reduction in privacy due to the introduction of new windows to habitable rooms, reduction in outlook and an undue sense of enclosure from introduction of a new two-storey building volume all in unacceptably close proximity to existing neighbouring residential occupiers.
- Design: the development of a new two storey building would be of an excessive scale, height and massing relative to the backland nature of the host rear-garden site and would not appropriately respond to the site's constraints or its context.

27. Following this, the submitted appeal ref. APPEAL/20/0049 was dismissed on the 6 October 2024.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

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

- Principle of the proposed development in terms of land use
- Affordable housing and viability
- Quality of residential accommodation
- Fire safety
- Design and layout
- Landscaping and trees;
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Transport and highways
- Refuse and recycling
- Noise and vibration
- Energy and sustainability
- Ecology and biodiversity
- Air quality
- Ground conditions and contamination
- Water resources and flood risk
- Archaeology
- Planning obligations (S.106 undertaking or agreement)
- Mayoral and borough community infrastructure levy (CIL)



- Consultation responses from internal and divisional consultees
- Community impact and equalities assessment
- Human rights
- Positive and proactive statement, and
- Other matters.

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

### **Legal context**

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 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.
31. 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**

32. 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.

### **National Planning Policy Framework (the Framework) 2023**

33. The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 and sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
34. Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
35. The relevant chapters from the Framework are:
- Chapter 2 Achieving sustainable development
  - Chapter 5 Delivering a sufficient supply of homes
  - Chapter 8 Promoting healthy and safe communities

- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

## **The London Plan 2021**

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

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy T5 Cycling
- Policy T6 Car parking
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H4 Delivering affordable housing
- Policy S1 12 Flood risk management

## **Southwark Plan 2022**

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

- P1 Social rented and intermediate housing
- P13 Design of places
- P14 Design quality
- P15 Residential design
- P18 Efficient use of land
- P23 Archaeology
- P53 Cycling
- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees
- P65 Improving air quality
- P68 Reducing flood risk
- P70 Energy

## **Area based AAPs or SPDs**

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

- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Heritage SPD (2021)

### **Principle of development**

39. The proposed development constitutes backland development. The area is predominately residential (C3 Use Class) in nature of which the proposal would be in keeping with. The land use would be slightly intensified through the provision of a new dwelling house but is considered acceptable in principle given the existing and established surrounding land use.

40. Backland development sites which are located predominately to the rear of existing dwellings (as is the case along the terrace of Plough Way). Development on such sites includes new residential buildings and occurs predominately on the gardens of surrounding houses.

41. The 2015 Technical Update to the Residential Design Standards SPD 2011 states that to minimise impact on the surrounding area and neighbouring amenity, backland development need to consider the following:

- Development must not be more intensive than the existing development on the adjoining street frontage
- The degree of overlooking to neighbouring gardens must be minimised
- Spacing between facing windows of habitable rooms
- The orientation should relate to that of the existing surrounding buildings
- Possible noise nuisance
- Possible vehicular fumes
- Impact on trees, vegetation and wildlife
- Must integrate with existing landscape features
- Access to the development must be adequate
- There must be space for refuse storage and access for collection
- Security and surveillance to be maximised through design

42. These matters are addressed throughout the report.

43. Further, Policy P18 (Efficient use of land) of the Southwark Plan (2022) states that development will be permitted that optimises land use, does not unreasonably compromise development or legitimate activities on neighbouring sites and provides adequate servicing facilities, circulation spaces and access to, from and through the site. The proposed development comprises the erection of one dwelling, this is considered acceptable in terms of principle subject to other material considerations such as design and impact on neighbouring amenity.

44. The principle of development is acceptable in terms of land use and the proposal would contribute towards housing need in the borough.

## Affordable housing and viability

45. Policy P1 (Social rented and intermediate housing) of the Southwark Plan (2022) states that development that creates 9 homes or fewer (inclusive) must provide the maximum amount of social rented and intermediate homes or a financial contribution towards the delivery of new council social rented and intermediate homes with a minimum of 35% subject to viability.
46. The proposed development is a self-build scheme and as such is exempt from Policy P1 (Social rented and intermediate housing) of the Southwark Plan (2022) whilst in use as a self-build. In the event that the property is disposed of within three years, the development would become liable to affordable housing. In this case, a Section 106 legal agreement would be entered into to secure a contribution. The contribution would be 35% of habitable rooms multiplied by £30,000.
47. For the reasons outlined above and subject to completion of a Section 106 legal agreement, the proposal is considered to demonstrate compliance with P1 'Social rented and intermediate housing' of the Southwark Plan (2022).

## Quality of residential accommodation and outdoor amenity space

48. The proposed room sizes in comparison to the minimum internal space standards as set out in Policy P15 (Residential design) of the Southwark Plan 2022 are set out below:

<b>Schedule of accommodation for dwelling type 1b2p</b>			
<b>Room</b>	<b>Floor area (sq. m)</b>	<b>Minimum floor area requirement (sq. m)</b>	<b>Complies?</b>
Kitchen/dining/lounge	27.8	24	Yes
Double bedroom	12.3	12	Yes
Bathroom	4.2	3.5	Yes
<b>Dwelling</b>	<b>Area (sq. m)</b>	<b>Minimum area requirement (sq. m)</b>	<b>Complies?</b>
Gross Internal Floor Area	50.1	50	Yes
Private outdoor space	12.6	50sqm total 10m length	No

### *Internal amenity space*

49. All proposed habitable rooms meet or exceed the minimum required floor area

for each individual room. The proposed development also meets the overall minimum Gross Internal Area requirements. As outlined above, the dwelling would provide well-proportioned spaces to support a good quality of accommodation.

#### *Outdoor amenity space*

50. The proposed development includes the provision of 12.6sqm of private outdoor amenity space at ground floor.
51. All new housing developments must provide some form of outdoor amenity space, as set out in Policy P15 (Residential design) of the Southwark Plan 2022. New dwellings must have a minimum of 50 sqm private garden space at a minimum of 10m in length. Any shortfall in the required provision of amenity space is charged at £205 per square metre. £205 per square metre represents an average cost in Southwark for improving open space, taking into account all costs including fees and construction costs, as set out within Southwark's Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.
52. The proposed gardens falls short of policy requirements. The application site is physically constrained and would not allow for the provision of any larger or additional outdoor spaces. A roof terrace would not be appropriate in this location as it may overlook neighbouring properties and would be out of character with the surrounding area. The application site is also located within close proximity of Southwark Park.
53. The shortfall of outdoor amenity space will be mitigated through a financial contribution of (£7 667) as detailed above. This will be in place of the remaining 37.4sqm shortfall. The contribution will be secured through a S106 Agreement as agreed to by the applicant.

#### *Outdoor amenity space – existing dwellings*

54. In relation to the outdoor amenity space for existing dwellings 65 and 67 Plough Way, the amenity spaces for each dwelling would remain the same given that the application site is located to the rear of these dwellings and no longer forms part of the existing amenity spaces.

#### *Outlook and aspect*

55. The proposed development is predominately single aspect due to the constrained nature of the site. Where dual aspect has not been available, rooflights and lightwells have been provided as part of the development to prevent overheating and provide ventilation, as set out with the Southwark Plan (2022). It has therefore been demonstrated that a high quality of design is still achieved.
56. The proposed accommodation would have a floor to ceiling heights above 2.4m which is considered acceptable in maximising natural ventilation and natural daylight in the dwelling.

## **Fire safety**

57. Policy D12 (A) of the London Plan 2021 requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
58. Summary of Information Contained in Planning Fire Safety Strategy
- A planning fire safety strategy (PFSS) has been submitted in support of the application and considered acceptable.
59. The PFSS demonstrates the proximity of the proposed dwelling to the public highway, where fire appliances can gain easy access to the site in the event of a fire. There is ample space to the front and rear of the proposed dwelling for the purposes of evacuation and assembly.
60. The passive fire safety measures include smoke and carbon monoxide detectors/alarms, fire doors and policy compliant construction materials.

## **Design and layout**

61. The application site is a backland site situated to the rear gardens of 65 and 67 Plough Way.
62. The application scheme has been revised in response to officers' comments at application stage. Comments previously provided regarding the external cladding have been addressed positively.

### *Height, scale and massing*

63. The proposed dwelling would be single storey with a flat roof and flat rooflights and retained 3no PV panels, which would also be laid flat. The overall height of the external boundary walls measure 2.9 – 3.1m in height. Such height is subservient to nearby terraced housing and apartment blocks, including 65 and 67 Plough Way. It conforms with the 2015 Technical Update to the Residential Design Standards SPD 2011 which advises backland development to be single storey. It is also appropriate to the suburban, open character of the area and there is in line with Policy P13 of the Southwark Plan 2022.

### *Layout*

64. Access is positioned on the Greenland Quay frontage, which is considered appropriate. As such, the proposed development would not set a precedent for a terrace of houses along Cunard Walk, which is a quiet, narrow pedestrian route.

### *Architectural Design*

65. In terms of materials, the house would be cladded in London Stock Brick to match the existing wall. The use of bronze zinc cladding is appropriate for a modern house and complementary to the brickwork in the vicinity.

66. The proposed mix of zinc cladding and bricks on the walls fronting Greenland Quay and Cunard Walk has been amended in response to Design and Conservation Team comments to incorporate bricks using English Garden Wall bonds throughout. These changes create an improved relationship to the adjacent walls and character of the area, where buildings are predominantly brick-cladded. The revisions to the materials are as below:

*Figure 5: Materials to be used*



1. **London Stock Brick** to match existing wall. English Garden bond

### *Conclusion*

67. The proposal is appropriate in terms of height, scale and massing and incorporates design features and materials prevalent in the area. Access is positioned on Greenland Quay to avoid disruption to the quiet, modest character of Cunard Walk. As such, the proposal is acceptable in line with the National Planning Policy Framework (NPPF) 2023, Policies D3 (Optimising site capacity) and D4 (Delivering good design) of the London Plan 2021 and Policies P13 (Design of places) and P14 (Design quality) of the Southwark Plan 2022.

### **Landscaping and trees**

68. No trees would be removed as a result of the proposed development. To ensure that no trees would be affected, conditions have been recommended to ensure that the works permitted are carried out in accordance with tree protection measures outlined in the submitted Arboricultural Impact Assessment (AIA), as well as details of a schedule of site supervision to be submitted prior to occupation of the residential dwelling.
69. Further details are required of the piling mat, canopy reductions proposed to any Southwark owned trees within the proximity of the site. The relevant pre-commencement conditions have been recommended and an updated Arboricultural Method Statement for this scheme in order to provide detail on mitigation measures from damage to existing trees by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment.

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

### *Impact of privacy, outlook and sense of enclosure*

70. The proposed development would be located to the rear of 65 and 67 Plough Way and adjacent to the rear garden of 63 Plough Way. No side windows are proposed on the shared boundary between the development and 63 Plough Way and as such there would be no potential for overlooking. Sliding doors are proposed on the southern elevation of the proposed dwelling which would face the rear of 65 and 67 Plough Way, but would be sited away from the boundaries and at ground floor, shielded by the proposed boundary treatment. As such there would be no opportunity to overlook facing windows of 63, 65 and 67 Plough Way or other neighbours along Plough Way. No windows are proposed on the northern elevation and therefore there would be no overlooking impacts to 33-35 Cunard Walk.
71. The 2015 Technical Update to the Residential Design Standards SPD 2011 highlights that to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve the following distances:
- A minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway
  - A minimum distance of 21 metres at the rear of the building.



Figure 6: Proposed distances between development and neighbouring properties



72. There would be separation distances ranging between 7.6m to 12.7m from the proposed development and the rear of properties along Plough Way. It is acknowledged that this falls short of the minimum 21m distance, however given the single storey nature of the proposed development and the boundary treatment, there would not be any direct overlooking or sense of enclosure caused.
73. The northern elevation of the proposed dwelling would be approximately 8.5m from the facing southern elevation of 33 – 35 Cunard Walk. Given the public walkway, there is a strong degree of separation between the proposed development and the neighbouring properties. Furthermore, no windows are proposed to the northern elevation facing towards the neighbouring property.
74. It is considered that the proposed development would not result in unnecessary problems of overlooking or create a sense of enclosure to neighbouring properties. The relationship would resemble the urban typology that is characteristic of the closely located terraced properties along Plough Way. Overall the development would not impact upon privacy through overlooking.

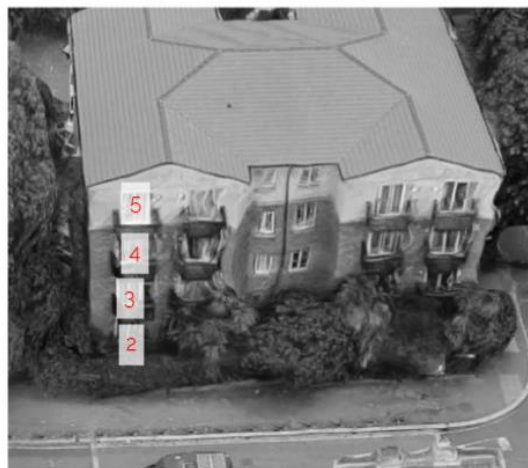
*Daylight/sunlight*

75. The applicant has submitted a daylight and sunlight assessment. The Vertical Sky Component (VSC) has been calculated for each window at neighbouring properties as shown below:

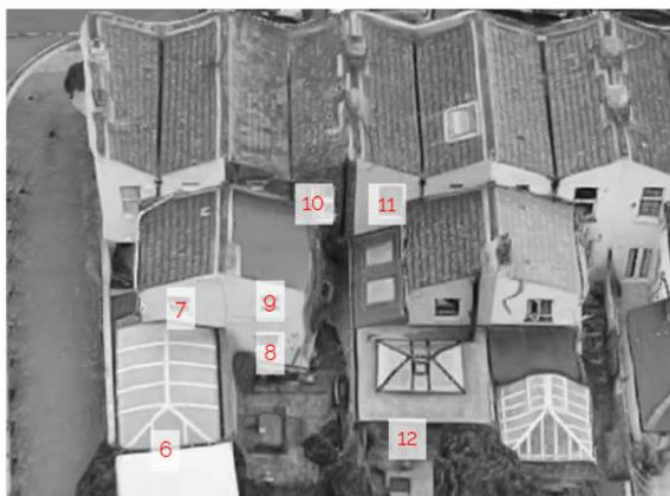
*Figure 7: Neighbouring properties window schedule*



33-35 Cunard Walk



Caronia Court



63-67 Plough Way

76. The impact of the development to daylight received by these neighbouring windows, is assessed by the Vertical Sky Component (VSC). The impact on VSC, in line with BRE guidance, is considered acceptable if the VSC value is higher than 27% or it is no less than 0.8 times its former value (20%).

Figure 8: VSC for neighbouring windows

Vertical Sky Component				
Window	Existing VSC	Proposed VSC	% Retained	Meets BRE Guidance?
1	21.812	21.007	96.31%	Yes
2	28.078	27.723	98.73%	Yes
3	28.251	28.187	99.77%	Yes
4	29.661	29.661	100.00%	Yes
5	38.545	38.545	100.00%	Yes
6	30.484	29.813	97.80%	Yes
7	38.530	38.402	99.67%	Yes
8	31.707	31.230	98.50%	Yes
9	38.736	38.618	99.69%	Yes
10	35.211	35.187	99.93%	Yes
11	32.323	32.320	99.99%	Yes
12	33.773	33.702	99.79%	Yes

77. The results show that all but one window would retain a VSC above 27%. The one window that would have a VSC below 27%, at 21.007% would be 0.96 times its former value and therefore complies with BRE guidance. The proposed development would not have any noticeable impacts on daylight levels received by neighbouring occupiers.
78. In terms of sunlight, BRE guidance states that windows facing 90 degrees of due south should be assessed for sunlight provision, of which five of the above windows fall into this category. Window 1 relates to neighbouring property 33-35 Cunard Walk, while windows 2, 3, 4 and 5 relate to the flats within Cornia Walk to the north west. The results are set out below:

Figure 9: Sunlight impact results

Window	Annual Sunlight Hours			Winter Sunlight Hours			Meets BRE Guidance?
	Ex. Hrs Received (%)	Prop. Hrs Received	% Retained	Ex. Hrs Received	Prop. Hrs Received	% Retained	
1	36.452	36.452	100.00%	24.602	24.602	100.00%	Yes
2	43.382	43.382	100.00%	16.563	16.563	100.00%	Yes
3	42.550	42.550	100.00%	17.741	17.741	100.00%	Yes
4	43.035	43.035	100.00%	17.741	17.741	100.00%	Yes
5	54.539	54.539	100.00%	17.741	17.741	100.00%	Yes

79. The results show that the neighbouring windows facing 90 degrees of due south would all retain 80% of their existing sunlight hours, both annually on throughout the winter months, which complies with BRE guidance.
80. 63, 65 and 67 Plough Way would not experience any overshadowing to their gardens as a result of the proposed development. As per BRE guidance, the

neighbouring gardens will continue to receive at least 2 hours of direct sunlight throughout the day.

81. For the reasons outlined above, the proposal is not considered to harm the daylight and sunlight received by adjoining properties or lead to harmful overshadowing of the amenity spaces to neighbouring properties, in accordance with Policy P56 (Protection of amenity) of the Southwark Plan 2022.

## **Transport and highways**

### *Cycle parking*

82. The proposed development includes the provision of 2 cycle parking spaces which complies with policy in terms of quantity. A condition has been recommended for details of updated/detailed cycle store plans to be submitted. Subject to this condition the development is acceptable in terms of cycle parking.

### *Car parking*

83. The proposed parking arrangements do accord to adopted policy. As the site is in PTAL 4, the proposed car-free development is acceptable.

### *Parking permits*

84. A condition has been recommended restricting future occupiers from obtaining on-street parking permits.

## **Refuse and recycling**

85. The proposed development includes the provision of two bins within a refuse storage area. A condition has been recommended for details of updated refuse/recycling plans to be submitted. Subject to this condition the development is acceptable in terms of refuse storage.

## **Noise and vibration**

86. Given that the proposed development would be a residential land use, consistent with the surrounding area, and no plant is proposed, there would be no noise impacts. A condition has been recommended for a Construction Environmental Management Plan to be submitted prior to commencement.

## **Energy and sustainability**

87. The application has been supported with an energy statement to demonstrate compliance with P70 (Energy) of the Southwark Plan 2022. This requires that development be; lean (energy efficient design and construction), clean (low carbon energy supply) and green (on site renewable energy generation and storage). Sustainable design principles are proposed. Photovoltaic panels have been incorporated into the roof of the scheme providing 2.88kWh per

day. The development would use a fully integrated mechanical system with heat recovery and insulation. This would also be supported by an efficient under floor heating system. The dwellings orientation would maximise the use of passive solar gain in the winter months whilst solar shading at ground floor level. This is in accordance with be lean and be clean requirements.

### **Ecology and biodiversity**

88. The application site currently comprises grass and a small timber shed and has low ecological value. A Preliminary Ecological Appraisal has been submitted with the application. The assessment recorded no bird or bat nests or any low-level/ground nesting within the site.
89. Furthermore, conditions for details of swift brick boxes, nesting features and a green roof to be submitted are recommended. As such, the proposal accords with P60 (Biodiversity) of the Southwark Plan 2022.

### **Air quality**

90. The application has been assessed in consultation with Environmental Protection (EPT) who have raised no objections in relation to air quality. The application site falls within air quality management area. A compliance condition for the domestic gas boilers (AQMA only) standard on any planning consent to minimise impacts on the local air quality is recommended.

### **Ground conditions and contamination**

91. The application site is currently undeveloped and is considered to be at low risk of being contaminated.
92. Two separate conditions are advised in the event of either options as below being pursued, in accordance with Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan 2022.
  - 1) Conducting a proper site investigation and risk assessment (this could be covered by our standard contamination condition). This may or may not negate the need for any further remediation.
  - OR,
  - 2) Assume a realistic worst-case risk and design to minimise risks which would include hardstanding in garden and any soft landscaping/planting in raised beds with clean imported soil + CS2 ground gas protection measured for the structure (i.e. incorporate a basic gas protection membrane).

### **Water resources and flood risk**

93. The NPPF (2023, 157-158) states that planning decisions must take into account the current and long-term implications for flood risk in order to minimise the vulnerability of communities and improve resilience. Where development is necessary in higher risk areas, development should be made safe for its lifetime without increasing flood risk elsewhere. Certain steps need to be followed when reaching a planning decision on development in higher

risk areas, with risks managed through suitable adaptation measures. The advice of flood risk management authorities also needs to be taken into account (NPPF, 166).

94. The Southwark flood risk team were consulted and comments were not provided given that the development comprises a minor application.

*Site context*

95. The development site is located in Flood Zone 2 and 3 as identified by the Environment Agency flood map. Zone 2 is medium risk, which indicates a medium probability of flooding/ Zone 3 is highest risk, which indicates a high probability of flooding.

*Sequential test*

96. A sequential test forms part of a flood risk assessment (either strategic or site-specific). It directs development towards the least vulnerable areas for flood risk by assessing the risk from all sources of flooding, now and in the future, taking account of the impacts of climate change. The flood risk assessment should apply the Sequential Test. If this has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, the Exception Test should be applied.
97. The NPPF states that where a development proposal is in accordance with an allocation made in the Southwark Plan's Strategic Flood Risk Assessment (which set out the Sequential and Exception Tests), it is not necessary to repeat the Exception Test. This applies provided:
- The proposed development is consistent with the use for which it was allocated
  - There have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test.
98. However, NPPF paragraph 173 states development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is evidence that this would be inappropriate;
  - d) any residual risk can be safely managed;

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

99. The assessment confirms that the proposed ground floor level and all habitable rooms would be set at 3.38m AOD and therefore above the flood level of 2.97 AOD. No basements are proposed as part of the development. Furthermore, a warning and evacuation strategy has been set out. In terms of groundwater flooding, it has been confirmed within the assessment there is a very low risk of flooding from surface water and sewers. Mitigation measures such as permeable paving and a green roof and geocellular/modular systems will be implemented here. A sequential test is therefore considered not relevant in this case.
100. A condition has been recommended for compliance with the submitted flood risk assessment. It is considered that the proposed development is compliant with Policy 68 (Reducing Flood Risk) of the Southwark Plan 2022. This development is considered necessary at this location to provide a much needed unit of accommodation. The proposed condition will make the development safe for its lifetime without increasing flood risk elsewhere.

### Archaeology

101. The application site falls within an area of archaeological priority (North Southwark and Roman Roads).
102. Given the nature of these works, an archaeological based assessment and mitigation measures are not required here.

### Planning obligations (S.106 agreement or undertaking)

103.

Planning obligation	Mitigation	Applicants position
<b>Housing, Viability and Amenity Space</b>		
Affordable (social rent and intermediate) housing Provision	Contribution at 35% of habitable rooms multiplied by £30,000 in the event that the property is disposed of within three years of completion and therefore no longer a self-build.	Agreed
Outdoor amenity space	Financial contribution of 37.4 x £205 = £7,667	Agreed
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations	Agreed

	calculated as 2% of total sum.	
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104. In the absence of a signed legal agreement, the proposal would fail to provide suitable mitigation in terms of planning gain contrary to Policies DF1 (Delivery of the Plan and Planning Obligations) of the London Plan 2022, Policy P1 (Social rented and intermediate housing) and Policy 1P3 (Community Infrastructure Levy (CIL) and Section 106 Planning Obligations) of the Southwark Plan (2022) and the Southwark's Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.

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

105. The site is located within Southwark CIL Zone 2 and MCIL2 Band 2 Zone. Based on the information provided in CIL Form 1 dated 30 November 2023, the gross amount of CIL is approximately £17,876 (pre-relief), consisting £ 3.5k of Mayoral CIL and £14.4k of Borough CIL. It should be noted that this is an estimate, and the floor areas on approved drawings will be checked, after planning approval has been obtained. Potentially 100% of CIL Self-Build Relief can be claimed before commencement of development. The claimants must submit their CIL Forms 2 & 7(Part 1) after the grant of permission but before material operations such as demolition starts on site"

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

106. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response where necessary.
107. Design and Conservation Team:
- Following the submission of revised drawings, the proposal is appropriate in terms of height, scale and massing and incorporates design features and materials prevalent in the area.
  - Advise condition for the submission of details of materials.
108. Transport Policy:
- Updated cycle parking and refuse storage plans are required.
  - Advise conditions for the submission of cycle parking and refuse storage details.
109. Ecology:
- Following the submission of a Preliminary Ecology Assessment, the proposal is considered acceptable subject to conditions.
  - Advise conditions for swift nesting features, green roofs and bee bricks.
110. Urban Forester:
- Proposed development is acceptable subject to conditions.
  - Advise conditions for the submission of an Arboricultural Method Statement and the completed schedule of site supervision and monitoring



of the arboricultural protection measures.

111. Highways:
- No comments
112. Environmental Protection Team:
- Acceptable subject to the following conditions: Contaminated land – further findings
  - Officer comment: Conditions added
113. Flood Risk Management:
- No comments.

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

114. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
115. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
116. 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.
  3. 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.
  4. 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.

117. 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**

118. 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.
119. This application has the legitimate aim of providing flood risk improvements to the park and common. 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**

120. 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.
121. 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**

122.	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?	Yes
	Was the application validated promptly?	Yes
	If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
	To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	Yes

### **CONCLUSION**

123. Overall, the proposed development reads sufficiently low-scale and low-key to sit comfortably within its context, remaining respectful of its neighbours and streetscape from a design perspective. The proposed development would not result in harm to neighbouring amenity nor raise concerns in regards to flood risk. Subject to appropriate conditions and the completion of a Section 106 Legal Agreement to secure the dwelling as a self-build and a financial contribution towards amenity space, the proposed development is considered acceptable and planning permission is recommended to be granted.

## 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: 020 7525 1249

## 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**

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Emily Williams, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	22 August 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to Constitutional Team</b>	22 August 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.

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<b>Applicant</b>	Mr Darryl Henson	<b>Reg. Number</b>	23/AP/3428
<b>Application Type</b>	Minor application		
<b>Recommendation</b>		<b>Case Number</b>	PP-12627327

**Draft of Decision Notice****Grant subject to legal agreement for the following development:**

Construction of a single-storey, one-bedroom house fronting Greenland Quay and Cunard Walk.

67 Plough Way London Southwark SE16 2LS

**In accordance with application received on 11 December 2023 and Applicant's Drawing Nos.:**

Existing Plans

Proposed Plans

SITE LOCATION PLAN 403\_030 received 12 December 2023

CONTEXT PLANS 403\_040 received 12 December 2023

PROPOSED PLANS 403\_100 received 25 April 2024

PROPOSED SECTIONS A & B 403\_200 received 25 April 2024

PROPOSED NORTH AND EAST ELEVATIONS 403\_300 received 25 April 2024

PROPOSED SOUTH AND WEST ELEVATIONS 403\_310 received 25 April 2024  
STREET ELEVATION COMPARISON 403\_320

#### Other Documents

DESIGN AND ACCESS STATEMENT received 11 December 2023

FLOOD RISK ASSESSMENT received 11 December 2023

GROUND INVESTIGATION REPORT received 11 December 2023

TREE SURVEY received 11 December 2023

FIRE SAFETY STATEMENT received 14 December 2023

DAYLIGHT AND SUNLIGHT ASSESSMENT received 08 May 2024

ECOLOGY APPRAISAL received 20 May 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. 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).

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, foundation or construction details and any proposed activity within root protection areas or the influencing distance (30m) of local trees 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.

All Arboricultural Supervisory elements are to be undertaken in accordance with the approved Arboricultural Method Statement site supervision key stages (BS: 5837 (2012)) for this site, as evidenced through signed sheets and photographs.

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. NHBC 4.2.13 Tables for Foundations Near Trees.

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 commencement of any development, a phase 1 desktop study of the historic and current uses of the site and adjacent premises shall be carried out together with an associated preliminary risk assessment including a site walkover survey, identification of contaminants of the land and controlled waters and develop a conceptual model of the site with conclusion and recommendations whether a Phase 2 intrusive investigation is required. This report shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.

b) If the phase 1 site investigation reveals possible presence of contamination on or beneath the site or controlled waters, then, prior to the commencement of development works, an intrusive site investigation and associated risk assessment shall be completed to fully characterise the nature and extent of any contamination of soils and ground water on the site.

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

d) 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.

e) 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.

6. a) Prior to commencement of construction details of suitable external hardstanding, planting arrangements separated from underlying ground, and ground gas protection measures to meet an assumed Characteristic Situation 2, shall be submitted to and approved by the local planning authority. The approved details shall be implemented in full.

b) Following completion of the development but prior to occupation, a verification report providing evidence that all works approved in part a) have been completed, and including photographs of ground gas protection measures and demonstration of suitability of any imported soil, shall be submitted to and approved in writing by the Local Planning Authority.

c) 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 [LPA]) 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 LPA.

#### Reason

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

#### **Permission is subject to the following Grade Condition(s)**

7. Before any above grade work hereby authorised begins, details of Swift nesting bricks and bat bricks/tubes shall be submitted to and approved in writing by the Local Planning Authority.

No less than 2 Swift bricks and 2 bat bricks/tubes shall be provided and the details shall include the exact location, specification and design of the habitats. The bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The bricks shall be installed 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 nest/roost features and mapped locations and the Local Planning Authority agreeing the submitted plans.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2023, Policy G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P56 (Protection of amenity), P57 (Open space), P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

8. Before any above grade work hereby authorised begins, details of bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the exact location, specification and design of the habitats. Bee bricks and/or invertebrate hotels shall be installed within 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.

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 G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

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

The biodiversity green roofs shall not be used as an amenity or sitting out space of

any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with: Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) of the London Plan 2023; Policy P59 (Green Infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

10. Before any above grade works hereby authorised begins, the refuse storage arrangements (individuals bin stores, routes to bin stores, bin collection locations, levels and gradients to and from the store, bulky waste storage) 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 maintained in perpetuity.

Reason: To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P56 (Protection of amenity) and Policy P62 (Reducing waste) of the Southwark Plan (2022) and Southwark's requirements for Waste Management and refuse collection arrangements (Waste Management Strategy Extension 2022 - 2025).

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

Reason: In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an

alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework 2023; Policy T5 (Cycling) of the London Plan 2021; Policy P53 (Cycling) of the Southwark Plan 2022 of the London Plan 2021; Policy P53 (Cycling) of the Southwark Plan 2022.

12. Before any above grade work hereby authorised begins, details of the materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework 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.

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

13. Prior to occupation, the completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained project or pre-appointed tree specialist.

Works shall comply to 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 01:2021 (EN) – Tree Pruning Standard; EAS 02:2022 (EN) – Tree Cabling/Bracing Standard; EAS 03:2022 (EN) – Tree Planting Standard.

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).

**Permission is subject to the following Compliance Condition(s)**

14. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2015 (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwellinghouses hereby approved.

Reason: To safeguard the character and the amenities of the premises and adjoining properties in accordance with the National Planning Policy Framework (2023) and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

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

Reason:

In accordance with Chapter 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (2023); Policy T6 (Car Parking) of the London Plan (2021); and Policy P50 (Highways impacts) of the Southwark Plan (2022).

16. Any domestic gas boilers shall meet 'ultra-low NOx' criteria such that the dry NOx emission rate does not exceed 40mg/kWh.

Reason: To minimise the impact of the development on local air quality within the designated Air Quality Management Area in accordance with the National Planning Policy Framework (2023); Policy P65 (Improving air quality); and Policy P70 (Energy) of the Southwark Plan (2022).

17. Prior to occupation, the completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained project or pre-appointed tree specialist.

Works shall comply to 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 01:2021 (EN) - Tree Pruning Standard; EAS 02:2022 (EN) - Tree Cabling/Bracing Standard; EAS 03:2022 (EN) - Tree Planting Standard.

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).

18. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment 2386/RE/10-19/01 Revision A prepared by Evans Rivers and Coastal, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is designed safely in reference to flood risk 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).

**APPENDIX 2****Relevant Planning History**

<b>Reference and proposal</b>	<b>Status</b>
APPEAL/20/0049 - Construction of a two storey, 2 bedroom house fronting Greenland Quay and Cunard Walk with first floor level terrace amenity space	Dismissed 06.10.2020
19/AP/6820 - Construction of a two storey, 2 bedroom house fronting Greenland Quay and Cunard Walk with first floor level terrace amenity space	Refused 17.01.2020



## APPENDIX 3

### Planning Policies

#### National Planning Policy Framework (the Framework) 2023

The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 and 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 from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

#### The London Plan 2021

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

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy T5 Cycling
- Policy T6 Car parking
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H4 Delivering affordable housing
- Policy S1 12 Flood risk management

#### 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:

- P1 Social rented and intermediate housing
- P13 Design of places
- P14 Design quality
- P15 Residential design
- P18 Efficient use of land
- P23 Archaeology
- P53 Cycling
- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees
- P65 Improving air quality
- P68 Reducing flood risk
- P70 Energy

#### **Area based AAP's or SPD's**

Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Heritage SPD (2021)

## APPENDIX 4

### Consultation undertaken

**Site notice date:** 06/02/2024

**Press notice date:** n/a.

**Case officer site visit date:** 06/02/2024

**Neighbour consultation letters sent:** 06/02/2024 and 14/02/2024

#### Internal services consulted

LBS Community Infrastructure Levy Team

LBS Design & Conservation Team [Formal]

LBS Transport Policy

LBS Highways Development & Management

LBS Environmental Protection

LBS Flood Risk Management & Urban Drain

LBS Urban Forester

LBS Arboricultural Services Team

LBS Archaeologist

#### Statutory and non-statutory organisations

n/a

#### Neighbour and local groups consulted:

Block A Flat 31A Jura House Plough  
Way

Block A Flat 11A Jura House Plough  
Way

Block B Flat 41B Jura House Plough  
Way

Block B Flat 3B Jura House Plough Way

Block D Flat 11D Jura House Plough  
Way

Block C Flat 11C Jura House Plough  
Way

Block D Flat 41D Jura House Plough  
Way

Block A Flat 41A Jura House Plough  
Way

Block B Flat 12B Jura House Plough  
Way

Block A Flat 32A Jura House Plough  
Way

Block C Flat 32C Jura House Plough  
Way

Block A Flat 22A Jura House Plough  
Way

Block A Flat 2A Jura House Plough Way

Block A Flat 1A Jura House Plough Way	Block C Flat 42C Jura House Plough Way
Block B Flat 31B Jura House Plough Way	Block C Flat 41C Jura House Plough Way
Block B Flat 22B Jura House Plough Way	Block C Flat 31C Jura House Plough Way
Block D Flat 31D Jura House Plough Way	Block C Flat 22C Jura House Plough Way
Block D Flat 22D Jura House Plough Way	Block C Flat 2C Jura House Plough Way
Block D Flat 12D Jura House Plough Way	Block C Flat 12C Jura House Plough Way
Block D Flat 1D Jura House Plough Way	Block C Flat 1C Jura House Plough Way
Block C Flat 4C Jura House Plough Way	Block A Flat 42A Jura House Plough Way
Block C Flat 3C Jura House Plough Way	Block A Flat 4A Jura House Plough Way
Block C Flat 21C Jura House Plough Way	Block A Flat 3A Jura House Plough Way
Block B Flat 42B Jura House Plough Way	Block A Flat 21A Jura House Plough Way
Block B Flat 4B Jura House Plough Way	Block A Flat 12A Jura House Plough Way
Block B Flat 32B Jura House Plough Way	Flat 14 Caronia Court 71 Plough Way
Block B Flat 21B Jura House Plough Way	61 Plough Way London Southwark
Block B Flat 2B Jura House Plough Way	Flat 3 Caronia Court 71 Plough Way
Block B Flat 11B Jura House Plough Way	Flat 13 Caronia Court 71 Plough Way
Block B Flat 1B Jura House Plough Way	Flat 10 Caronia Court 71 Plough Way
Block D Flat 42D Jura House Plough Way	Flat 8 Caronia Court 71 Plough Way
Block D Flat 4D Jura House Plough Way	Flat 5 Caronia Court 71 Plough Way
Block D Flat 32D Jura House Plough Way	Flat 2 Caronia Court 71 Plough Way
Block D Flat 3D Jura House Plough Way	35 Cunard Walk London Southwark
Block D Flat 21D Jura House Plough Way	Caronia Court 71 Plough Way London
Block D Flat 2D Jura House Plough Way	Flat 15 Caronia Court 71 Plough Way
	Flat 12 Caronia Court 71 Plough Way
	Flat 11 Caronia Court 71 Plough Way
	Flat 9 Caronia Court 71 Plough Way
	Flat 7 Caronia Court 71 Plough Way

Flat 6 Caronia Court 71 Plough Way  
 Flat 4 Caronia Court 71 Plough Way  
 Flat 1 Caronia Court 71 Plough Way  
 63 Plough Way London Southwark  
 59 Plough Way London Southwark

33 Cunard Walk London Southwark  
 31 Cunard Walk London Southwark  
 29 Cunard Walk London Southwark  
 65 Plough Way London Southwark

**Re-consultation:**

LBS Design & Conservation Team [Formal]

LBS Urban Forester

Block A Flat 31A Jura House Plough Way  
 Block B Flat 41B Jura House Plough Way  
 Block D Flat 11D Jura House Plough Way  
 Block D Flat 41D Jura House Plough Way  
 Block B Flat 12B Jura House Plough Way  
 Block C Flat 32C Jura House Plough Way  
 Block A Flat 11A Jura House Plough Way  
 Block B Flat 3B Jura House Plough Way  
 Block C Flat 11C Jura House Plough Way  
 Block A Flat 41A Jura House Plough Way  
 Block A Flat 32A Jura House Plough Way  
 Block A Flat 22A Jura House Plough Way  
 Block A Flat 2A Jura House Plough Way  
 Block A Flat 1A Jura House Plough Way  
 Block B Flat 31B Jura House Plough Way  
 Block B Flat 22B Jura House Plough Way  
 Block D Flat 31D Jura House Plough Way  
 Block D Flat 22D Jura House Plough Way  
 Block D Flat 12D Jura House Plough Way  
 Block D Flat 1D Jura House Plough Way  
 Block C Flat 4C Jura House Plough Way  
 Block C Flat 3C Jura House Plough Way

Block C Flat 21C Jura House Plough Way  
Block B Flat 42B Jura House Plough Way  
Block B Flat 4B Jura House Plough Way  
Block B Flat 32B Jura House Plough Way  
Block B Flat 21B Jura House Plough Way  
Block B Flat 2B Jura House Plough Way  
Block B Flat 11B Jura House Plough Way  
Block B Flat 1B Jura House Plough Way  
Block D Flat 42D Jura House Plough Way  
Block D Flat 4D Jura House Plough Way  
Block D Flat 32D Jura House Plough Way  
Block D Flat 3D Jura House Plough Way  
Block D Flat 21D Jura House Plough Way  
Block D Flat 2D Jura House Plough Way  
Block C Flat 42C Jura House Plough Way  
Block C Flat 41C Jura House Plough Way  
Block C Flat 31C Jura House Plough Way  
Block C Flat 22C Jura House Plough Way  
Block C Flat 2C Jura House Plough Way  
Block C Flat 12C Jura House Plough Way  
Block C Flat 1C Jura House Plough Way  
Block A Flat 42A Jura House Plough Way  
Block A Flat 4A Jura House Plough Way  
Block A Flat 3A Jura House Plough Way  
Block A Flat 21A Jura House Plough Way  
Block A Flat 12A Jura House Plough Way  
Flat 14 Caronia Court 71 Plough Way  
61 Plough Way London Southwark  
Flat 3 Caronia Court 71 Plough Way  
Flat 13 Caronia Court 71 Plough Way  
Flat 10 Caronia Court 71 Plough Way  
Flat 8 Caronia Court 71 Plough Way

Flat 5 Caronia Court 71 Plough Way  
Flat 2 Caronia Court 71 Plough Way  
35 Cunard Walk London Southwark  
Caronia Court 71 Plough Way London  
Flat 15 Caronia Court 71 Plough Way  
Flat 12 Caronia Court 71 Plough Way  
Flat 11 Caronia Court 71 Plough Way  
Flat 9 Caronia Court 71 Plough Way  
Flat 7 Caronia Court 71 Plough Way  
Flat 6 Caronia Court 71 Plough Way  
Flat 4 Caronia Court 71 Plough Way  
Flat 1 Caronia Court 71 Plough Way  
63 Plough Way London Southwark  
59 Plough Way London Southwark  
33 Cunard Walk London Southwark  
31 Cunard Walk London Southwark  
29 Cunard Walk London Southwark  
65 Plough Way London Southwark

**APPENDIX 5****Consultation responses received****Internal services**

LBS Community Infrastructure Levy Team  
 LBS Design & Conservation Team [Formal]  
 LBS Transport Policy  
 LBS Highways Development & Management  
 LBS Environmental Protection  
 LBS Flood Risk Management & Urban Drain  
 LBS Urban Forester  
 LBS Arboricultural Services Team  
 LBS Archaeologist

**Statutory and non-statutory organisations**

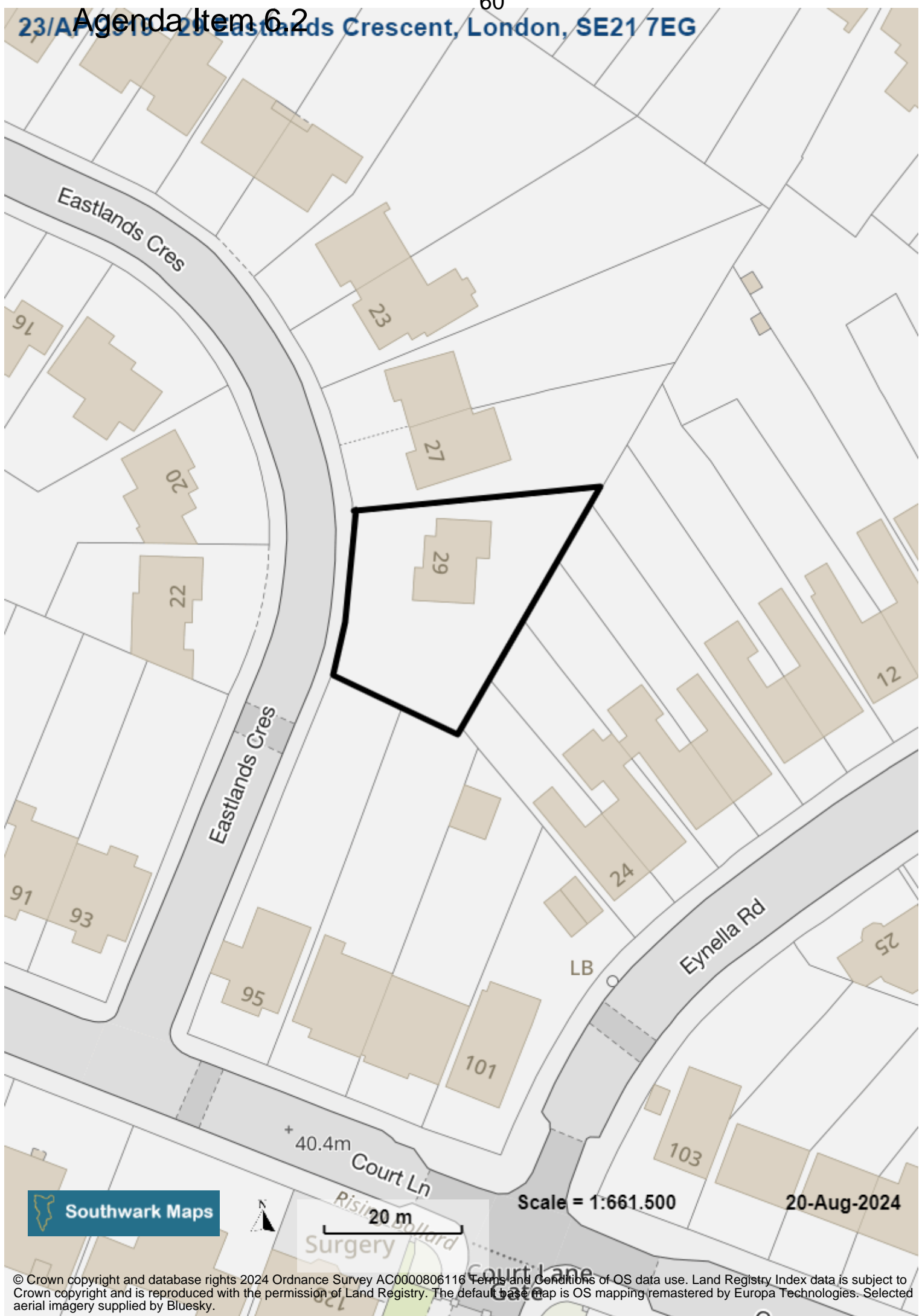
n/a

**Neighbour and local groups consulted:**

31 Cunard Walk London SE16 7RH  
 33 Cunard Walk London SE16 7RH  
 59 Plough Way London SE16 2LS  
 65 Plough Way LONDON SE16 2LS  
 55 Plough Way London SE16 2LS  
 63 Plough Way London SE16 2LS  
 61 Plough Way London SE16 2LS  
 5 Trafalgar Close Greenland Quay London  
 59 Plough Way London SE16 2LS  
 5 Trafalgar Close Greenland Quay Rotherhithe  
 55 Plough Way London SE16 2LS



# 23/Apr 2024 Eastlands Crescent, London, SE21 7EG



20 m

Scale = 1:661.500

20-Aug-2024

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<b>Meeting Name:</b>	Planning Committee (Smaller Applications)	
<b>Date:</b>	9 September 2024	
<b>Report title:</b>	<p><b>Development Management planning application:</b> Application for: Full Planning Application 23/AP/2919</p> <p><b>Address:</b> 29 EASTLANDS CRESCENT, LONDON SOUTHWARK SE21 7EG</p> <p><b>Proposal:</b> Demolition of existing two storey detached dwelling, and replacement with a new dwelling house and ancillary 2 bed annex, with basement, single storey side extension and dormers within the rear roof slope.</p>	
<b>Ward(s) or groups affected:</b>	Dulwich Village	
<b>Classification:</b>	Open	
<b>Reason for lateness (if applicable):</b>	Not Applicable	
<b>From:</b>	Director of Planning and Growth	
<b>Application Start Date:</b> 23 October 2023	<b>PPA Expiry Date:</b> 17 December 2023	
<b>Earliest Decision Date:</b>	24 July 2024	

## RECOMMENDATION

1. That planning permission be granted, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The application site is an existing two storey detached dwelling on the north eastern side of Eastlands Crescent. The site covers approximately 0.084 hectares. The existing dwelling on site is a 1930s detached dwelling constructed as part of the development of the Eastlands Estate in an Arts and Crafts style. The dwelling is not currently in use and the site is boarded up.

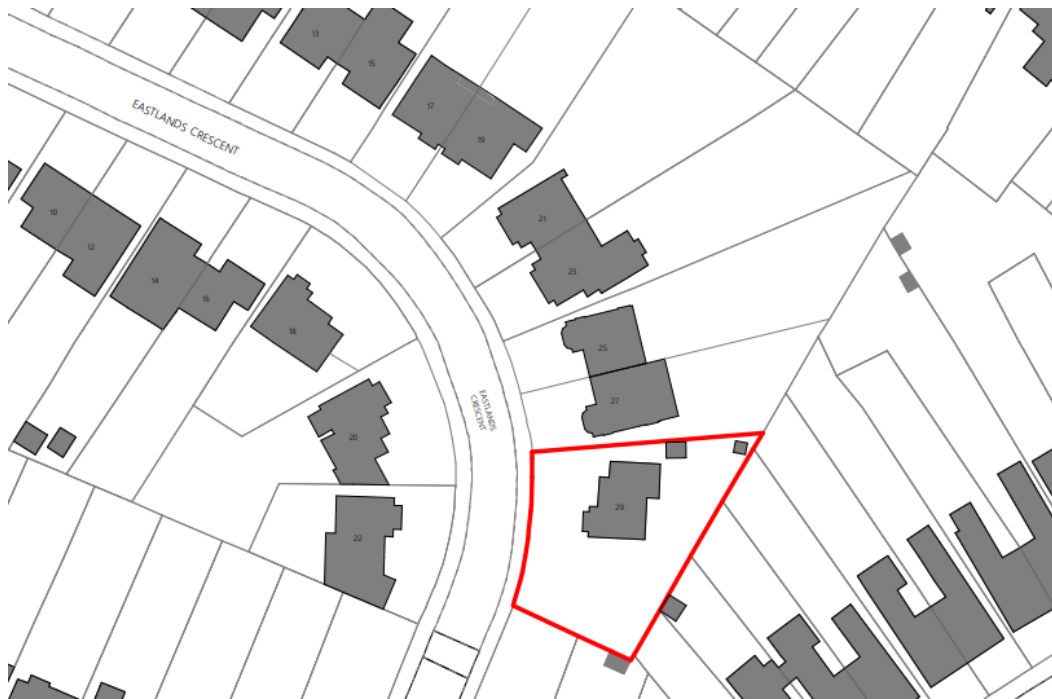
Eastlands Crescent connects Dovercourt Road to the west and Court Lane to the south. The rear of properties along Eynella Road are to the east.

3. The site is subject to the following designations:

- Dulwich Village Conservation Area
- Dulwich Area Vision Boundary
- Primrose Hill summit to the Palace of Westminster LVMF
- Alexandra Palace viewing terrace to St Paul's Cathedral LVMF
- Air Quality Management Area

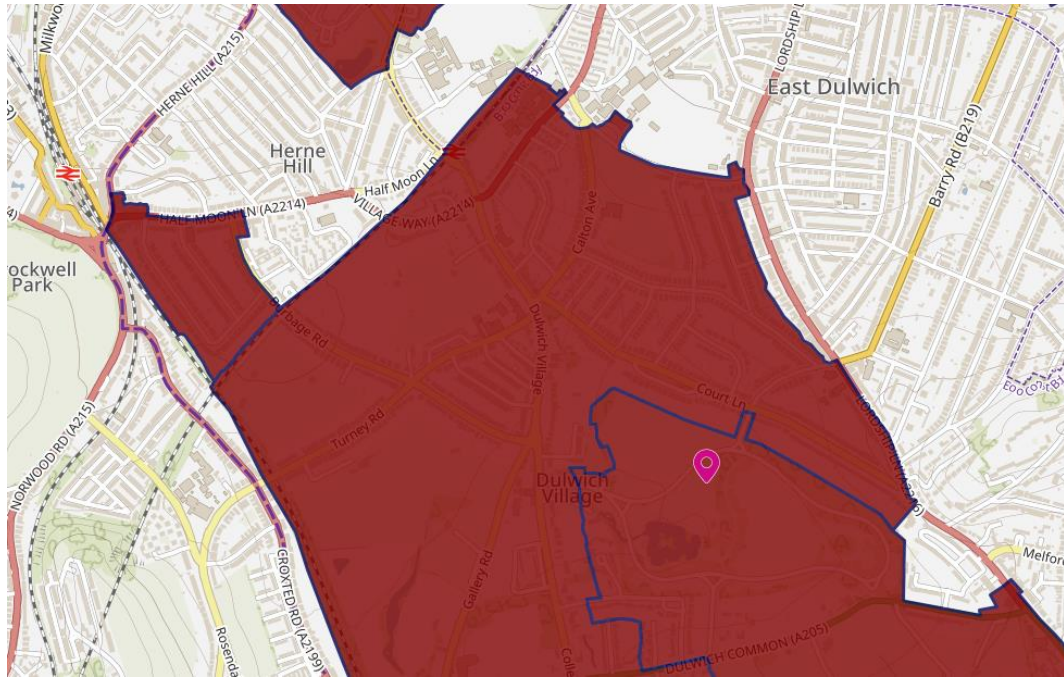
4. Dulwich Park approximately 180 metres to the south, beyond Court Lane is designated as a Green Chain Park, Metropolitan Open Land, a Site of Importance for Nature Conservation and a Critical Drainage Area.

*Figure 1: Site location plan*



5. The properties which line the street are all coherent in their architectural design, with the north side of the street mainly consisting of paired semi-detached houses and the southern side mainly detached houses. Despite extensions and alterations to most of the properties, the crescent maintains its pleasant suburban character.

Figure 2: Conservation area



6. The site lies within the Dulwich Village Conservation Area. It is not statutorily or locally listed, nor does it form the setting of any listed heritage assets.

### Details of proposal

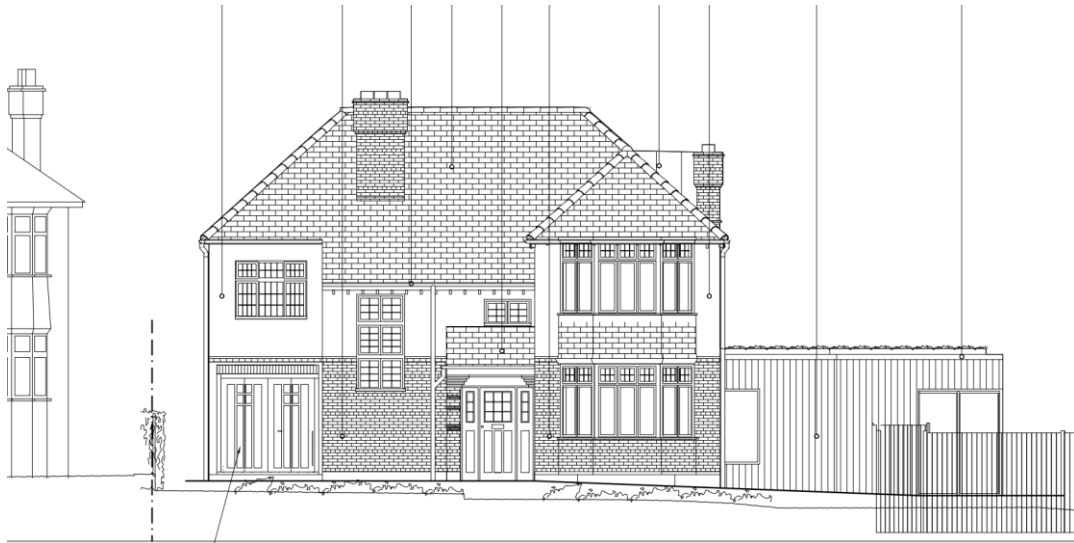
7. The proposed development is for the demolition of the existing two storey detached dwelling house and replacement with a 5 bedroom dwelling house, with an ancillary 2 bedroom annex.

Figure 3: Existing dwelling



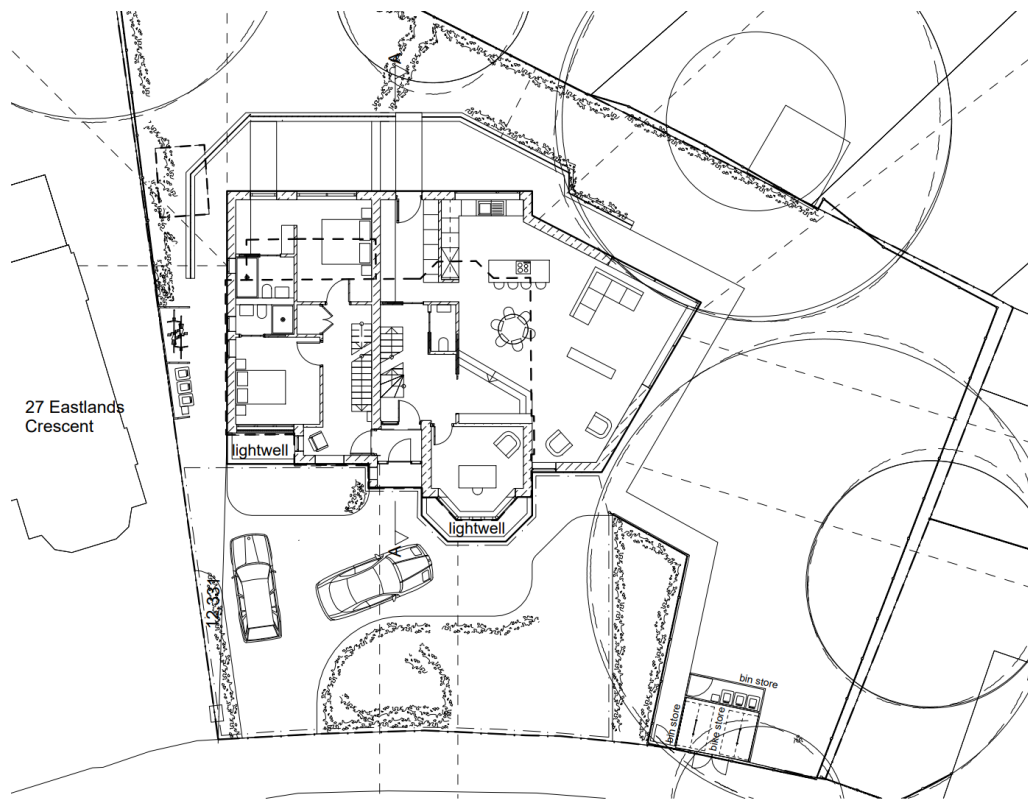
8. The proposal is arranged with a front door from Eastlands Crescent, with two separate front doors beyond leading to the main dwelling house and the annex.
9. The main dwelling house comprises day rooms at basement level, a WC study, utility room and open plan kitchen/living/diner at ground floor, 3 bedrooms with bathrooms and En-suites at first floor and a further bedroom and study at second floor. The annex comprises two bedroom with En-suites and a day room at basement level. There is a connecting door at basement level

*Figure 4: Proposed elevation*



10. The proposal reads as a single dwelling with a single storey side extension. The window arrangements, chimneys, bays and garage doors are very similar to the existing dwelling on site.

Figure 5: Proposed site plan



11. Lightwells are also proposed given the new basement level. The proposed site plan includes a separate bin store close to the front boundary, cycle storage along the boundary with 27 Eastlands Crescent and hard and soft landscaping within the front garden providing replacement car parking.

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

12. A site notice was displayed on 08/11/2023 and 8 neighbour letters were sent out on 07/11/2023.
13. 28 comments have been received in response to the neighbour notification, comprising 25 objections, 2 support comments and 1 neutral comment.
14. The objections raise the following material planning considerations:
- Noise and dirt impacts
  - Impact of basement on neighbours and flooding
  - Impacts to trees and the environment
  - Impact on privacy of neighbours by overlooking
  - Demolition in a conservation area
  - Proposed dwelling house is too large
  - Proposed architecture is not cohesive
15. Many comments note an objection to the demolition of the existing housing as it is not necessary. This is not a material planning consideration.



Demolition of buildings in a conservation area is however a material planning consideration and is assessed within this report.

16. The support comments raise the following material planning consideration:

- There is a shortage of housing and this would bring the site back into use

17. Re-consultation was carried out on 15 May 2024 to all contributors for the following reasons:

- Basement Impact Assessment submitted
- Updated plans showing design changes to the garage doors submitted
- Arboricultural Method Statement submitted.

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

18. Planning permission (19/AP/0946) was granted on 01/10/2020 for ‘Demolition of existing two-storey detached dwelling and construction of x2 two storey semi-detached dwellings comprising ground, first, attic and basement floor level accommodation with associated car parking and landscaping.’ The planning permission has since lapsed.

*Figure 5: Visual of planning permission 19/AP/0946*



19. Tree Protection Order Consents were refused to fell (15/AP/0731 and 15/AP/5030) and an appeal was dismissed.

### **KEY ISSUES FOR CONSIDERATION**

## Summary of main issues

20. The main issues to be considered in respect of this application are:
- Principle of the proposed development
  - Affordable housing and viability
  - Quality of residential accommodation
  - Fire safety
  - Design, layout and heritage assets
  - Landscaping and trees
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area
  - Transport and highways
  - Energy and sustainability
  - Ecology and biodiversity
  - Air quality
  - Ground conditions and contamination
  - Water resources and flood risk
  - Planning obligations (S.106 undertaking)
  - Mayoral and borough community infrastructure levy (CIL)
  - Consultation responses from internal and divisional consultees
  - Consultation responses from external consultees
  - Community impact and equalities assessment
  - Human rights
  - Positive and proactive statement, and
  - Other matters.
21. These matters are discussed in detail in the 'Assessment' section of this report.

## Legal context

22. 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.
23. 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

24. 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**

25. The proposed development is for the demolition of the existing dwelling house on site and the construction of a replacement 5 bedroom dwelling house with an ancillary 2 bedroom annex. The residential use of the site (Use Class C3) has already been established. The annex would be ancillary to the main dwelling house. There is no change in land use proposed and as such, the principle of development is acceptable. A condition has been recommended to ensure that the annex remains ancillary to the main dwelling house.
26. Policy D10 (Basement development) of the London Plan 2021 states that smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. The proposed dwelling would match the footprint of the development which was consented under 19/AP/0946 at basement and ground floor level. An updated Basement Impact Assessment has been submitted with this application and confirms that there would be no significant impacts as a result of the proposed basement. As such, the principle of the basement extension is acceptable.

### **Affordable housing and viability**

27. Policy P1 (Social rented and intermediate housing) of the Southwark Plan 2022 states that development that creates 9 homes or fewer (inclusive) must provide the maximum amount of social rented and intermediate homes or a financial contribution towards the delivery of new council social rented and intermediate homes with a minimum of 35% subject to viability.
28. The proposed development is for a replacement dwelling and ancillary annex. As such, there is no net uplift in the number of homes within the development. The delivery of new council social rented and intermediate homes as required by the Southwark Plan 2022 does not apply to this application.

### **Quality of residential accommodation**

29. The main dwelling house comprises day rooms at basement level, a WC, study, utility room and open plan kitchen/living/diner at ground floor, 3 bedrooms with bathrooms and En-suites at first floor and a further bedroom and study at second floor. The annex comprises two bedrooms with En-suites

and a day room at basement level. There is a connecting door at basement level.

30. The Gross Internal Area (GIA) of the proposed dwelling house at 193 square metres exceeds the minimum standards as set out in Policy P15 (Residential design) of the Southwark Plan 2022. Similarly, all the individual rooms meet or exceed the minimum space standards. There are study rooms which have vertical windows and exceed 7 square metres meaning they would exceed minimum standards for single bedrooms if used in this way. The proposed development would provide a good quality of accommodation in terms of room sizes.
31. All rooms from ground floor to second floor have vertical windows for outlook and receipt of daylight and sunlight. These are the principal living spaces. Lightwells are proposed to provide daylight and sunlight to the basement level; the rooms at basement level are not principal living spaces.
32. The application site covers approximately 0.084 hectares. A garden of approximately 163 square metres would be retained. This far exceeds the minimum of 50 square metres as set out within Policy P15 (Residential design) of the Southwark Plan 2022.

### **Fire safety**

33. Policy D12 (Fire safety) of the London Plan 2021 requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
34. Paragraph 3.12.9 of the policy 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.
35. A Fire Safety Strategy has been submitted with the application. This sets out the proposed development would be constructed in materials to minimise the risk of fire spread. In terms of means of escape, a protected staircase would serve all floors and all rooms would have fire doors in compliance with Building Regulations. Fire and smoke alarms would be positioned throughout the dwelling house. Emergency vehicles would be able to access the dwelling house from Eastlands Crescent as per existing arrangements.

### **Design, layout and heritage assets**

#### Demolition

36. Policy P20 (Conservation Areas) of the Southwark Plan 2022 sets out that

the demolition of buildings or structures that make a positive contribution to the historic character and appearance of the conservation area will generally not be permitted, and that any replacement buildings or structures must conserve and enhance the conservation area's historic character and distinctiveness.

37. A case is made for demolition due to serious subsidence and structural issues is put forward in the submitted documentation. A resolution was made to grant consent for the demolition of the property under the previous planning permission 19/AP/0946. For this reason, the demolition of the existing property is not resisted in this instance.

*Figure 6: Front elevation*



### Urban design

38. The proposed dwelling largely follows the footprint of the development which was consented under planning permission 19/AP/0946 at basement and ground floor levels. Similarly, the overall height of the dwelling, while slightly taller than the existing dwelling, is in keeping with the previously approved scheme. The increase in height is modest and does not disrupt the unity of the street given the changes in level. The overall depth has been reduced at the upper levels. It is understood that this reduction in massing was sought by the Dulwich Estate. When viewed from the street, the proposed dwelling would have a height, massing and general architectural form that is in keeping with the previously approved scheme. The reduction in massing to the upper levels may help to alleviate the overall sense of bulk to the property when viewed laterally on approach from the south.
39. The front elevation would have a single protruding bay window which is in keeping with the other detached dwellings on the street. The remainder of the building bulk progressively steps back, which is appropriate to the curve of the crescent and means that the building line of the street would be

preserved. The overall architectural effect of the building would therefore positively respond to the existing townscape character and context. The single storey element flanking the southern elevation would introduce a new architectural form and style within the street. However, the design of this element is suitably subservient in terms of its height and simplicity of form.

40. Overall, the height, scale, massing and arrangement of the proposed dwelling is considered to respond positively to the surrounding townscape, character and context.

#### Architectural design

41. The proposed dwelling would be constructed in a style that mimics the surrounding Arts and Crafts architectural design. The façade has been arranged to reflect that of the other detached dwellings on the street, with a single protruding double-storey bay feature with windows to match the others along the street, a central front door and large windows including large staircase window. It is noted that the front chimney positioned has changed from the previously consented scheme. While unusual, the proposed chimney position is not objectionable and the brickwork detailing to the chimney stack appears to be improved on the previously approved scheme.
42. The proposed elevations suggest that a good level of architectural detailing would be replicated on the proposed dwelling, which has taken its cue from the detailing of the existing and surrounding properties as shown on the existing typical details sheet. The detailing includes ridge roof tiles, brickwork detailing to the chimneys, dentil detailing to the eaves, expressed brick coursing, brickwork / clay tile detailing to the entrance pilasters, hung tiles to the bay window and projecting timber window sills. The suggested materials appear to have been chosen to be in keeping with the material palettes of the surrounding properties. The new dwelling would have a brickwork finish at ground floor level with white render to the upper storeys of the main dwelling. The roof, bay window and front porch would be finished with hung natural clay tiles to match the neighbours. The single storey flanking element would be finished with blackened timber cladding. This creates a clear contrast between the main dwelling which replicates the surrounding historic properties, and the contemporary architectural form within the street. The simplicity of the finish also relates well to the simple architectural form and also contributes to ensuring that this element remains suitably subservient to the main dwelling. Conditions are recommended for details of materials and façade details to be submitted.
43. The mock garage door would comprise of a fixed panel, with 8 smaller panels to the upper portion. It is expected that all external windows and doors (including the mock garage door) are made of timber, given the sensitive location of the site within a conservation area. Again, given the sensitive location of the new development in the conservation area and in order to ensure a good quality replica, design details of the proposed garage door are to be included within the façade condition.
44. The proposed elevation drawings suggest that the detailed architectural design and material finish of the proposed dwelling has been well considered.

The proposed finish is likely to be in keeping with the surrounding townscape character and context.

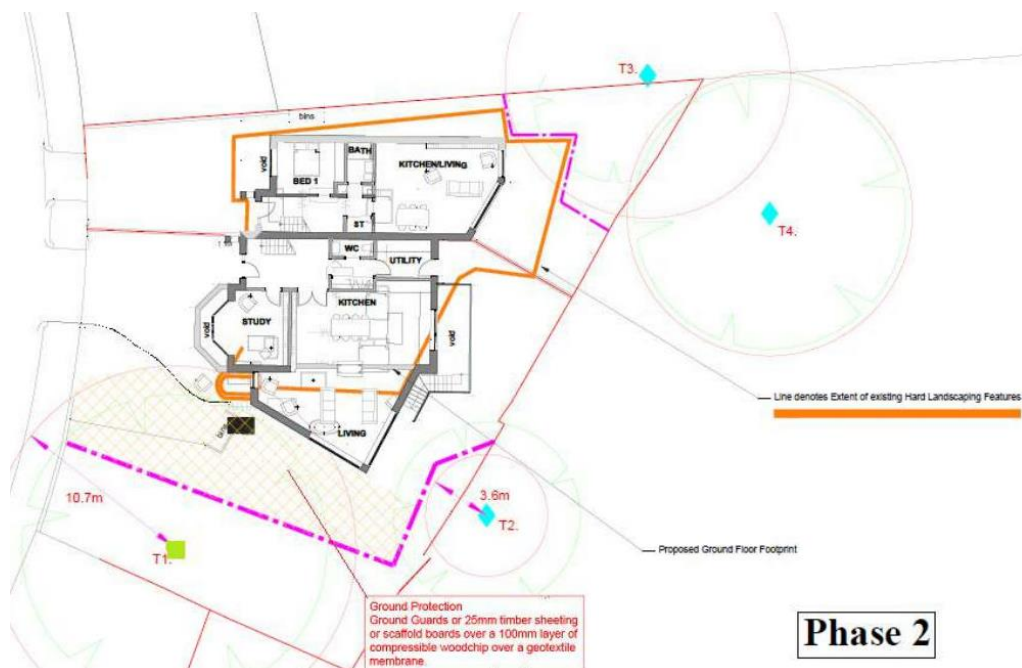
### Heritage impacts

45. The application site is not listed, but it is located within the Dulwich Village Conservation Area. As set out above, the footprint, form and massing of the proposed dwelling has been carefully established with reference to the surrounding context in order to sit comfortably and relate positively to the existing properties within the street. Furthermore, the main dwelling is proposed to be constructed in a style to match the existing 1930s dwellings on the street as set out above in terms of architectural detailing and material. The contemporary single storey flank extension has been designed to be suitably subservient and would not constitute harm to the character or appearance of the conservation area in terms of its height, form or massing. Overall, the proposed dwelling would constitute an appropriate replacement of the existing dwelling, and would preserve the character and appearance of the conservation area in terms of its relationship to the street, detailed architectural design and materials.

### **Landscaping and trees**

46. There is a TPO Oak tree (T1) on the application site and a further three trees within close proximity. The proposal does not involve the removal of any trees. The proposed dwelling would match the footprint of the development which was consented under 19/AP/0946 at basement and ground floor level. As such, any potential impacts to the surrounding trees would be the same.

*Figure 7: Tree protection plan*



47. A revised Arboricultural Method Statement was submitted during the course of the application. Trial pits conclude that a small ground pile system, either a

screw pile or a concrete pile, sheathed to prevent cement contamination to any adjacent roots or soils would be required in proximity to the Oak tree and the applicant will need to provide details of depth and system to be used for the living area. These piles can be located to avoid the larger roots uncovered by the inspection pits. Conditions have therefore been for details of the foundation design to be submitted and for the Arboricultural Method Statement to be complied with.

48. The Arboricultural Method Statement sets out the required works to trees as pruning the northern edge of the crown of T1, removing the lowest limb of T2 to the west and removing all timber and arising's from site. It notes that the retained trees shall be inspected after works and any remedial works required must take place.
49. A condition has also been recommended for full details of hard and soft landscaping to be submitted.

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

50. The nearest residential property is 27 Eastlands Crescent directly to the north. The rear of properties along Eynella Road are to the east and the rear of properties along Court Lane are to the south.

#### Basement development

51. The proposed dwelling would match the footprint of the development which was consented under 19/AP/0946 at basement and ground floor level. The Dulwich SPD 2013 required basement development to be subject to a Basement Impact Assessment. An updated Basement Impact Assessment has been submitted with this application.
52. The assessment concludes that the proposed basement development would result in 'negligible' (hairline cracks of less than 0.1mm) to 'very slight' (cracks of less than 1mm) damage from the basement construction phase through to final development. It sets out methods of safe practice to reduce the potential for any movement over and above that expected. A condition has therefore been recommended for the proposed development to comply with the submitted Basement Impact Assessment. On this basis and for the purposes of the planning application, the proposed development satisfactorily responds to the development plan.

#### Daylight, sunlight, sense of enclosure and privacy

53. There would remain adequate rear-facing separation distance of at least 22 metres between neighbouring occupiers and the proposed dwellings, exceeding the 21 metre back to back distance considered appropriate within the 2015 Technical Update to the Residential Design Standards SPD 2011. There would be an increase in the number of windows providing outlook from the rear elevation of the building, including at a new second floor mansard roof level, however these would be very similar to the existing environment, and the separation distance and orientation of the elevation would not result



in any significant increase in overlooking to the neighbours to the south east on Eynella Road.

54. The same separation distance as existing would be retained between the proposed development and 27 Eastlands Crescent. The slight increase in scale of the building on the application site, with a single storey extension to the south, would not be noticeable from this neighbouring property due to the orientation of the building on the application site. The increase in width of the total building would be noticeable by the neighbouring occupiers when in their garden but it would not be such an increase that would in planning terms incur a sense of enclosure or harm to amenity.
55. There is a southern facing side-return aspect of wrap-around glazing to the contemporary extension hosting a habitable room at the rear of 27 Eastlands Crescent. The proposed development would not transgress the 25 degree line measured perpendicular from this neighbouring window surface, meaning there would not be a noticeable loss of daylight received. Given the proposed development would be of a similar height to existing, upper floors windows of 27 Eastlands Crescent would not be affected.
56. Other neighbouring properties are of a distance and orientation that they would not be impacted in terms of daylight, sunlight or privacy. Given the similar footprint and single storey extension to the south along Eastlands Crescent, away from neighbouring properties, there would not be

## **Transport and highways**

57. A condition has been recommended restricting future occupiers from obtaining parking permits within CPZ. Two new car parking spaces are proposed to the front of the property to replace the existing spaces. Whilst the provision of car parking is generally not supported, in this case it would be acceptable as the spaces already exist and there would be no net uplift.
58. The vehicle crossover would remain as existing. The applicant would be required to enter into a Section 278 agreement to manage any footway resurfacing or replacement required once works for the proposed development are complete.
59. In accordance with Policy P53 (Cycling) of the Southwark Plan 2022, the proposed development must provide 3 short-stay cycle parking spaces and 1 long-stay visitor cycle parking space. The proposed ground floor plan shows location for cycle parking. A condition has been recommended for full details of cycle parking to be submitted to ensure that it complies with policy requirement in terms of quantum, type and location.
60. A compliance condition is recommended to ensure that refuse storage is provided and made available for future occupiers.

## **Energy and sustainability**

61. Objectors raised concerns that the demolition and new build construction

would cause an unacceptable amount of waste and harm to the environment, especially the high levels of 'embodied carbon' in the existing building and from the new build construction process. Objectors state that a renovation and repurposing of the existing property would be a more sustainable solution and would providing the opportunity to design additional living space.

62. The previously approved application reference number 19/AP/0946 was classified as a minor development (less than 10 residential units) and was below the threshold of a major developments (10 or more residential units) at which policy requirements involving specific technical environmental targets applied at the time (1 October 2020). The demolition of the existing dwelling was agreed under application 19/AP/0946 in October 2020, but in July 2021, the council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal

63. The applicant states that the existing house is in a poor state of repair and suffers from significant subsidence. The submitted Design and Access Statement summarises the reasons for demolition, namely:

2013: An insurance claim was made by the then owners in light of significant cracking and subsidence within the house.

2013: Technical and arboricultural reports concluded that subsidence was the result of mature tree roots and the roots should be removed.

2015: An application to remove the subject tree was refused.

2016: A structural engineer concluded that if the tree could not be removed, a piled rat foundation would need to be constructed beneath the house.

2017: An appeal on the refused application was dismissed.

2018: A structural engineer reviewed the proposal for a piled raft foundation and concluded this was almost impossible to construct.

64. The threshold requiring justification for the demolition of a residential unit, in the context of reduction of carbon emissions has not changed since planning permission 19/AP/0946 and remains only applicable to major developments (10 or more residential units) as per the Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan 2021 which requires all major developments to be net zero carbon and Policy P70 (Energy) of the Southwark Plan 2022 which requires major residential development to reduce carbon emissions on site by 100% against Building Regulations. The demolition has been justified and the proposal complies with the development plan in this regard.

65. Further to this, Policy P70 (Energy) of the Southwark Plan 2022 requires all development to minimise carbon emissions on site in accordance with the energy hierarchy: Be Lean, Be Clean and Be Green. The application includes the following sustainability measures: a well-insulated building envelope, Passive House windows and ventilation with heat recovery systems.

## **Ecology and biodiversity**

66. The application site currently comprises the existing dwelling house and a mature, overgrown garden. Given that the proposed development essentially replaces the existing footprint, with a single storey addition, the ecology and biodiversity levels would not be significantly reduced.
67. The application was submitted prior to Biodiversity Net Gain requirements coming into effect. As such, the proposed development is not required to achieve net gain.
68. A condition has been recommended for a bat box to be installed as part of the proposed development.

## **Air quality**

69. The application site is located within an Air Quality Management Area. The proposal would not simultaneously create additional car parking, lead to an increase in localised car journeys and include a new combustion plant. As such, it is assumed that the proposed development would be air quality neutral which is acceptable.

## **Ground conditions and contamination**

70. The application site has historically been in residential use. It is not anticipated that there are any issues in terms of ground conditions and contamination when re-providing a residential use on site.

## **Water resources and flood risk**

71. The application site is not within a flood risk zone, nor a critical drainage area. In terms of subterranean flow, the submitted Basement Impact Assessment identifies that due to the presence of London Clay Formation at relatively shallow depths and the lack of groundwater encountered during an intrusive investigation, the proposed basement would neither compromise groundwater flows nor is it likely to be impacted by groundwater. Furthermore, there are no known sensitive springs, wells or watercourses located close to the site.
72. In terms of surface flow and flooding, there would only be minor changes in the areas of hard surface in comparison to existing, in terms of the building footprint and paved areas; all surface water generated on site would be direct off site meaning there would be no significant effects on surface water flooding as a result of the proposed development. Given that the proposed development would be of a similar scale to the existing dwelling house on site, there would only be a marginal predicted increase in foul water discharge and as such, flood risk from artificial drainage systems is considered to be low.

73. A condition, as requested by Thames Water, has been recommended to ensure that no piling takes place until a piling method statement has been submitted and approved.

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

74. No planning obligations are required to be secured by legal agreement.

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

75. The proposed development would be subject to the mayoral and borough community infrastructure levy.

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

76. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response where necessary.
77. Ecologist:
- Recommend one bat box.
78. Transport Planning Policy:
- Car parking is acceptable as it is re-provision.
  - No parking permits should be obtained.
  - Advise S278 works.
  - Cycle parking appears undersized – condition required for full details to be submitted.
79. Urban Forester:
- Recommend conditions for compliance with the Arboricultural Method Statement, details of landscaping and foundation depths.
80. Design and Conservation Team:
- The proposed development is similar in height, scale and massing to the existing property and the consented scheme on site.
  - There would be no adverse impact on the Dulwich Village Conservation Area.
  - Recommend conditions for material and façade details.
81. Flood Risk Team:
- No comments.

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

82. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.
83. Thames Water:
- Request a condition for piling method statement to be submitted if piling is

to take place.

## **Community impact and equalities assessment**

84. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
85. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
86. 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.
87. 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**

88. 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.
89. This application has the legitimate aim of providing flood risk improvements to the park and common. 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**

90. 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.
91. 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**

92. The proposed development is for the demolition of the existing dwellinghouse on site and the construction of a new 5 bedroom dwellinghouse, with an ancillary 2 bedroom annex. The design is consistent with the surrounding area and would contribute to the character of the Dulwich Village Conservation Area. A high quality of internal and external accommodation would be achieved, exceeding minimum policy requirements. There would be no adverse impacts on the amenity of neighbouring occupiers. It is therefore recommended that the application is approved, subject to conditions.

## 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 0524 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

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Andre Verster, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	12 June 2024	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to Constitutional Team</b>	22 August 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.

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<b>Applicant</b>	Mr Tony Mckinlay	<b>Reg. Number</b>	23/AP/2919
<b>Application Type</b>	Minor application		
<b>Recommendation</b>		<b>Case Number</b>	PP-12539983

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

Demolition of existing two storey detached dwelling, and replacement with a new dwelling house and ancillary 2 bed annex, with basement, single storey side extension and dormers within the rear roof slope.

29 Eastlands Crescent London Southwark SE21 7EG

**In accordance with application received on 18 October 2023 and Applicant's Drawing Nos.:**

## Proposed Plans

Plans - Proposed JB_02	PROPOSED BLOCK PLAN-A1 received 12/04/2024
Plans - Proposed JB_04	PROPOSED FRONT GARDEN PLAN-A1 received 12/04/2024
Plans - Proposed JB_10	PROPOSED SITE PLAN-A1 received 12/04/2024
Plans - Proposed JB_11	PROPOSED BASEMENT PLAN-A1NEW received 12/04/2024
Plans - Proposed JB_12	PROPOSED GROUND FLOOR PLAN-A1 received 12/04/2024
Plans - Proposed JB_13	PROPOSED FIRST FLOOR PLAN-A1 received 12/04/2024
Plans - Proposed JB_14	PROPOSED SECOND FLOOR PLAN-A1 received 12/04/2024



Plans - Proposed JB_15	PROPOSED ROOF PLAN-A1 received 12/04/2024
Plans - Proposed JB_20	PROPOSED SECTION A-A-A1 received 12/04/2024
Plans - Proposed JB_32	PROPOSED EAST ELEVATION-A1 received 12/04/2024
Plans - Proposed JB_31	PROPOSED SOUTH ELEVATION-A1 received 12/04/2024
Plans - Proposed JB_33	PROPOSED WEST ELEVATION-A1 received 12/04/2024

### **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**

3. Prior to commencement, cross sections shall be provided to show surface and other changes to levels, special engineering or construction details required in order to facilitate demolition, construction and excavation. All foundation depths shall be in accordance with NHBC 4.2.13; or as engineer designed if below these depths.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality, in accordance with the National Planning Policy Framework 2023, Policies G1 (Green Infrastructure), G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P56 (Protection of amenity), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

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

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

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policies P13 (Design of places), Policy P14 (Design quality) and P20 (Conservation areas) of the Southwark Plan 2022.

5. Prior to above grade works, detailed drawings of the proposed façade detail design, at a scale of 1:10 for elevations and 1:2 for sections for all principal elevation detailing including the following to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority:
- i. Roof ridge;
  - ii. Brickwork detailing to the chimneys;
  - iii. Eaves (including dentil detailing);
  - iv. Expressed brick coursing;
  - v. Brickwork / clay tile detailing to the entrance pilasters;
  - vi. Hung tiles to the bay window;
  - vii. Window and door lintels, window cills and external joinery;
  - viii. Mock garage door.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the architectural detailing is of a suitably high quality and appropriate to the context of the conservation area in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality) and P20 (Conservation areas) of the Southwark Plan 2022.

6. Prior to above grade works, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained with proposed trees, hedging, perennial and other plants;

- 2) Proposed parking, access, or pathway layouts, materials and edge details;
- 3) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) sustainable urban drainage integration
  - e) use within tree Root Protection Areas (RPAs);
- 4) Typical cross sections;
- 5) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 6) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 7) Types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed 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. Any trees, shrubs, grass or other planting 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.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

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 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 and Policies P13 (Design of places), P14 (Design quality), P56 (Protection of amenity), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

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

7. Before the first occupation of the development hereby approved full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle storage shall be provided and made available to the users of the development. Thereafter, such facilities shall be retained and maintained in perpetuity.

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.

8. Before the first occupation of the development hereby approved, details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority.

No less than 1 bat tubes, bricks or box shall be provided and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or box 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 box shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

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

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

9. 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 Arboricultural Method Statement, prepared by Mick Jones, AC-MS-29EC. Revision 1, dated November 2023 and showing a phased approach to demolition and construction. 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 shall adhere to BS5837: (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations.

All Arboricultural Supervisory elements are to be undertaken in accordance with the approved Arboricultural Method Statement site supervision key stages (BS: 5837 (2012)) for this site, as evidenced through signed sheets and photographs.

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, Policy G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality), P56 (Protection of amenity), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

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

Reason:

In accordance with the National Planning Policy Framework 2023, Policy T6 (Car parking) of the London Plan 2021 and Policy P50 (Highways impacts) of the Southwark Plan 2022.

11. The annex hereby approved shall remain ancillary to the main dwellinghouse hereby approved.

Reason:

In order to ensure that development hereby approved remains as a single dwelling house in accordance with the National Planning Policy Framework 2023 and Policies P1 (Social rented and intermediate housing) and P3 (Protection of existing homes) of the Southwark Plan 2022.

12. The developer shall enter into an agreement, under section 278 of the Highways Act, with the Highways Authority to carry out highways works. The development shall not be carried out otherwise than in accordance with this S278 agreement, and such works shall be completed within 3 months of first occupation of the dwellinghouse.

Reason:

To ensure that the proposal will not comprise any highway safety in accordance with the National Planning Policy Framework 2023 and Policy P50 (Highway impacts) of the Southwark Plan 2022.

13. The development hereby approved shall be carried out in accordance with the Basement Impact Assessment project no. 371819-00 (00) prepared by RSK dated December 2018.

Reason:

In order to ensure that there would not be any impacts on neighbouring amenity in accordance with the National Planning Policy Framework 2023 and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

14. Before the first occupation of any part of the development hereby approved, the refuse storage arrangements shown on the approved plans shall be provided and made available for use by the occupiers.

The refuse storage facilities shall thereafter be retained and the space used for no 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.

**Permission is subject to the following Special Condition**

15. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to

subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

## **Informatives**

- 1 Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:

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

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

- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**APPENDIX 2****Relevant planning history**

<b>Reference and Proposal</b>	<b>Status</b>
<b>15/AP/0731</b> T1: Oak - Fell	30/04/2015
<b>15/AP/5030</b> T1: Oak - Remove.	03/02/2016
<b>18/AP/3379</b> Demolition of existing two-storey detached single dwelling and construction of 2 three-storey plus basement, semi-detached family houses and associated car parking and landscaping.	Application withdrawn 22/02/2019
<b>19/AP/0946</b> Demolition of existing two-storey detached dwelling and construction of x2 two storey semi-detached dwellings comprising ground, first, attic and basement floor level accommodation with associated car parking and landscaping.	GRANTED-Minor Application 01/10/2020



## APPENDIX 3

### Planning Policies

#### National Planning Policy Framework (the Framework) 2023

The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 and 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 from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

#### The London Plan 2021

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

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D6 Housing quality and standards
- Policy D12 Fire safety
- Policy HC1 Heritage conservation and growth
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy T5 Cycling
- Policy T6 Car parking
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H4 Delivering affordable housing
- Policy AI2 Minimising greenhouse gas emissions
- Policy S1 12 Flood risk management
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling

- Policy T6 Car parking

## **Southwark Plan 2022**

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

- Policy P1 Social rented and intermediate housing
- Policy P3 Protection of existing homes
- Policy P13 Design of places
- Policy P14 Design quality
- Policy P15 Residential design
- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P53 Cycling
- Policy P54 Car parking
- Policy P56 Protection of amenity
- Policy P60 Biodiversity
- Policy P61 Trees
- Policy P62 Reducing waste
- Policy P65 Improving air quality
- Policy P68 Reducing flood risk
- Policy P69 Sustainability standards
- Policy P70 Energy

## **SPDs**

Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD 2011
- Heritage SPD 2021
- Dulwich SPD 2013

**APPENDIX 4****Consultation undertaken****Site notice date:** 08/11/2023**Press notice date:** 26/10/2023**Case officer site visit date:** n30/05/2024**Neighbour consultation letters sent:** 15/05/2024**Internal services consulted**

LBS Urban Forester

LBS Design &amp; Conservation Team

LBS Flood Risk Management &amp; Urban Drainage Team

LBS Transport Policy Team

**Statutory and non-statutory organisations**

Thames Water

**Neighbour and local groups consulted**

95 Court Lane London Southwark

27 Eastlands Crescent London Southwark

97 Court Lane London Southwark

20 Eynella Road London Southwark

18 Eynella Road London Southwark

22 Eynella Road London Southwark

24B Eynella Road London Southwark

24A Eynella Road London Southwark

20 Eastlands Crescent London Southwark

16 Eynella Road London Southwark

22 Eastlands Crescent London Southwark

25 Eastlands Crescent London Southwark

24 Eynella Road London Southwark

**APPENDIX 5****Consultation responses received****Internal services**

LBS Urban Forester

LBS Flood Risk Management & Urban Drainage Team

LBS Transport Policy Team

LBS Design & Conservation Team

**Statutory and non-statutory organisations**

Thames Water

**Neighbour and local groups**

4 Eastlands Crescent Dulwich London

27 Eastlands Crescent Dulwich London

97 Court Lane London Southwark

24 Eynella Road London SE22 8XF

14 Eastlands Crescent London SE21 7EG

95 Court Lane London SE217Ef

12 Eastlands Crescent 12 Dulwich London SE217EG

20 Eynella Road London SE22 8XF

8 Eastlands Crescent London SE21 7EG

17 Eastlands Crescent London SE21 7EG

27 Eastlands Crescent London SE21 7EG

16 Eynella Road East Dulwich SE22 8XF

95 Court Lane London SE21 7EF

17 Eastlands Crescent London SE21 7EG

13 Eastlands Crescent London SE21 7EG

14 Eastlands Crescent London se217eg

2 Eastlands Crescent Dulwich London  
22 Eastlands Crescent London Southwark  
23 Eastlands Crescent, Dulwich, London SE21 7EG London SE21 7EG  
91 Court Lane London SE21 7EF  
6 Eastlands Crescent London SE21 7EG  
21 Eastlands Crescent London SE21 7EG  
27 Eastlands Crescent London SE21 7EG  
17 Eastlands Crescent London SE21 7EG  
21 Eastlands Crescent London SE21 7EG  
16 Eastlands Crescent LONDON SE21 7EG  
18 Eastlands Crescent London SE21 7EG  
17 Eastlands Crescent London SE21 7

**OPEN**

**MUNICIPAL YEAR 2024-25**

**COMMITTEE: PLANNING COMMITTEE (SMALLER APPLICATIONS)**

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

**OPEN**

<b>COPIES</b>		<b>COPIES</b>	
<b>MEMBERS</b>		<b>PLANNING TEAM</b>	
Councillor Cleo Soanes (Chair)	1	Dennis Sangweme / Stephen Platts	1
Councillor Jane Salmon (Vice-Chair)	1		
Councillor Sabina Emmanuel	1		
Councillor Sam Dalton	1		
Councillor Sam Foster	1		
Councillor Adam Hood	1	<b>COMMUNICATIONS TEAM (Electronic)</b>	
Councillor Richard Livingstone		Alastair Campbell (interim)	
<b>Electronic Copies (No paper)</b>			
Councillor Renata Hamvas (reserve)		<b>LEGAL TEAM</b>	
Councillor Emily Hickson (reserve)		Sadia Hussain/Nagla Stevens	1
Councillor Richard Leeming (reserve)			
Councillor Emily Tester (reserve)		<b>CONSTITUTIONAL TEAM</b>	
Councillor Joseph Vambe (reserve)		Beverley Olamijulo	3
<b>MEMBER OF PARLIAMENT (Electronic)</b>			
Helen Hayes MP, House of Commons, London, SW1A 0AA		<b>TOTAL PRINT RUN</b>	11

List Updated: 22 May 2023