

Planning Committee (Smaller Applications)

Monday 9 December 2024

7.00 pm

G02 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

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

The council is committed to making its meetings accessible. For details on building access, translation, provision of signers or any other requirements for this meeting, please contact the person below.

Contact

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

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 28 November 2024



Planning Committee (Smaller Applications)

Monday 9 December 2024
7.00 pm
G02 meeting rooms, 160 Tooley Street London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES	1 - 5
	To approve as a correct record the minutes of the meeting held on 23 October 2024.	
6.	DEVELOPMENT MANAGEMENT	6 - 10
6.1.	152 - 154 EAST DULWICH GROVE, LONDON SOUTHWARK SE22 8TB	11 - 67

Item No.	Title	Page No.
6.2.	2 DULWICH VILLAGE, SOUTHWARK, LONDON SE21 7AL	68 - 99
6.3.	194 - 204 BERMONDSEY STREET LONDON SE1 3TQ	100 - 121
6.4.	281 JAMAICA ROAD, LONDON SOUTHWARK SE16 4RS	122 - 176

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: 28 November 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**.

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

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

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

will ask which objector(s) would like to speak at the point the actual item is being considered.

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

Please note:

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

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

Contacts: General Enquiries
Planning Section
Planning and Growth Directorate
Tel: 020 7525 5403

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



Planning Committee (Smaller Applications)

MINUTES of the OPEN section of the Planning Committee (Smaller Applications) held on Wednesday 23 October 2024 at 7.00 pm at G01 meeting rooms, 160 Tooley Street London SE1 2QH

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

**OTHER
MEMBERS
PRESENT:**

Councillor Laura Johnson (ward member)

**OFFICER
SUPPORT:**

Dennis Sangweme (Head of Development Management)
Zaib Khan (Development Management)
Emily Williams (Development Management)
Michael Feeney (External Legal Counsel, FTB Chambers)
Beverley Olamijulo (Constitutional Officer)

1. APOLOGIES

Apologies for absence were received from Councillors, Sam Dalton and Adam Hood.

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:

- Minutes – 2 October 2024 (supplemental agenda no. 1)
- Addendum report relating to items 6.1 to 6.3 – development management items and
- Members pack (supplemental agenda no. 2).

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES

RESOLVED:

That the minutes for Planning Committee (Smaller Applications) meeting held on 2 October 2024 be approved as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT

Members noted the development management report.

RESOLVED:

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

6.1 291 - 299 BOROUGH HIGH STREET LONDON SE1 1JG

Planning application reference 24/AP/1868

Report: See pages 6 to 36 of the agenda pack and addendum page 1.

PROPOSAL

Change of use of one ground floor retail unit and offices at upper floors (Class E)

to create 47-bedroom Hotel (Class C1).

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

A spokesperson for the objectors addressed the committee and responded to questions from members. As part of their objection, they circulated photographs of the site.

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

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

Councillor Laura Johnson addressed the committee in her capacity as a ward councillor.

A motion to grant the application as per the officer's recommendation, and subject to the amendments in the addendum report, and subject to a new condition concerning the roof terrace 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, the addendum report and the additional conditions agreed during the hearing, one of which was a request to include a lockable refuse storage. This would be subject to the completion of a Section 106 legal agreement.
2. That in the event that the requirements of paragraph 1 above are not completed by 25 April 2025, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 59 of the report.

6.2 285 RYE LANE AND 289 PECKHAM RYE, LONDON SE15 4UA

Planning application reference 24/AP/1868

Report: See pages 37 to 69 of the agenda pack and addendum pages 1 – 2.

PROPOSAL

Erection of a temporary food kiosk (Class E (a)) for a period of three years.

The chair announced that in light of the information members had received from officers concerning the location of the application site that involves a proposed

council highways improvement scheme, officers recommended that these works should be considered before the application is heard.

A motion to defer the application as per the officer's advice, as set out in the addendum report, was moved, seconded, put to the vote and declared carried.

RESOLVED:

That the planning application be deferred to a future meeting.

6.3 12 DULWICH VILLAGE, LONDON SE21 7AL

At 8.25pm the committee took a five-minute break and resumed back at 8.30pm.

Planning application reference 24/AP/1916

Report: See pages 70 – 95 of the agenda pack and addendum pages 2 – 3.

PROPOSAL

Erection of netting approximately 4m from the fence line with 26 and 28 Dulwich Village measuring 3 m high and 40 m wide.

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

There were no objectors present wishing to speak.

The applicant and the applicant's agent were not present at the meeting.

There were no supporters who lived within 100 metres of the development site and no ward councillors present.

A motion to grant the application subject to the conditions and a new condition concerning the netting which should be rolled up after each use, was moved, seconded, put to the vote and declared carried.

RESOLVED:

That planning permission be granted subject to the amended conditions as set out in the report, the addendum report and the additional condition concerning netting.

The meeting ended at 8.40 pm.

CHAIR:

DATED:

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

RECOMMENDATIONS

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

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committees. The matters reserved to the planning committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for

Levelling Up, Housing and Communities and any directions made by the Mayor of London.

- b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
 7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
 8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
 9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
 10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

12. A resolution to grant planning permission shall mean that the director of planning and growth is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the director of planning and growth shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the

final planning permission issued will reflect the requirements of the planning committee.

13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning and growth is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the assistant chief executive – governance and assurance, and which is satisfactory to the director of planning and growth. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the assistant chief executive – governance and assurance. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development.

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

19. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services		
Report Author	Alex Godinet, Lawyer, Finance and Governance Beverley Olamijulo, Constitutional Officer		
Version	Final		
Dated	25 November 2024		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments sought	Comments included
Assistant Chief Executive – Governance and Assurance		Yes	Yes
Director of Planning and Growth		No	No
Cabinet Member		No	No
Date final report sent to Constitutional Team			25 November 2024

23/AP/3458 - 152-154 East Dulwich Grove, London SE22 8TB



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Meeting Name:	Planning Committee (Smaller Applications)
Date:	9 December 2024
Report title:	<p>Development Management planning application: Application 23/AP/3458 for Full Planning Application</p> <p>Address:</p> <p>152-154 East Dulwich Grove, London, Southwark SE22 8TB</p> <p>Proposal:</p> <p>Demolition of two detached dwellings and the erection of two buildings for relocated Pre-Prep school including pedestrian access, external play space and hard and soft landscaping (associated with 23/AP/3459)</p>
Ward(s) or groups affected:	Dulwich Village
Classification:	Open
Reason for lateness (if applicable):	Not Applicable
From:	Director of Planning and Growth
Application Start Date: 21 December 2023	Application Expiry Date: 27 December 2024
Earliest Decision Date: 23 January 2024	

RECOMMENDATIONS

1. That planning permission be granted subject to conditions and the applicant entering into an S106 legal agreement.
2. In the event that the requirements of paragraph 1 above are not met and the agreement has not been completed by 25 June 2025, the committee is asked to authorise the director of planning and growth to refuse planning permission, if appropriate, for the reasons set out in paragraph 93b.

BACKGROUND INFORMATION

Site location and description

3. The application site is nos. 152 and 154 East Dulwich Grove which are residential properties. The houses were constructed in the 1960s and are detached, 2-storey properties with pitched roof, in yellow brickwork with white painted timber windows (including oriel bay) and integral garages. The houses are set back from the street, with good sized front gardens that are partly laid to hardstanding, and with generous sized rear gardens which back onto the North Dulwich Tennis Club to the rear. East Dulwich Grove is the main road from Dulwich Village to East Dulwich, and along this stretch are mainly large Edwardian and interwar detached and semi-detached suburban houses, the exception being the pre-application buildings and the cul-de-sac of similar buildings of the 1960s Great Spilmans Estate diagonally oppose. James Alleyns Girls School (JAGS) itself comprises a number of education buildings of different architectural styles. The JAGS site extents to Green Dale to the north, and also includes a separate site at 2 Dulwich Village.
4. Existing site layout plan



5. Existing building photo



6.



Details of proposal

7. Demolition of two detached dwellings and the erection of two buildings for relocated Pre-Prep school including pedestrian access, external play space and hard and soft landscaping (associated with 23/AP/3459).

8. Proposed site layout



9. Front elevation



10. Site 3D visual



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

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

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use
 - Environmental impact assessment
 - Quality of educational premises
 - Design
 - Fire safety
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - Transport and highways
 - Environmental matters
 - Energy and sustainability
 - Ecology and biodiversity

- Planning obligations (S.106 undertaking or agreement)
13. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

14. 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.
15. 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

16. 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 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

17. The site is currently in residential (C3) land use and the proposal seeks to replace this with educational uses (F1). Policy H8 (Loss existing housing and estate redevelopment) of the London Plan 2021 states that loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. Furthermore, Policy P3 (Protection of existing homes) of the Southwark Plan 2022 states that the net

loss of existing housing will not be permitted except where existing location and standard of accommodation is unsatisfactory and cannot be improved, or where the residential accommodation is on a site which is allocated in the development plan for alternative use in preference to housing.

18. It was previously advised that any development on the application site must ensure that the residential housing lost is replaced. The approach is now to re-purpose the existing pre- prep school at 2 Dulwich Village as residential dwellings as a land use swap. The re-purposing of the school would be subject to a separate application (23/AP/3459).
19. The loss of these two existing residential units shall be replaced at 2 Dulwich Village as a land use swap – this is to be secured through a S106 Legal Agreement. The associated application 23/AP/3459 is also subject to a committee decision, and a separate assessment of this proposal is given independently. Should there be no net-loss of residential housing, the principle of development can be considered acceptable subject to appropriate mechanisms to capture the land-swap within a S106 Legal Agreement.
20. Site exchange – 2 Dulwich Village (#3) & 152-154 East Dulwich Grove (#5)



Environmental impact assessment

21. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the circumstances in which development must be underpinned by an Environmental Impact Assessment (EIA). Schedule 1 of the Regulations set out a range of development, predominantly involving industrial operations, for which an EIA is mandatory. Schedule 2 lists a range of development for which an EIA might be required on the basis that it could give rise to significant environmental impacts.
22. Schedule 3 sets out that the significance of any impact should include

consideration of the characteristics of the development, the environmental sensitivity of the location and the nature of the development.

23. The range of developments covered by Schedule 2 includes 'Urban development projects' where the area of the development exceeds 1 hectare which is not dwellinghouse development or the site area exceeds 5 hectares. The proposed application is a construction of a new build, within a sub-urban setting and it is unlikely to give rise to any significant environmental impacts.
24. The area of the development is less than 1 hectare and the application site is less than 5 hectares and therefore does not exceed this threshold. Consideration, however, should still be given to the scale, location or nature of development, cumulative impacts and whether these or anything else are likely to give rise to significant environmental impacts.
25. It is considered that the construction and environmental impacts of the proposal would not amount to EIA development and are adequately assessed and mitigated by way of the technical reports submitted as part of the planning application.

Quality of educational premises

26. The Pre-Prep will encompass a three-storey main teaching block and a separate, double-height hall and its associated catering and storage facilities. The design has been developed through an iterative process, to meet the educational, operational and spatial requirements of the school. The proposed floorplates are considered appropriate and logical for a modern pre-prep school for children, demonstrating a high interior quality and good outdoor amenity space.

27.

Zoning Plan**Design**

28. The existing buildings are not listed and are of no architectural merit; the site is within the Dulwich Village Conservation Area and backs onto a wildlife corridor and Borough Open Land (BOL). It is relatively close to the Grade II Listed railway station and platforms (North Dulwich), although is set within a cutting.
29. The proposed development comprises of a new educational building aligned with the main road, with a separate hall. The parallel arrangement of the new buildings to the street and the proposed set-back, responds to the alignment of the neighbouring late Victorian / early Edwardian housing which demonstrates a considered approach to the formation of the building line. It is acknowledged that there is a slight kink in the road, but the proposal would not exaggerate this and would strike an appropriate line through to the main school building and its adjacent new hall.
30. The proposed setback makes use of the foreground for extensive soft

landscaping. This supports the generally suburban context of surrounding housing set back behind good sized front gardens with landscaping characterising the townscape. The length of the blocks would result in the loss of open space in front of the science/maths block which otherwise contributes to the open setting onto the street. The foregrounds demonstrate good design by being open and used for soft landscaping.

31. The open character to the covered space that forms the prep school entrance and link between the two buildings, assisted by the slight reduction in canopy breadth and the use of transparent gates at each end with no glazed infills, is supported. The use of a bespoke design for the gates is appropriate. The entrance canopy needs to be high quality and the applicant is strongly encouraged to rethink the signage, which should be more discreet and certainly not compete with the main school sign on the existing hall. The revised roof design is strongly supported as it selects three equally-sized gables for the main school, allowing the building to sit slightly lower, and brings a finer grain and rhythm to its form. It relates closer to the adjacent context of gables properties. The opportunity to include north-facing rooflights for additional daylighting to school rooms is supported.

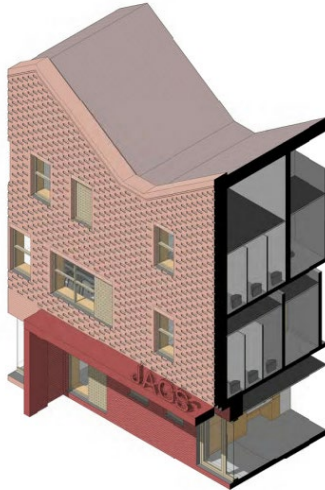
32. Proposed Front Elevation



33. The proposed plan form with the stacked classrooms arranged for separate year groups and with school offices brought to the front to oversee the main entrance, foregrounds and street is supported. The inclusion of a covered rear classroom breakout / play space at ground floor and terrace breakout / play space at first floor is acceptable.
34. The massing of the new education building and the new hall as two separate buildings, supports a fine urban grain. It is important and good to see that there is sufficient room between the buildings and around their edges, to create good townscape gaps, allowing views through to the rear landscaping; and its contribution to the suburban character.

35. The height of the main building at three storeys, particularly with the third storey treated as an attic storey, and the height of the hall at two storeys is appropriate. The notion of the hipped and gabled roof form, responding to the residential context is supported.

36. 3D bay section



37. The general approach of the architecture is supported, as it has a calm and modern aesthetic, predominately in bricks and masonry. The proposed development would work well as part of the campus of school buildings that are varied in architectural style, but share common robust, calm quality. The use of terracotta or glazed brick for detailing is encouraged and that should achieve a warmth and visual softness.

38. Front elevation visual



39. The feature windows within the hall, but also to the upper floor corner room of the educational building, ensure a dialogue. The projecting windows add visual interest, though it is important that the others are properly recessed within decent reveals for contrast and visual robustness. The metalwork frames could add to the colour palette.
40. The 2m high screen to first floor rear terrace and bespoke and partly transparent design to avoid appearing overbearing for the children is supporting. The screen is unlikely to be visible from the main road. It must be ensured that the screening appropriately restricts overlooking to neighbouring residential dwellings.
41. Buffer planting and screening, and planting that appears within the backdrop to the view through the covered entrance, is encouraged. The inclusion of wild planting is supported as it is important that the former residential front gardens are optimised, contributing to the street scene and softening the architecture.
42. 3D Visual



43. Overall, the proposed approach for the positioning, height and massing works well, responding to the wider townscape, whilst the front-facing gable design is engaging and contextual. The inclusion of an additional hall building to the side as a discrete building is supported with the footprint and height remaining modest. The design details (including entrance and materials) are encouraging, although could be more joyful. The sense of spaciousness and verdant landscaping are important to the townscape setting and local

conservation area, and are promising, although the landscaping needs further development as assessed further. In conclusion, the development will result in less than substantial harm to the conservation area and is therefore supported.

Fire Safety

44. Policy D12 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.
45. 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.
46. A Fire Statement and associated fire safety plans has been provided for this proposal and covers the basics requirements of this policy. The statement and plans cover matters required by planning policy but, is in no way a professional technical assessment of the fire risks presented by the development. Any further development of the scheme should seek the necessary expertise of a Fire Safety Engineer.

Trees, landscaping, ecology and biodiversity

Trees and landscaping

47. Policy P61 (Trees) of the Southwark Plan (2022) states that development must retain and protect significant existing trees and; that any trees which are removed to facilitate development should be replaced by new trees which result in no net-loss of canopy cover as measured by stem girth.
48. The Arboricultural Impact Assessment (ref: 2061/CJO/0909 dated 23 Sept by OMC Associates) has been reviewed by the Council’s Urban Forester. The report identifies 55 trees and the proposed development would result in 31 trees being removed to accommodate the building and wider landscaping:

49.

Reason	A Grade	B Grade	C Grade	U Grade
Accommodate new building and landscaping	0	3	27	1

50. The proposed stem circumference replacement on site will be 910cm and the proposed stem circumference replacement within the wider campus will be 1234cm, equalling a total of 2131.5cm stem circumference replacement. The total value of trees to be removed is £61,398.00. The loss of these 31-trees, would equate to approximately 85 semi-mature trees having to be replanted on the grounds of JAGS within blue boundary ownership. Any such permission shall include conditions and planning obligations, to ensure appropriate tree planting mitigation is provided. The CAVEAT fee for any tree not planted would be at a standard cost of £4000 per tree.

Landscaping

51. The proposed development includes soft and hard landscaping which have been outlined in a Landscape Masterplan. Further information on landscaping features, edging boundary details, cross sections, SUDS and other relevant landscaping particulars are requested through conditions. The standard of design should demonstrate high quality commensurate to the scale of development.

52. Illustrative landscape masterplan



Ecology

53. Policy P60 (Biodiversity) of the Southwark Plan (2022) states that development must contribute to net-gains in biodiversity through enhancing the nature conservation value of sites, protecting and avoiding damage to SINC's, LNRs and populations of protected species and include features such as green roofs, green walls and soft landscaping. It further outlines that any shortfall in net-gains in biodiversity must be secured through must be secured off site through planning obligations or as a financial contribution.

Biodiversity Net Gain

54. In England, Biodiversity Net Gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains. Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permissions granted for applications made before this date are not subject to biodiversity net gain, and statutory biodiversity net gain is not therefore applicable to this application.

55. The Ecological Report (rev: August 2024) submitted by the applicant has stated that the proposed development would result in a net-loss of -13.90% through the loss of a pond that cannot, physically, be re-provided on site. This would not, technically, comply with Part 1 of P60. However, it has been agreed that the shortfall of -13.90% will be mitigated off-site through planning obligations or as a financial contribution. This off-site hierarchical approach is compliant with Part 2 of P60 of the Southwark Plan.

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

Outlook and privacy

56. The proposed development has been designed to follow the building lines of the adjacent residential property on East Dulwich Grove, therefore not creating any sense of enclosure or overbearing impact. There are some side elevation windows proposed overlooking the neighbouring property, these are to be conditioned as obscure glazed. A external terrace is proposed at first floor, privacy screening is proposed to ensure protection of amenity. It must be ensured that the height and material treatment of the enclosing screens appropriately prevent overlooking of the adjoining residential and deflect sound upwards to preserve the neighbouring amenity – this is to be secured through condition.

Daylight and sunlight

57. There is no specific national planning policy related to such matters however, the BRE Report “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” (June 2022) is an established guidance document detailing industry standards considered appropriate for urban development analysis. The two main measures to assess the impact of daylight from the development are VSC (Vertical Sky Component) and NSL (No Skyline) – follows a sequential test.
58. It should be emphasised that BRE guidelines are not fixed or mandatory standards, they should be applied flexibly at the discretion of the Planning Authority, weighed against other material planning considerations. Policy P56 (Protection of Amenity) of the Southwark Plan (2022) states that development will not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. The amenity considerations include as outlined in section 1.4 of P56 – daylight, sunlight and impacts from window and on microclimate. In order to apply this policy methodically a two-stage

process is undertaken. Firstly, measure the impacts on daylight and sunlight against the empirical numerical targets of the BRE guidelines - this is to establish whether there will be a material effect on amenity. Secondly, to factor in the specific circumstances to which the development relates, and to apply professional judgement as to whether that impact is acceptable or unacceptable in the context of those specific circumstances.

59. VSC (daylight spot) – assessment of all rooms/windows within surrounding buildings that both face and overlook the proposed development. If this Vertical Sky Component is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the Vertical Sky Component with the new development in place is both less than 27% and less than 0.8 times its former value, then the occupants of the existing building will notice the reduction in the amount of skylight. It should be noted that “notice” does not necessarily equate to the loss of light being a material reduction to the level of amenity enjoyed by the neighbouring building.
60. NSL (No Skyline – Daylight Distribution) - is a measure of the distribution of diffuse daylight within a room. The NSL simply follows the division between those parts of a room that can receive some direct skylight from those that cannot. If from a point in a room on the working plane (a plane 850mm above the floor) it is possible to see some sky then that point will lie inside the NSL contour. Conversely, if no sky is visible from that point then it would lie outside the contour.
61. The residential neighbour most impacted from this development is:
- 156 East Dulwich Grove
62. 156 East Dulwich Grove

Vertical Sky Component (VSC)					
Windows			Loss		
Total	Pass	BRE compliant %	20-30 %	31 – 40 %	41 % +
16	15	94%	0	0	1
No Sky Line (Daylight Distribution)					
Rooms			Loss		
Total	Pass	BRE compliant %	20-30 %	31 – 40 %	41 % +

6	6	100%	0	0	0
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63. The results of our VSC assessment show that the windows assessed exceed the BRE Guidance criteria with the proposal in place in all but one location, window W4. This window is a high-level letter box-shaped window serving the living/kitchen/dining room (LKD) to the rear at ground floor level. The same LKD R1 is also served by five more windows.
64. The results of our NSL, daylight distribution (DD) assessment, show that all the rooms within this property exceed the BRE Guidance criteria with the proposed development in place. No noticeable variation would occur to the daylight levels within the rooms, with proposed DD figures at or above 0.99 the existing (former) value and absolute values of the well-lit area at or above 91.44% of the room area.
65. For the purpose of Planning, the tests within the BRE Guidelines are usually limited to habitable rooms within existing neighbouring residential buildings. A “habitable” room is defined as a Kitchen, Living Room or Bedroom. Bathrooms, hallways and corridors are excluded from this definition. Nondomestic and commercial buildings are also excluded, as it is generally accepted that these uses normally rely primarily on supplementary artificial lighting throughout the day; and are therefore not dependent on natural light for their main source of amenity.
66. For all other neighbouring buildings where records drawings have not been available, reasonable efforts and assumed room layouts for the purpose of the No Skyline Daylight Distribution Analysis were based on an external inspection and general nature and typology of the buildings.

Overall conclusion on daylight and sunlight

67. The Daylight and Sunlight Assessment shows that the proposed development would slight but acceptable impact to the light amenity of no. 156 East Dulwich Grove. As such this element of the scheme is considered acceptable.

Transport and highways

68. The application site is located within East Dulwich Low Traffic Neighbourhood and has a PTAL score of 2 in terms of TfL transport connectivity.

PTAL Calculation Parameters

- Day of Week: M-F
- Time Period: AM Peak

- Walk Speed: 4.8 kph
- Bus Node Max Walk Access Time (mins): 8
- Bus Reliability Factor: 2.0
- LU Station Max Walk Access Time (mins): 12
- LU Reliability Factor: 0.75
- National Rail Station Max Walk Access Time (mins): 12
- National Rail Reliability Factor: 0.75

Car parking

69. The proposed development would create the loss of 12-14 parking spaces, 8-10 of these spaces are the Pre-Prep car park and the remaining 4 spaces in the main parking area of the JAGS campus. The applicant's parking stress survey indicates that Gilkes Crescent, Calton Avenue and Townley Road have approximately 8, 4 and 8 free car parking spaces at AM and PM peak periods. At the time of submission of the application, these streets were not located in a CPZ. However, in the period since, the consultation on the revised Dulwich Village CPZ (which covers the aforementioned streets) has been completed and the CPZ is intended to be implemented in the first quarter of 2025. The hours of operation will be Monday – Friday 08:00-09:30 and 15:00-17:00 and it is therefore clearly intended to discourage parent drop offs/pick ups and staff car parking. The applicant has indicated that additional car parking facilities are available elsewhere on the JAGS campus (e.g. in the sports club car park) which currently have available capacity and could be utilised by staff.
70. The Southwark Plan 2022 limits parking at educational institutions to operational needs only, which does not include staff commuting or parent pick-up/drop-off. Even without the proposed development in place, JAGS is well below expectations for active travel among both staff and pupils. For this reason, in order for the application to be considered acceptable, Transport Policy will require the applicant to commit to reducing private vehicle use and reaching travel plan targets via a S106 agreement (further details provided in Travel Plan and Modal Share paragraph below).

Travel Plan and Modal Share

71. The applicant estimates that the increase in 12 pupils will result in approximately 3 additional car journeys per day. However, we recognise that in a worst-case scenario the actual increase in car journeys could be higher (up to 24 additional private vehicle trips per day). Generally, this would not be

considered acceptable, as any new development or intensification should result in an improvement of the existing situation, or at the very least, no worsening of the existing situation. However, the applicant has submitted a Travel Plan which aims to reduce pupil vehicle trips from ~21 per day (108 pupils) to ~19 per day (120 pupils) in the 5-year period covered by the Travel Plan. Given the school's achievement of a Gold STARS award as well as a history of reducing private vehicle modal share, we feel this is a realistic and achievable goal. To ensure the increase in pupils has no negative long-term impacts on the transport network, it is recommended that the achievement of travel plan targets over the next 5 years - as well as the maintenance of the Gold STARS award - be included in the S106 agreement as a planning obligation.

Cycle parking and cycling facilities

72. The proposal includes provision of 18 long-stay and 18 short-stay cycle parking spaces, which accords to the quantum requirements in policy P53 (Cycling) of the Southwark Plan (2022). These are also provided as Sheffield Stands which are the Council's preferred cycle parking type. The cycle parking is split between two shelters which would provide 9 Sheffield Stands each demonstrating high standards. It is recommended that a compliance condition be attached to ensure these are provided as agreed.

Deliveries and Servicing

73. Deliveries and servicing to the new pre-prep facility will be brought to the existing school via the existing gates and vehicle access. The applicant has confirmed there will be no increase in delivery/servicing trips and the arrangements shall remain as existing.

Highway Development

74. The Highways Development Team have been consulted on this application, and it has been determined that the proposal would not have any adverse impact to the Highway Network. However given the sensitive location of the site, a full CEMP must be submitted and approved by the Council prior to the commencement of any works.
75. The developer would be required to undertake a precommencement survey to catalogue the existing condition of footway and highway fronting the site prior to works commencing. It would be necessary for the applicants to enter into a S278 agreement to mitigate and enhance the proposed development. This would

include the following works:

- *Repave the footway including new kerbing fronting the site in accordance to SSDM;*
- *Reinstate two redundant vehicle crossovers as footway;*
- *Introduce a new raised table pedestrian zebra crossing. Works to include buildouts and/or traffic islands;*
- *Promote a Traffic Regulation Order to amend waiting/loading restrictions, introduce School Keep Clear, provide zig-zags, etc. Works to include road markings and signage;*
- *Repair any damages as a result of the construction of the Development and the movement of construction vehicles.*

Environmental matters

Construction management

76. No details of construction management have been submitted with this application, detailing the proposed works and measures that would be in place to reduce impacts on the local community and highways network, including ensuring the environmental management of air quality, dust and noise disturbance during the construction period. Given the sensitive context of the site, the submission of a fully detailed Construction Management Plan is recommended to be conditioned. This is to ensure health, safety and impacts from deliveries and servicing does not cause pollution or unreasonable disturbance to neighbours and other members of the public.

Air quality

77. Policy P65 (Improving Air Quality) of the Southwark Plan (2022) and policy SI 1 (Improving Air Quality) of The London Plan (2021) states that development must address the impacts of poor air quality. The submission includes an Air Quality Assessment - this was requested from the applicant given the application site is located within the Southwark Air Quality Management Area (AQMA) – which is defined through annual mean exceedances of NO₂ and 24-hour mean exceedance of PM₁₀. This means that stricter air quality requirements exist for proposed developments within the AQMA designation. The Air Quality Assessment (ref: Final C dated November 2023 by Aeolus Air Quality Consulting) has been reviewed by the Council's Environment Protection Team:
78. The assessment concludes that:

- *The proposed development is considered to be air quality neutral;*
- *As demonstrated through two air quality credits achieved for POL 02 Local Air Quality.*

79. The report is comprehensive and officers are satisfied that the proposed mitigation measures are suitable to ensure that the development addresses the impacts of poor air quality. It is recommended that the Air Quality Assessment be conditioned to ensure appropriate mitigation is implemented.

Flood risk

80. The NPPF 2023 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).
81. The application site is located within Flood Risk Zone 1 – and it not identified within the Southwark Critical Drainage Area. Therefore under these circumstances, the proposed development does not need to be assessed under the sequential or exemption tests.
82. The submission however does include a Flood Risk Assessment (ref: Issue P02 JAGS-EOC-ZZ-XX-RP-S-1000 dated November 2023 by Eckersley O’Callaghan). It concludes that the proposed development is either not at risk from, or does not increase the risk from, any of the following sources of flooding:
- River and tidal flooding
 - Groundwater flooding
 - Reservoir flooding
 - Surface water flooding
 - Sewer flooding
83. A geotechnical survey has been performed to assess the existing ground conditions to inform the suitability of infiltration techniques for the site. It concludes the site is not suitable for soakaway tanks due to the shallow depth to London Clay. The proposed surface water scheme uses below ground attenuation storage with a flow restrictor to limit the outlet to 3L/s. A new

connection will be made to the public sewer on East Dulwich Grove. The proposed works will create a peak wastewater flow rate of 4.8l/s. New foul water connections will be made to the existing foul water network on site which discharges into the Thames Water sewer on East Dulwich Grove.

Energy and sustainability

84. The proposed scheme has been developed in-line with the energy policies within local and regional policy. The three step Energy Hierarchy has been implemented and the estimated regulated CO2 savings on-site are 43%. This exceeds the 35% target stated within policy SI2 (Minimising greenhouse gas emissions) of The London Plan (2021).

Carbon emission reduction

85. Policy SI 2 (Minimising greenhouse gas emissions) of The London Plan (2021) and P70 (Energy) of the Southwark Plan (2022) require all major development to be net carbon zero. Where it can be demonstrated that the development cannot achieve 100% on-site carbon savings beyond Part L of the Building Regulations, a financial contribution would be secured to offset the remaining carbon emissions. For non-residential development, a minimum of 40% savings beyond Part L of the Building Regulations must be met on-site, in accordance with Policy P70 (Energy) of the Southwark Plan (2022). At least 15% of these savings should be achieved through energy efficient measures (Be Lean).

Be Lean (use less energy)

86. This element reduces the energy demand, through the adoption of passive and active design measures and implementations. The proposed energy efficiency measures includes air source heat pumps, thermostatic control of all heated spaces, and mechanical ventilation with high efficiency heat recovery. The active cooling and heating demand has been minimised as far as possible through passive design measures including efficient building fabric, improved building air tightness and efficient lighting. The proposed development is anticipated to make a 6% decrease in CO2 emissions, which is below that target of 15%.

Be Clean (supply energy efficiently)

87. The feasibility of connecting to any existing district heating networks has been reviewed, but no opportunities have been identified in the vicinity of the site.

ASHP will be the main source of energy to the buildings on site, and provisions should be made as outlined to future proof enabling a connection to provide energy to other parts of the school grounds. The proposed development is anticipated to make a 9% decrease in CO2 emissions.

Be Green (Use low or carbon zero energy)

88. It is proposed that PV panels will also be utilised to provide the buildings on site with heating, cooling and domestic hot water. These would be located at roof level on the south facing roof slopes. Overall, the proposed development is anticipated to achieve a 29% reduction in CO2 emissions beyond the 'Gas boiler baseline' including the consideration of Low or Zero Carbon (LZC) technologies.

Be Seen (Monitor and review)

89. Following the implementation of the three previous stages of the hierarchy, a monitoring strategy will be put in place to ensure that the actual energy performance of the development can be monitored and reported upon. The building services design incorporates extensive sub-metering to allow monitoring of set key indicators. As a minimum, these indicators will include primary energy use, CO2 emissions and water consumption. In each case the Trust will be responsible for monitoring of the set key indicators. In accordance with the Soft Landings framework, targets will be set and agreed in conjunction with the School. Targets will be set to cover a five-year time frame, with annual interim targets.

Planning obligations (S.106 agreement)

90. IP Policy 3 of the Southwark Plan and Policy DF1 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. IP Policy 3 of the Southwark Plan is reinforced by the Section 106 Planning Obligations SPD 2015, which sets out in detail the type of development that qualifies for planning obligations. The NPPF emphasises the Community Infrastructure Levy Regulation 122 which requires obligations be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
91. Following the adoption of Southwark's Community Infrastructure Levy (SCIL) on 1 April 2015, much of the historical toolkit obligations such as Education

and Strategic Transport have been replaced by SCIL. Only defined site specific mitigation that meets the tests in Regulation 122 can be given weight.

92.

Planning Obligation	Mitigation	Applicant Position
Carbon off-set	Overall reduction of 43% compared to Part L Building Regulations – 3.2 (off site annual saving) x £95 per tonne = £304 £304 x 30 years = £9120 payment in-lieu	Agreed
Public realm	Planting of 85 trees around the JAGS estate, which should include Landscaping Plan / Planting Strategy. Including CAVEAT fee (c£60k) of those trees which are not reprovided.	Agreed
Ecology	Offsite mitigation of loss of habitat on application site, to be provided within JAGS blue boundary ownership. If not possible (as demonstrated), a financial contribution payable to Council for net-gain to be achieved elsewhere.	Agreed
Transport	Travel Plan targets to be met over 5 years and maintenance of Gold STARS Award.	Agreed
Highways	S278 Agreement - Associated upgrade, renewal of existing associated infrastructure relevant and commensurate to scale of development and safety of pedestrians.	Agreed
Land-swap	The existing land-use of the application site (C3 Residential) shall be swapped with that of 23/AP/3459 (2 Dulwich Village – F1 Educational Use) in order to ensure no net-loss of residential units.	Agreed

93a. In the event that an agreement has not been completed by 27th June 2025, the committee is asked to authorise the director of planning to refuse permission, if appropriate, for the following reason:

93b. In the absence of a signed S106 legal agreement there is no mechanism in

place to mitigation against the adverse impacts of the development through contributions and it would therefore be contrary to IP Policy 3 Community infrastructure levy (CIL) and Section 106 planning obligations of the Southwark Plan 2022; and Policy DF1 Delivery of the Plan and Planning Obligations of the London Plan 2021; and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.

Mayoral and borough community infrastructure levy (CIL)

94. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic investments in London. Southwark's CIL will provide for infrastructure that supports growth in Southwark. Further information is required by the applicant if the development is granted, and a specific CIL payment amount will be calculated when, CIL Additional Information and Assumption of Liability forms are submitted prior to implementation.

Other matters – land swap

95. This application is considered alongside the determination for 23/AP/3459, which proposes a land-swap between both application sites. Please note as a standalone application the proposal would otherwise have been considered unacceptable, due to the loss of existing family homes. However as the applicant (JAGS) owns both sites, a land-swap is possible which would be secured through a S106 Legal Agreement. This would be a unique and bespoke planning obligation, which would allow this application (and 23/AP/3459) to be considered acceptable.

Community involvement and engagement

Consultation responses from members of the public and local groups

96.

Contributions: 45		
Support	Neutral	Objection
2	8	35

97. Summary – Support

- Removal of two derelict eyesore properties would allow consolidation of JAGS site onto one premises
- Supportive of principle of development for educational purposes – good investment

98. Summary – Neutral

- JAGS should provide alternative forms of transport for pupils which should be convenient and decrease traffic and congestion
- JAGS could provide raising bollards / barriers for residential properties nearby in order to control parking

99. Summary – Objection

Principle of Development

- *Intensification of site is inappropriate in residential setting*
- *Impact of overlooking and privacy*
- *Impact of daylight and sunlight would be significant*
- *Principle loss of two existing family homes should be refused*

Ecology, Trees and Biodiversity

- *Ecology and biodiversity loss and poor landscaping – loss of wildlife and habitat*
- *Impact of felling of trees and removal of others would harm the character of the conservation area*

Transport related

- *Increased traffic from cars and coaches would create severe disruption to residents*
- *Increased air pollution and risk of car crashes (traffic safety jeopardised)*
- *Lack of parking would result in illegal parking*
- *Staff parking would be disrupted and place more pressure on existing capacity*
- *Lack of cycle infrastructure*
- *No Active Travel arrangements – e.g. cycle lane should have been developed*
- *Disruption caused from demolition and building work, including pavement safety for pedestrians*

Design quality

- *Overdevelopment of the site, not respecting the existing building line in height or depth*
- *The design of the proposal would harm the openness and leafy*

character and appearance of the streetscene

- *Disabled disability access for users have not been considered*

Community impact and equalities assessment

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

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

101. 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.

102. 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

103. 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.
104. This application has the legitimate aim of *educational development and land swap*. 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

105. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
106. 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.

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

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

CONCLUSION

108. It is therefore recommended that planning permission be granted, subject to conditions, the timely completion of a S106 Agreement.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Zaib Khan, Team Leader		
Version	Final		
Dated	22 November 2024		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director, Resources		No	No
Acting Strategic Director, Environment, Sustainability and Leisure		No	No
Strategic Director, Housing		No	No
Date final report sent to Constitutional Team			22 November 2024

APPENDIX 1

Recommendation

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

This document is not a decision notice for this application.

Applicant	Justine Addison James Allens Girls School	Reg. Number	23/AP/3458
Application Type	Major application		
Recommendation	GRANT subject to Legal Agreement	Case Number	PP-12600356

Draft decision notice

Grant subject to Legal Agreement for the following development:

Demolition of two detached dwellings and the erection of two buildings for relocated Pre-Prep school including pedestrian access, external play space and hard and soft landscaping (associated with 23/AP/3459)

152-154 East Dulwich Grove London Southwark SE22 8TB

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

Existing Plans

Proposed Plans

PROPOSED ELEVATION PLANS JPP-HBA-XX-XX-DR-A080212 REVP01 received 13/12/2023

EXISTING AND PROPOSED ELEVATION PLANS received 13/12/2023

PROPOSED SOUTH WEST / NORTH EAST HALL ELEVATION PROPOSED JPP-HBA-XX-XX-DR-A-080212 received 10/04/2024

PROPOSED SOUTH WEST / NORTH EAST MAIN BUILDING ELEVATION JPP-HBA-XX-XX-DR-A-080211 received 10/04/2024

PROPOSED SOUTH EAST / NORTH WEST ELEVATION JPP-HBA-XX-XX-DR-A-080210 received 10/04/2024

SECOND FLOOR PLAN JPP-HBA-XX-02-DR-A-080113 REV P02 received 10/04/2024

FIRST FLOOR PLAN JPP-HBA-XX-01-DR-A-080112 REV P02 received 10/04/2024

GROUND FLOOR PLAN JPP-HBA-XX-00-DR-A-080111 REV P02 received 10/04/2024

Other Documents

PROPOSED SOUTH EAST / NORTH WEST PLAN received 13/12/2023

PROPOSED SOUTH-WEST/NORTH EAST MAIN JPP-HBA-XXXX-DR-A-080211 REV P01 received 13/12/2023

PROPOSED BUILDING SECTION A-A AND B-B JPP-HBA-XX-XX-DR-A-080311 REV P01 received 13/12/2023

EXISTING AND PROPOSED LANDSCAPING SECTION PLANS received 13/12/2023

PROPOSED SITE PLAN JPP-HBA-XX-00-DR-A-080110 REV P02 received 10/04/2024

ILLUSTRATIVE SOFT LANDSCAPE STRATEGY 0332-BDL-XX-XX-DR-L-0803-P0 received 10/04/2024

ILLUSTRATIVE HARD LANDSCAPE STRATEGY 0332-BDL-XX-XX-DR-L-0802-P04 received 10/04/2024

ILLUSTRATIVE LANDSCAPE MASTERPLAN 0332-BDL-XX-XX-DR-L-0801-P08 received 10/04/2024

TYPICAL DETAIL; CYCLE & SCOOTER SHELTER 0332-BDL-XX-XX-DR-L-0307-P01 received 10/04/2024

LANDSCAPE MASTERPLAN 0332-BDL-XX-XX-DR-L-0801-P09 received 23/05/2024

ILLUSTRATIVE LANDSCAPE SECTIONS A-A 0332-BDL-XX-XX-DR-L-0101-P04 received 23/05/2024

TYPICAL DETAIL STORAGE UNITS 0332-BDL-XX-XX-DR-L-0310-P01 received 23/05/2024

SITE LOCATION PLAN JPP-HBA-XX-00-DR-A-080001 received 23/05/2024

AMENDED DRAWING LIST received 30/05/2024

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. a) 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 National Planning Policy Framework (2023); Policy P56 (Protection of amenity) and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan (2022).

5. Section Drawings

Prior to the commencement of any above ground works (excluding demolition and archaeological investigation), the following details shall be submitted to the Local Planning Authority for its approval in writing: Section detail-drawings at a scale of at least 1:5 or 1:10 through:

- the balconies
- parapets
- heads, cills and jambs of all openings.

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

Reason: In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

6. Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved and all site boundaries shall be retained and maintained in perpetuity.

Reason: In the interests of visual and residential amenity in accordance with the National Planning Policy Framework (2023); Policy D4 (Delivery good design) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P15 (Residential Design) and Policy P56 (Protection of amenity) of the Southwark Plan (2022)

7. Prior to the commencement of any above grade works (excluding demolition and site clearance), samples of all external facing materials and full-scale (1:1) mock-ups of the façades to be used in the carrying out of this permission shall remain on site for inspection for the duration of the building's construction and be presented on site to the Local Planning Authority and approved in writing. The development shall not be carried out otherwise than in accordance with any such approval given. The façades to be mocked up should be agreed with the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing, are suitable in context and consistent with the consented scheme in accordance with the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

8. HARD AND SOFT LANDSCAPING

Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The 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: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

9. Roof terrace privacy screening

Prior to the commencement of above grade works, details of the roof terrace privacy screening (plans, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The agreed privacy

screening should be installed and maintained in perpetuity. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In the interests of visual and residential amenity in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivery good design) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P15 (Residential Design) and Policy P56 (Protection of Amenity) of the Southwark Plan (2022).

10. BREEAM REPORT AND POST CONSTRUCTION REVIEW

(a) Before any fit out works to the commercial/educational premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'very good or excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

(b) Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the proposal complies with Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (2021); Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan (2021); Policy P69 (Sustainability Standards) and Policy P70 (Energy) of the Southwark Plan (2022).

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

No less than 4 bat tubes, bricks or boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

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

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

12. Details of native planting as part of the landscape strategy/plan shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

Ideally the landscape planting should contain a minimum of 60% of plants on the RHS perfect for Pollinators list.

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: G5 (Urban greening) and G6 (Biodiversity and access to nature); of the London Plan (2021); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

13. Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any

superstructure works commencing on site.

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

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

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

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

14. Bird Boxes

Details of open fronted/generalist bird boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than two open fronted/generalist bird boxes shall be provided and the details shall include the exact location, specification and design of the bird boxes. The boxes shall be installed on mature trees or on buildings prior to the first occupation of the site.

The open fronted bird boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and the Local Planning Authority agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans.

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

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

15.
 - a) Details of any external lighting (including: design; power and position of luminaries; light intensity contours) of all affected external areas (including areas beyond the boundary of the development) in compliance with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2021), shall be submitted to and approved by the Local Planning Authority in writing before any such lighting is installed.
 - b) The development shall not be carried out otherwise than in accordance with any such approval given. Prior to the external lighting being used, a validation report shall be submitted to the Local Planning Authority for approval in writing.

Reason: In order that the council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with the National Planning Policy Framework (2023); Policy G6 (Biodiversity and access to nature) of the London Plan (2021) and Policy P56 (Protection of amenity) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

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

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

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

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

Permission is subject to the following Compliance Condition(s)

17. The chain link fencing installed to surround the multi-use games areas shall be effectively supported vertical twin wire anti-rattle fencing.

Reason: To ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework (2023); Policy P56 (Protection of amenity) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

18. Cycle Parking

Before the first occupation of the development hereby approved, the cycle parking 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 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).

19. Air Quality

The development shall be designed and meet the standards, including measures of proposed mitigation as outlined within the Air Quality Assessment (ref: Final C dated November 2023 by Aeolus Air Quality Consulting).

Reason

To ensure that air pollutants do not have a direct or adverse impact upon the health, quality of life and life expectancy of individuals or the wider environment as required by policies P56 (Protection of Amenity) and P65 (Improving Air Quality) of the Southwark Plan (2022).

20. Obscure Glazing

The window(s) on the south-west (side) elevation of the main building shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing for the duration of the use.

Reason: In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at Hulme Place from undue overlooking in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

21. Energy and Sustainability Standards

The development shall be designed and meet the energy and sustainability standards as outlined within the 'Energy, Sustainable Design and Construction Statement' (ref: Rev 3.0 dated 12/12/2023 by Skelly and Couch Ltd).

Reason

To ensure that all development within the Air Quality Management Area is designed and constructed with optimal environmental performance and aspects, in order to reduce the extent of climate change within Southwark as required by policies P69 (Sustainability Standards), P70 (Energy) of the Southwark Plan (2022) and Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF (2023).

Permission is subject to the following Special Condition(s)

22. Precautionary Bat Survey

If more than one season passes between the most recent bat survey and the commencement of demolition and/or tree works, an updated bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act (1981) (as amended).

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.

APPENDIX 2

Relevant planning policy

The National Planning Policy Framework (NPPF) 2023

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well designed places
- Chapter 15 – Conserving and enhancing the natural environment

The London Plan (2021)

- Policy GG2 – Making the best use of land
- Policy D1 London's form, character and capacity for growth
- Policy D3 Optimising site capacity through the design led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D12 Fire safety
- Policy S3 Education and childcare facilities
- Policy G5 Urban Greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodland
- Policy SI1 Improving air quality
- Policy SI2 Minimising greenhouse gas emissions
- Policy SI13 Sustainable urban drainage
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the Plan and Planning Obligations

Southwark Plan (2022)

- Policy P3 Protection of existing homes
- Policy P13 Design of places
- Policy P14 Design quality
- Policy P16 Designing out crime
- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P27 Education places
- Policy P50 Highway impacts
- Policy P51 Walking
- Policy P53 Cycling
- Policy P56 Protection of amenity

- Policy P60 Biodiversity
- Policy P61 Trees
- Policy P65 Improving air quality
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy P69 Sustainability standards
- Policy P70 Energy
- Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

APPENDIX 3

Relevant planning history of the site and nearby sites

No relevant planning history.

APPENDIX 4

Consultation undertaken

Site notice date: 08/01/2024

Press notice date: 04/01/2024

Case officer site visit date: 29/08/2024

Neighbour consultation letters sent: 07/05/2024

Internal services consulted

LBS Environmental Protection

LBS Transport Policy

LBS Design & Conservation Team [Formal]

LBS Ecology

LBS Highways Development & Management

LBS Flood Risk Management & Urban Drain

LBS Urban Forester

LBS Waste Management

LBS Community Infrastructure Levy Team

LBS Design & Conservation Team [Formal]

LBS Environmental Protection

LBS Transport Policy

LBS Transport Policy

LBS Transport Policy

LBS Ecology

LBS Urban Forester

LBS Transport Policy

Statutory and non-statutory organisations

Metropolitan Police Service (Designing Out Crime)

Thames Water

Neighbour and local groups consulted:

6 Great Spilmans London Southwark	164A East Dulwich Grove London Southwark
144 East Dulwich Grove London Southwark	8 Great Spilmans London Southwark
211 East Dulwich Grove London Southwark	5 Great Spilmans London Southwark
160A East Dulwich Grove London Southwark	4 Great Spilmans London Southwark
1 Gilkes Crescent London Southwark	20 Great Spilmans London Southwark
164C East Dulwich Grove London Southwark	18 Great Spilmans London Southwark
199 East Dulwich Grove London Southwark	14 Great Spilmans London Southwark
168 East Dulwich Grove London Southwark	1 Great Spilmans London Southwark
8 Gilkes Crescent London Southwark	160 East Dulwich Grove London Southwark
154 East Dulwich Grove London Southwark	162 East Dulwich Grove London Southwark
207 East Dulwich Grove London Southwark	158A East Dulwich Grove London Southwark
201 East Dulwich Grove London Southwark	156 East Dulwich Grove London Southwark
166 East Dulwich Grove London Southwark	209 East Dulwich Grove London Southwark
164B East Dulwich Grove London Southwark	205 East Dulwich Grove London Southwark
158B East Dulwich Grove London Southwark	203 East Dulwich Grove London Southwark
7 Great Spilmans London Southwark	197 East Dulwich Grove London Southwark
3 Great Spilmans London Southwark	5 Gilkes Crescent London Southwark
2 Great Spilmans London Southwark	3 Gilkes Crescent London Southwark
16 Great Spilmans London Southwark	6 Gilkes Crescent London Southwark
10 Great Spilmans London Southwark	4 Gilkes Crescent London Southwark
154A East Dulwich Grove London Southwark	2 Gilkes Crescent London Southwark
	9 Gilkes Crescent London Southwark
	7 Gilkes Crescent London Southwark

APPENDIX 5

Consultation responses received

Internal services

LBS Environmental Protection
 LBS Transport Policy
 LBS Ecology
 LBS Highways Development & Management
 LBS Urban Forester
 LBS Environmental Protection
 LBS Transport Policy
 LBS Transport Policy
 LBS Transport Policy
 LBS Ecology
 LBS Urban Forester
 LBS Transport Policy

Statutory and non-statutory organisations

Metropolitan Police Service (Designing Out Crime)
 Thames Water

Neighbour and local groups consulted:

154a East Dulwich Grove North Dulwich London	1 Great Spilmans East Dulwich London
18 Great Spilmans LONDON SE22 8SZ	40 Hayes Grove London SE22 8DF
144 Rosendale Road West Dulwich London	156 East Dulwich Grove London SE22 8TB
199 East Dulwich Grove Dulwich LONDON	154a East Dulwich Grove North Dulwich London
8 Elm Park London SW22UB	154a East Dulwich Grove North Dulwich London
11 Great Spilmans Dulwich London	50 beauval road london se22 8uq
40 Lovelace Road London SE21 8JX	72Thurlow Hill London Se21 8jn

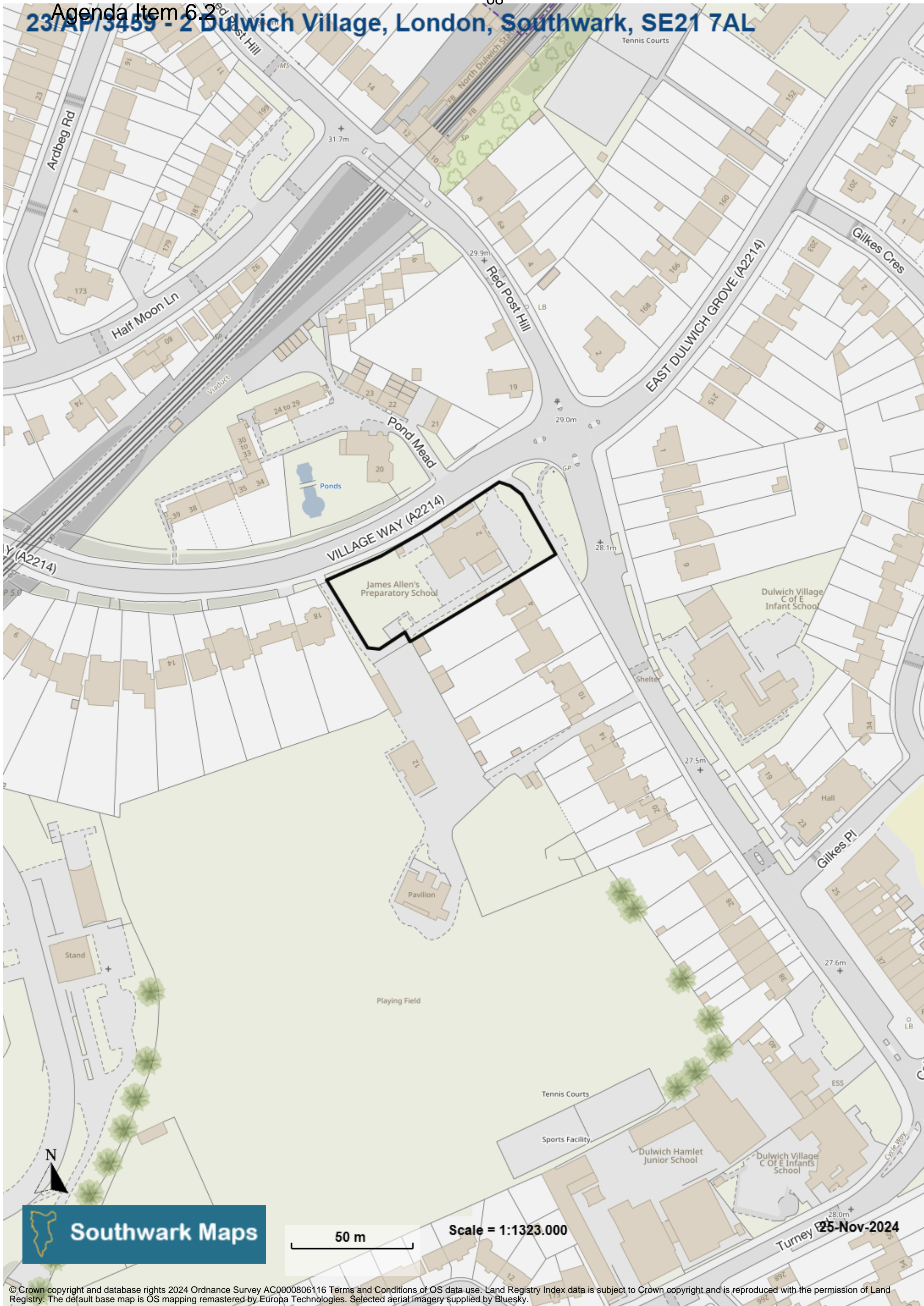
9 Great Spilmans London SE22 8SZ
 85a, East Dulwich Grove East Dulwich
 SE22 8PU
 29 Dalkeith Road London SE21 8LT
 7 Sydcote London SE21 8LH
 5 Eastmearn Road London Se218ha
 115 Dulwich Village London SE21 7BJ
 156 East Dulwich Grove, London, SE22
 8TB London SE22 8TB

East Dulwich Grove, London London
 SE22 8SY
 111 Casino Avenue London SE24 9PJ
 35 Melbourne Grove London SE22 8RG
 74 Chute House Stockwell Park Road
 London
 38 Melbourne Grove London SE22 8QZ
 15 Lovelace Road West Dulwich
 Se218jy

214 Croxted road London SE24 9DG
 168 East Dulwich Grove London
 Southwark
 20 Great Spilmans London Southwark
 13 Fawnbrake Avenue London SE24
 0BE
 2 Great Spilmans, London London
 London
 40 Melbourne grove london se22 8qz
 162 East Dulwich Grove London SE22
 8TB
 10 Hawarden grove London Se249dh
 Flat 7 Gannet Court Croxted Rd London
 40 Lovelace road London Se218jx
 2 Great Spilmans London SE22 8SZ
 Guernsey Grove 24 London
 88 Drakefield Road Tooting Bec London
 6 Great Spilmans East Dulwich Grove
 London
 5 Eastmearn Road London SE21 8HA
 5 Frank Dixon Way London SE21 7BB
 177 Half Moon Lane London SE24 9JG

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Meeting Name:	Planning Committee (Smaller Applications)	
Date:	9 December 2024	
Report title:	Development Management planning application: Application 23/AP/3459 for Full Planning Application Address: 2 Dulwich Village, Southwark, London SE21 7AL Proposal: Conversion of Pre-Prep School to four C3 Residential apartments and retention of single storey hall and garden building for educational use (Use Class F1), provision of new pedestrian access and landscaping and removal of some external structures (associated with 23/AP/3458)	
Ward(s) or groups affected:	Dulwich Village	
Classification:	Open	
Reason for lateness (if applicable):	Not Applicable	
From:	Director of Planning and Growth	
Application Start Date: 21/12/2023		Application Expiry Date: 27/12/2024
Earliest Decision Date: 23/01/2024		

RECOMMENDATIONS

1. That planning permission be granted subject to conditions and the applicant entering into an S106 Legal Agreement.
2. In the event that the requirements of paragraph 1 above are not met by the applicant on 27 June 2025, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 57 of this report.

BACKGROUND INFORMATION

Site location and description

3. The application site is 2 Dulwich Village, a double fronted Victorian house that

has been converted into education use. The building is used as James Allens Lower School, the pre-prep element of the wider James Allens Girls School. 2 Dulwich Village is located on the south side of Village Way, close to the junction with Dulwich Village. Within the site, the building is located to the east, with landscaping to the south and west. There is a library building located within the grounds. The surrounding properties are residential in land use.

4. The site is subject to the following designations:

- Dulwich Area Vision Boundary
- Dulwich Village Conservation Area
- Dulwich Village Archaeological Priority Area
- Primrose Hill summit to the Palace of Westminster LVMF
- Air Quality Management Area

Details of proposal

5. *Conversion of Pre-Prep School to four C3 Residential apartments and retention of single storey hall and garden building for educational use (Use Class F1), provision of new pedestrian access and landscaping and removal of some external structures (associated with 23/AP/3458).*
6. The proposal seeks to split the site to retain the hall to the front of the property and the separate library building for education purposes, as supporting office space. The areas would not be used by students. A new pedestrian entrance would be provided to this part of the site.
7. The proposal seeks to re-purpose the main building into four residential dwellings. These include a 3b6p flat at ground floor, a 2b3p flat at ground floor, a 2b4p flat at first floor and a 2b4p duplex across first and second floors. Vehicular access would remain as existing and the communal amenity space would be provided.

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

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

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. 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 development viability
 - Quality of residential accommodation
 - Quality of educational use
 - Design quality
 - Amenity impacts to neighbours
 - Fire safety
 - Transport and highways
 - Trees, landscaping and ecology
 - Environmental impacts
 - Planning obligations (S.106 undertaking or agreement)
 - Mayoral and borough community infrastructure levy (CIL)
10. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

11. 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.
12. 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

13. 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 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

14. The proposed re-purposing of 2 Dulwich Village is to mitigate the proposal for the loss of residential floorspace at 152-154 East Dulwich Grove (subject to planning - 23/AP/3458). Policy P3 (Protection of existing homes) of the Southwark Plan states that the net loss of existing housing will not be permitted except:
 1. Where existing location and standard of accommodation is unsatisfactory and cannot be improved; or
 2. Where the residential accommodation is on a site which is allocated in the development plan for an alternative use in preference to housing.
15. It was previously advised during pre-application discussions that any development on the application site must ensure that the residential housing lost is replaced. The residential accommodation currently at 152-154 East Dulwich Grove is appropriate for use as housing and the site is not allocated in the development plan. As such, the net loss of existing houses is not considered acceptable, unless it is re-provided. The approach is now to re-purpose the existing pre- prep school at 2 Dulwich Village as residential dwellings as a land use swap, subject to planning. The houses at 152-154 East Dulwich Grove are 345sqm in total residential floorspace. The re-purposing of 2 Dulwich Village would be provide an uplift of two residential units. As such, there would be no net loss of residential accommodation.
16. The re-purposing of the school would be subject to a separate application (23/AP/3458). The loss of two existing residential units shall be replaced at 2 Dulwich Village as a land use swap – this is to be secured through a S106 Legal Agreement. The associated application 23/AP/3458 is also subject to a committee decision, and a separate assessment of this proposal is given independently. Should there be no net-loss of residential housing, the principle of development can be considered acceptable subject to appropriate mechanisms to capture the land-swap within a S106 Legal Agreement.
17. Policy P27 (Education places) of the Southwark Plan states that development should not lead to the loss of existing educational facilities unless there is re-provision in an area of identified need or they are surplus to requirements as demonstrated by pupil or student projections. The existing education floorspace, being the pre-prep school for James Allens Girls School, would be re-located to East Dulwich Grove and consolidated with the rest of the school campus (application ref: 23/AP/3458). As such, the loss of the education facilities on the application site is acceptable, as they would be re-provided in a

more appropriate location at a higher quality. The principle of development therefore can be supported, should there be no net-loss of residential accommodation, no reduction in educational floorspace, provide good quality residential accommodation and not harm the amenity of adjoining residential neighbours. The proposed development 23/AP/3458 is subject to a separate committee decision.

Affordable housing and development viability

18. Policy P1 [Social rented and intermediate housing] of the Southwark Plan (2022) requires all development that creates 9 homes or fewer to provide the maximum amount of social rented and intermediate homes. Should this not be provided, a financial contribution towards the delivery of new Council social rented and intermediate homes would be accepted as an in-lieu payment. This would be based upon 35% of the habitable rooms within the development.
19. The application site is located within an area identified as CIL Zone 2 – this attracts a payment of £100,000.00 per habitable room. Please note rooms over 27.5sqm are assessed as two rooms
 - (35% of habitable rooms) X (£100,000.00) = AH contribution
 - 35% of 17 habitable rooms = 5.95
 - 5.95 X (£100,000.00) = £595,000.00
 - Final AH contribution required: £595,000.00
20. The applicant has provided a viability assessment for the site which concludes that it is not viable for it to deliver affordable housing. The applicant has engaged with the Planning Authority in paying for a Financial Viability Review which has been conducted by a third party assessor. The comparison of assumptions are provided in the table below:

21. Item	Applicant Viability Report	Third-Party Assessor
Residential GDV	£3,140,000	£3,735,000
Construction Costs (inc. demolition)	£1,435,154	£1,422,275
Professional Fees (% works)	10%	8%
Sales, Marketing and Legal Fees	3% on GDV + £750 per unit.	1% on GDV + £750 per unit.

Developers Return	20% - on GDV	15% on GDV (Resi) 10% on GDV (School) Blended: 14.26%
Finance Cost	8.5%	8.0%
Programme	6 month pre-construction 9 month construction 2 month sales	Agreed
Benchmark Land Value	£2,440,000	£2,400,000
Residual Land Value	£619,106	£1,285,909

22. As the benchmark land value (BLV) exceeds the residential land value (RLV) by £1,114,091 - the proposed development could not viably support the provision of affordable housing on-site or as an in-lieu payment (PIL). This position has been agreed and accepted by the Planning Authority, and therefore it is acceptable that no affordable housing payment is needed.
23. In order to capture any valuation variations, sensitivity analysis was conducted using the variables of sales values and construction costs. It demonstrated that the scheme could provide a payment in lieu (PIL) if economic conditions change in the future. Therefore it is considered appropriate to capture the valuation variations through a late stage review mechanism in the S106 legal agreement. This review mechanism formula will be 'Formula 3' as outlined in the Affordable Housing and Viability (SPG) and the Development Viability LPG Consultation Draft (May 2023).

Quality of residential accommodation

Space standards

24. The submitted plans indicate dwellings of the following specification, in relation to the 2015 Technical Update to the Residential Design Standards SPD (2011) and the Technical Housing Standards (MHCLG, 2015). Figures given in table below are in sq. m.

25.

	Unit 1 (GF)	Unit 2 (GF)	Unit 3 (1F)	Unit 4 (1F & 2F)
LKD	33.0	25.5	28.0	28.0
Bedroom 1	15.0	16.5	19.0	12.0

Bedroom 2	12.0	8.5	16.0	12.0
Bedroom 3	12.0	NA	NA	11.0
Private Amenity	0	0	0	0
Total GIA	103.0 (3b6p)	66.0 (2b3p)	92.0 (2b4p)	108.0 (3b6p)
Net - / + above space standards	+8.0	+5.0	+22.0	+6.0
GIA compliant	Yes	Yes	Yes	Yes

26. All residential flats meet the GIA space requirements, providing a very good level of spatial comfort, with each individual bedrooms and living quarters exceeding the GIA threshold within the Residential Design Standards SPD. The units all have appropriate sized storage and bathroom facilities. As such the proposed development provides a good standard of GIA for the residential accommodation which is acceptable.

Outlook and privacy

27. All residential units are at least dual aspect, which is considered to demonstrate good design in allowing cross ventilation and thermal comfort. The outlook and aspect are considered suitable in providing good quality residential accommodation, this element of the scheme is acceptable.

Private amenity

28. As the building is locally listed, no private amenity space can be provided for the residential units. This is off-set through a high level of communal amenity space around the grounds of the building. It is acknowledged that as the building is locally listed, there are significant constraints in providing private amenity per residential unit. Therefore the shortfall of 40sqm of private amenity shall be secured as a financial obligation charged at £205 per sqm – as outlined within the 2015 S106 Planning Obligations SPD (Nov 2020 Update).

Overall

29. On balance whilst the scheme may not private amenity for the residential accommodation, the proposed residential units would meet acceptable standards. The generous room space and other aspects of quality of accommodation outweigh the private amenity shortfall. The spatial configuration provides high quality flats within a locally listed building, allowing repurpose and limited heritage intervention. Overall the quality of residential

accommodation created would be of good quality, and therefore deemed acceptable *ceteris paribus*.

Quality of educational premises

30. The ancillary educational office (Use Class F1) encompass 80 sqm of office space within the main building, and an additional 45sqm to the rear of the site within an outbuilding. The design has been developed through an iterative process, to meet the educational, operational and spatial requirements of the school. The proposed arrangement is considered appropriate to ensure a split between the F1 and C3 uses on site.

Design quality

31. The building is locally listed (List Entry: 557 – dated 6 December 2023). This is further described within the Heritage SPD (2021) and policy P26 of the Southwark Plan (2022); as a building, structure or feature which is not listed at national level, but is important in the local context owing to its special architectural or historic interest or its townscape or group value. The protection of local heritage is important, because it enhances the value of Southwark's built environment, but also maintains a sense of local distinctiveness which can assist with regeneration and place-making.
32. The proposed development would not affect the external appearance of the locally listed building. By retaining and repurposing this important locally listed building and not making any external changes the proposed development would comply with the council's design and conservation policies in the Southwark Plan (2022). The NPPF (2023) further outlines that development should conserve or enhance the character and appearance of the conservation area, avoiding any harm – the proposal is considered to be policy compliant and there would be no adverse design or heritage impact.

Amenity impacts to neighbours

33. The development solely related to a change of use, so there would be no new built extension / build which would result in light amenity, or sense of enclosure being altered for residential neighbours.

Fire safety

34. Policy D12 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.

35. 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.
36. A fire statement and associated fire safety plans has been provided for this proposal and covers the basics requirements of this policy. The statement and plans cover matters required by planning policy but, is in no way a professional technical assessment of the fire risks presented by the development. Any further development of the scheme should seek the necessary expertise of a Fire Safety Engineer.

Transport and highways

Site Context

37. The site is in a PTAL 2 zone, along Village Way which is a classified road, A2214. Dulwich Village is also a classified road. The site is within a CPZ, North Dulwich and Denmark Hill (P) operating between the hours of 12:00 - 14:00, Mon - Fri. The site has 2 existing vehicle access points on Village Way. There is a street tree and street lighting columns within the public highway to the frontage of the property. The site is partially within the Dulwich Village Low Traffic Neighbourhood (phase 2).

Cycle Parking

38. The applicant has proposed 8 long-stay and 4 short-stay cycle parking spaces for residential occupiers. This quantum is policy compliant however, further details must be provided on the type of cycle parking. Long-stay cycle parking stores must be fully secure and weatherproof, lit and fully accessible by all users. Further details on the type and position of the cycle store are to be attached through an above grade condition.
39. No details of cycle parking spaces have been provided for the school – this is to be further conditioned to ensure that future users of the ancillary office space have an appropriate location to store bikes safely.

Car Parking

40. The applicant has not proposed any residential parking, and it appears that the 8-10 parking spaces associated with the F1 use will be retained. However no arrangements have been outlined, further details have been requested to provide specific clarity on these arrangements. Note that on-street parking permits would not be available for residents or schools in the current for any future CPZs. The further details are to be provided within an addendum prior to the committee date.

Refuse storage

41. The refuse storage for the proposed development is located in the forecourt of the building premises. The positioning of the refuse storage needs to ensure that the drag distances of 10m are met to ensure suitable and convenient collection. These should be designed align with Southwark Waste Management Guidance, which states that the total weekly refuse (both residual and recycling) for residential premises with communal refuse facilities is:

- Total weekly refuse (L) = 30L per unit + 70L per bedroom. Therefore;
- Total weekly refuse (L) = (30L x 4 units) + (70L x 10 bedrooms) = 820L of refuse.

42. A further breakdown of residential waste and recycling waste requirements:

- Recycling provision (L) = Total weekly refuse (L) x 0.5 = 410L of recycling provision.
- Residual waste (L) = Total weekly refuse (L) x 0.75 = 615L of residual waste provision.

43. The proposed development has not provided litre capacity or demonstrated/illustrated drag distances for refuse collection. The forecourt would have suitable space to accommodation which capacity and arrangements, further details are requested through a condition to ensure refuse vehicles are able to conveniently collect refuse bins from the specified locations.

Highways Development

44. The Highways Development Team have reviewed the proposal; it would be necessary for the applicants to enter into a S278 agreement to mitigate and enhance the proposed development. This would include the following works:

- Repave the footways fronting the site on Village Way and Dulwich Village including new kerbing in accordance to SSDM Materials Palette;
- Repair any damage to the highway as a result of the construction of the development and the movement of construction vehicles.

Other matters

45. Transport and Highways have requested that the vehicular access and pedestrian access be separated for such a mixed-use scheme. Whilst this application solely related to the change of use of the building operation, further clarity has been requested to demonstrate these concerns. These are to be supplied prior to committee within an addendum.

Trees, landscaping and ecology

Trees

46. Policy P61 (Trees) of the Southwark Plan (2022) states that development must retain and protect significant existing trees and; that any trees which are removed to facilitate development should be replaced by new trees which result in no net-loss of canopy cover as measured by stem girth.
47. The Arboricultural Impact Assessment (ref: 2083DCS231114 dated 14 November by OMC Associates) has been reviewed by the council's Urban Forester. The report identifies that no trees would need to be removed to accommodate the proposed development, as the works only relate to a change of use. A pre-commencement condition requiring an Arboricultural Method Statement is requested by the Urban Forester.

Landscaping

48. The proposed development includes soft and hard landscaping which have been outlined in a Landscape Masterplan. Further information on landscaping features, edging boundary details, cross sections, SUDS and other relevant landscaping particulars are requested through conditions. The standard of design should demonstrate high quality commensurate to the scale of development.

Ecology

49. The proposed development is only a change of use and therefore there would be no expected impact upon the site's ecological value. The inclusion of a landscaping condition provides good opportunity for ecological gain, which

would positively contribute to the ecological value of the site.

Environmental matters

Construction logistics

50. No details of construction management have been submitted with this application, detailing the proposed works and measures that would be in place to reduce impacts on the local community and highways network, during the construction period. Given the sensitive context of the site, the submission of a fully detailed Construction Logistics Plan is recommended to be conditioned. This is to ensure health, safety and impacts from deliveries and servicing does not cause pollution or unreasonable disturbance to neighbours and other members of the public.

Flood risk

51. The NPPF 2023 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).
52. The application site is located within Flood Risk Zone 1 – and it not identified within the Southwark Critical Drainage Area. Therefore under these circumstances, the proposed development does not need to be assessed under the sequential or exemption tests.

Planning obligations (S.106 agreement)

53. IP Policy 3 of the Southwark Plan and Policy DF1 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. IP Policy 3 of the Southwark Plan is reinforced by the Section 106 Planning Obligations SPD 2015, which sets out in detail the type of development that qualifies for planning obligations. The NPPF emphasises the Community Infrastructure Levy Regulation 122 which requires obligations be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and

- fairly and reasonably related in scale and kind to the development.

54. Following the adoption of Southwark's Community Infrastructure Levy (SCIL) on 1 April 2015, much of the historical toolkit obligations such as Education and Strategic Transport have been replaced by SCIL. Only defined site specific mitigation that meets the tests in Regulation 122 can be given weight.

55.

Planning Obligation	Mitigation	Applicant Position
Private amenity shortfall	10 sqm x 4 units x £205 per sqm = £8200	Agreed
S278 Highway Works	S278 Agreement - Associated upgrade, renewal of existing associated infrastructure relevant and commensurate to scale of development and safety of pedestrians.	Agreed
Land-swap	The existing land-use of the application site F1 shall be swapped with that of 23/AP/3458 (152-154 East Dulwich Grove – C3 Residential) in order to ensure no net-loss of residential units.	Agreed
Affordable Housing	Formula 3 – Late Stage Review	Agreed

56. In the event that an agreement has not been completed by 27 June 2025, the committee is asked to authorise the director of planning to refuse permission, if appropriate, for the following reason:

57. In the absence of a signed S106 legal agreement there is no mechanism in place to mitigation against the adverse impacts of the development through contributions and it would therefore be contrary to IP Policy 3 Community infrastructure levy (CIL) and Section 106 planning obligations of the Southwark Plan 2022; and Policy DF1 Delivery of the Plan and Planning Obligations of the London Plan 2021; and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.

Mayoral and borough community infrastructure levy (CIL)

58. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark.
59. The site is located within Southwark CIL Zone 2 and MCIL2 Band 2. Based on CIL form 1 dated 13-Dec-23, the gross amount of CIL is approximately £0. It should be noted that this is an estimate, floor areas will be checked when related CIL Assumption of Liability form is submitted, if planning approval has been secured.

Other matters

60. This application is considered alongside the determination for 23/AP/3458, which proposes a land-swap between both application sites. As the applicant (JAGS) owns both sites, a land-swap is possible which would be secured through a S106 Legal Agreement. This would be a unique and bespoke planning obligation, which would allow this application (and 23/AP/3458) to be considered acceptable.

Consultation responses from members of the public and local groups

61. Summarised below are the material planning considerations raised by members of the public. A total of 39 neighbours were consulted through letters, a press notice and a Site Notice also displayed. The council received 2 contributions.
62. Objection (1)
- *Comments against the principle of land-swap with 152-154 Dulwich Village application (ref: 23/AP/3458); comments stated are those outlined within objections for 23/AP/3458 application. Material planning considerations specified relate to other site and not related to this application solely.*
63. Support (1)
- *Supportive of principle of redevelopment to provide residential on-site*

(reasonable quantum of units)

- *Residential quality could be improved with private amenity space*
- *Residents should be blocked from applying for parking permits*

Community impact and equalities assessment

64. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
65. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
66. 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.
67. 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

68. 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.
69. This application has the legitimate aim of a change of use development. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Positive and proactive statement

70. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
71. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

72. Positive and proactive engagement: summary table

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

CONCLUSION

73. It is therefore recommended that planning permission be granted, subject to conditions and the timely completion of a S106 Agreement.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Zaib Khan, Team Leader		
Version	Final		
Dated	21 November 2024		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director, Resources		No	No
Acting Strategic Director, Environment, Sustainability and Leisure		No	No
Strategic Director, Housing		No	No
Date final report sent to Constitutional Team			22 November 2024

APPENDIX 1

Recommendation

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

This document is not a decision notice for this application.

Applicant	Justine Addison James Allens Girls School	Reg. Number	23/AP/3459
Application Type	Minor application		
Recommendation	GRANT subject to Legal Agreement	Case Number	PP-12608113

Draft of Decision Notice

Grant subject to Legal Agreement for the following development:

Conversion of Pre-Prep School to four C3 Residential apartments and retention of single storey hall and garden building for educational use (Use Class F1), provision of new pedestrian access and landscaping and removal of some external structures (associated with 23/AP/3458)

2 Dulwich Village London Southwark SE21 7AL

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

Existing Plans

Proposed Plans

APARTMENTS PROPOSED NORTH ELEVATION (SIDE VIEW) 233 REV A received 28/12/2023

APARTMENTS PROPOSED WEST ELEVATION (REAR VIEW) 232 REV A received 28/12/2023

APARTMENTS PROPOSED SOUTH ELEVATION (SIDE VIEW) 231 REV A received
28/12/2023

APARTMENTS PROPOSED EAST ELEVATION (FRONT VIEW) 230 REV A received
28/12/2023

APARTMENTS PROPOSED SECOND FLOOR PLAN 223 REV C received
28/12/2023

APARTMENTS PROPOSED FIRST FLOOR PLAN 222 REV C received 28/12/2023

APARTMENTS PROPOSED GROUND FLOOR PLAN 221 REV B received
28/12/2023

Other Documents

PROPOSED SITE PLAN 102 REV B received 13/12/2023

PROPOSED SECTION C-C 242 REV A received 28/12/2023

PROPOSED SECTION B-B 241 REV A received 28/12/2023

PROPOSED SECTION A-A 240 REV A received 28/12/2023

APARTMENTS PROPOSED ROOF PLAN 224 REV A received 28/12/2023

APARTMENTS PROPOSED BASEMENT PLAN 220 REV A received 28/12/2023

Time limit for implementing this permission and the approved plans

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

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

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

3. No demolition or construction works shall begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site has been submitted to and approved by the Local Planning Authority. The Construction Logistics Plan shall identify all efficiency and sustainability measures that will be taken during construction of this development. The development shall not be carried out otherwise than in accordance Construction Logistics Plan or any amendments thereto.

Reason: To ensure that construction works do not have an adverse impact on the transport network and to minimise the impact of construction activities on local air quality, in accordance with the National Planning Policy Framework (2023); T1 (Strategic approach to transport), Policy T4 (Assessing and mitigating transport impacts), Policy T7 (Deliveries, servicing and construction), Policy SI 1 (Improving air quality) of the London Plan (2021); Policy P56 (Protection of amenity) of the Southwark Plan (2022).

Further information and guidance is available at:
https://www.clocs.org.uk/resources/clp_guidance_clocs_final.pdf

4. Arboricultural Method Statement

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

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

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

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

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

agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2023 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and the following policies of The Southwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity, and P61, Trees.

Permission is subject to the following Grade Condition(s)

5. Cycle Parking Details

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).

6. Residential Refuse Storage

Prior to above grade works of the development hereby permitted begins, details of the arrangements for the storing of domestic refuse shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved refuse storage facilities shall be provided and made available for use by the occupiers of the development and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P62 (Reducing Waste) and Policy P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan (2022).

7. Hard and soft landscaping

Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds

maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: The National Planning Policy Framework 2023 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and the following policies of The Southwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity

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

8. Commercial Refuse Arrangements

Before the first occupation of the extension hereby permitted begins, details of the arrangements for the storing commercial refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse storage facilities shall be provided and made available for use by the occupiers of the development and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

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

Permission is subject to the following Compliance Condition(s)

9. Parking Permits

On-street parking permits will not be available for residents or schools in current or future CPZs.

Reason: London Plan Policy T6, Southwark Plan Policy P54, Southwark Air Quality Action Plan Action 7.5 and Southwark Movement Plan Action 7 will help Southwark to grow sustainably without adverse environmental impacts and emissions through car-free development.

Permission is subject to the following Special Condition(s)

10. PLANT NOISE

- a. The air source heat pump product shall be certificated in accordance with the latest version of MCS 007.
- b. The air source heat pump shall be designed and installed by an MCS Contractor in accordance with the latest versions of MIS 3005-D and MIS 3005-I. Upon installation, a report submitted by the MCS Contractor detailing acoustic predictions and mitigation measures to ensure the above standards are met shall be submitted in writing to and approved by the LPA.
- c. The installation shall be carried out in compliance with the calculation contained in Table 2. MCS Contractors must complete the 'results / notes' column in Table 2 for each step of the calculation procedure to show how it has been followed. The approved scheme shall be implemented and permanently maintained thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2023.

APPENDIX 2

Relevant planning policy

The National Planning Policy Framework (NPPF, 2023)

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 16 Conserving and enhancing the historic environment

The London Plan (2021)

- 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 D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy HC1 Heritage conservation and growth
- Policy G5 Urban greening
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction

The Southwark Plan (2022)

- P1 Social rented and intermediate housing
- P13 Design of places
- P14 Design quality
- P15 Residential design
- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P26 Local List
- P27 Education places
- P50 Highways impacts
- P53 Cycling
- P54 Car parking
- P56 Protection of amenity

- P61 Trees

Supplementary Planning Documents (SPDs)

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

APPENDIX 3**Planning history of the site and nearby sites**

Reference and Proposal	Status
00/AP/1153 Erection of 2 portable cabins [beside main building adjacent to Village Way] for a temporary period for use as classrooms plus erection of trellis along part of boundary to Village Way to increase height of fence to 2.5m.	Granted 09/11/2000
01/AP/0502 Retention of recreational surface with associated climbing apparatus within existing school rear garden area.	Granted 24/05/2001
21/AP/1547 Construction of a single storey 50m2 outdoor Eco classroom.	GRANTED-Minor Application 14/10/2021

APPENDIX 4

Consultation undertaken

Site notice date: 08/01/2024

Press notice date: 04/01/2024

Case officer site visit date: n/a

Neighbour consultation letters sent: 03/01/2024

Internal services consulted

LBS Environmental Protection

LBS Community Infrastructure Levy Team

LBS Archaeology

LBS Design & Conservation Team [Formal]

LBS Ecology

LBS Environmental Protection

LBS Highways Development & Management

LBS Transport Policy

LBS Waste Management

LBS Urban Forester

LBS Community Infrastructure Levy Team

Neighbours Consulted

7 Dulwich Village London Southwark

5 Dulwich Village London Southwark

3 Dulwich Village London Southwark

1 Dulwich Village London Southwark

32 Pond Mead London Southwark

37 Pond Mead London Southwark

30 Pond Mead London Southwark

33 Pond Mead London Southwark

21 Village Way London Southwark

18 Village Way London Southwark
15 Village Way London Southwark
6 Dulwich Village London Southwark
Dulwich Village C Of E Infant School 11 - 17 Dulwich Village London
9 Dulwich Village London Southwark
34 Pond Mead London Southwark
26 Pond Mead London Southwark
23 Pond Mead London Southwark
10 Dulwich Village London Southwark
20 Village Way London Southwark
19 Village Way London Southwark
17 Village Way London Southwark
16 Village Way London Southwark
14 Village Way London Southwark
2 Red Post Hill London Southwark
39 Pond Mead London Southwark
38 Pond Mead London Southwark
36 Pond Mead London Southwark
35 Pond Mead London Southwark
31 Pond Mead London Southwark
29 Pond Mead London Southwark
28 Pond Mead London Southwark
27 Pond Mead London Southwark
25 Pond Mead London Southwark
24 Pond Mead London Southwark
22 Pond Mead London Southwark
8 Dulwich Village London Southwark
4 Dulwich Village London Southwark

APPENDIX 5

Consultation responses received

Internal services

LBS Environmental Protection

LBS Community Infrastructure Levy Team

LBS Archaeology

LBS Design & Conservation Team [Formal]

LBS Ecology

LBS Environmental Protection

LBS Highways Development & Management

LBS Transport Policy

LBS Urban Forester

LBS Community Infrastructure Levy Team

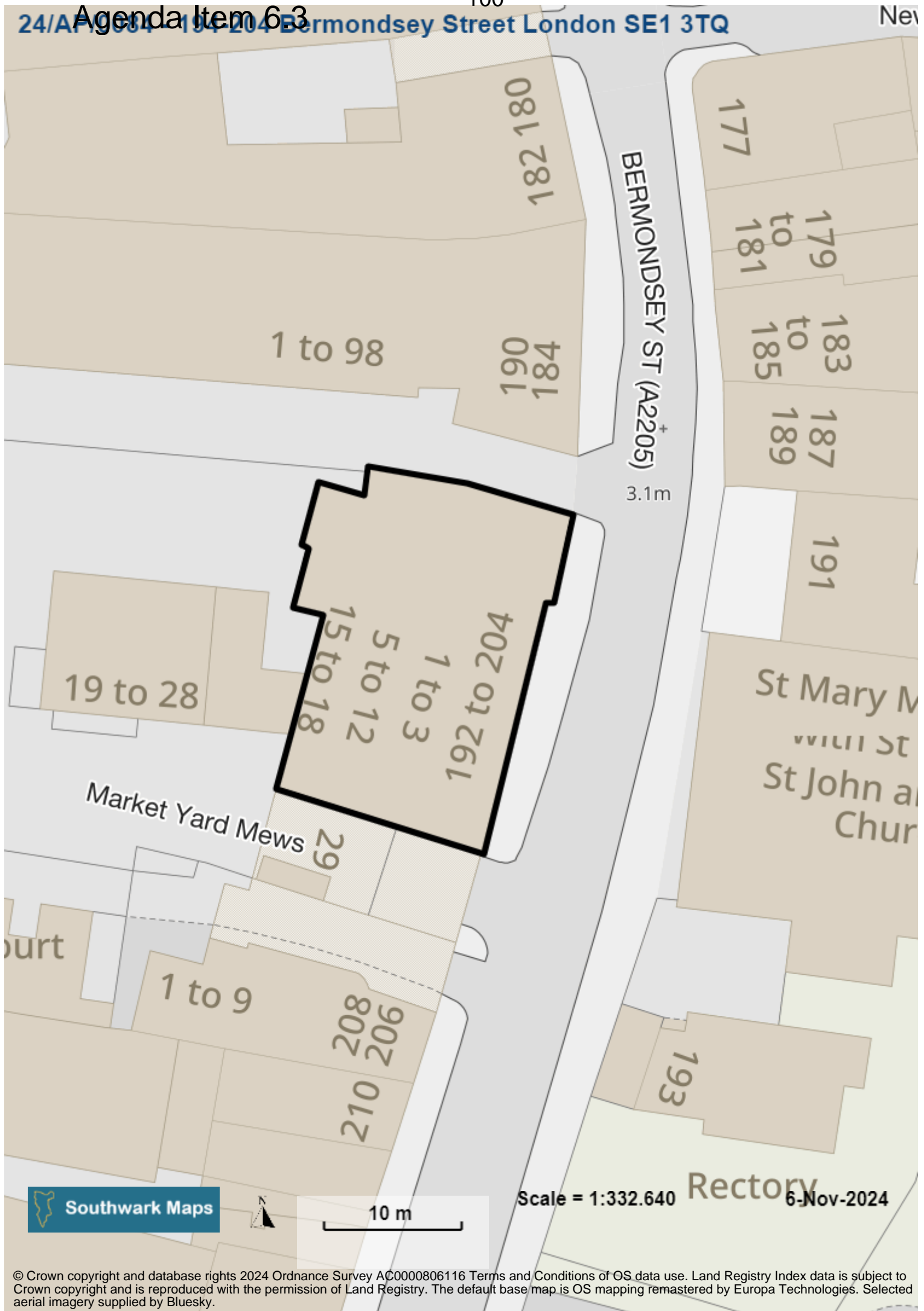
Neighbour and local groups consulted:

156 East Dulwich Grove London SE22 8TB

5 Frank Dixon Way London SE21 7BB

24/AN/004-194-204 Bermondsey Street London SE1 3TQ

New



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Meeting Name:	Planning Committee (Smaller Applications)
Date:	9 December 2024
Report title:	<p>Development Management planning application: Application 24/AP/0084 for: s73 Application (Variation of Condition)</p> <p>Address: Gail's Bakery 194-204 Bermondsey Street London Southwark SE1 3TQ</p> <p>Proposal: Variation of Condition 6 'Hours' of planning permission ref no. 17/AP/2490 'Variation of Condition 1, Approved Plans of permission 16AP4757 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class A3 (Restaurant); to allow for alterations to the approved shopfront.' Amendment sought: Vary opening hours of ground floor and basement commercial unit. The use hereby permitted for A1/A3 purposes shall not be carried on outside of the hours 07:00 to 23:00 on Monday to Sunday.</p>
Ward(s) or groups affected:	London Bridge & West Bermondsey
Classification:	Open
Reason for lateness (if applicable):	Not Applicable
From:	Director of Planning and Growth
Application Start Date: 12.01.2024	Application Expiry Date: 21.11.2024
Earliest Decision Date: 23.04.2024	

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

2. The proposal is for the variation of Condition 6 'Hours' of planning permission ref no. 17/AP/2490 'Variation of Condition 1 Approved Plans of permission 16AP4757 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class

A3 (Restaurant); The variation is allow an additional opening hour in the morning between 07.00 and 08.00 with the condition amended to 'The use hereby permitted for A1/A3 purposes shall not be carried on outside of the hours 07:00 to 23:00 on Monday to Sunday.' The application property is a 'Gail's Bakery' a nationwide chain of bakeries.

3. The application has been the subject of local objection due to deliveries being undertaken in the early hours of the morning. This was investigated by the Council's Planning Enforcement Team but it was found that the original permission granted in 2017 did not contain a condition restricting the time of deliveries.
4. It is not considered that the introduction of an additional hour of opening would cause significant harm to the amenities of adjoining occupiers and the ability to impose a condition, which could be enforced, on times of deliveries would improve the amenity of adjoining occupiers in terms of noise and disturbance.

BACKGROUND INFORMATION

Site location and description

5. The application site refers to the building and plot located at 194-204 Bermondsey Street. The existing property is a five-storey building located on the western side of the road with a private access running along the northern elevation. The proposal site refers specifically to the ground and basement floors.
6. The site is situated in
 - Bankside, Borough and London Bridge Opportunity Area
 - Borough, Bermondsey and Rivers Archaeological Priority Zone
 - Bermondsey Street Conservation Area
 - Central Activities Zone
 - Air Quality Management Area

Figure 1 – Site Location Plan



Figure 2 – Photograph of Existing building



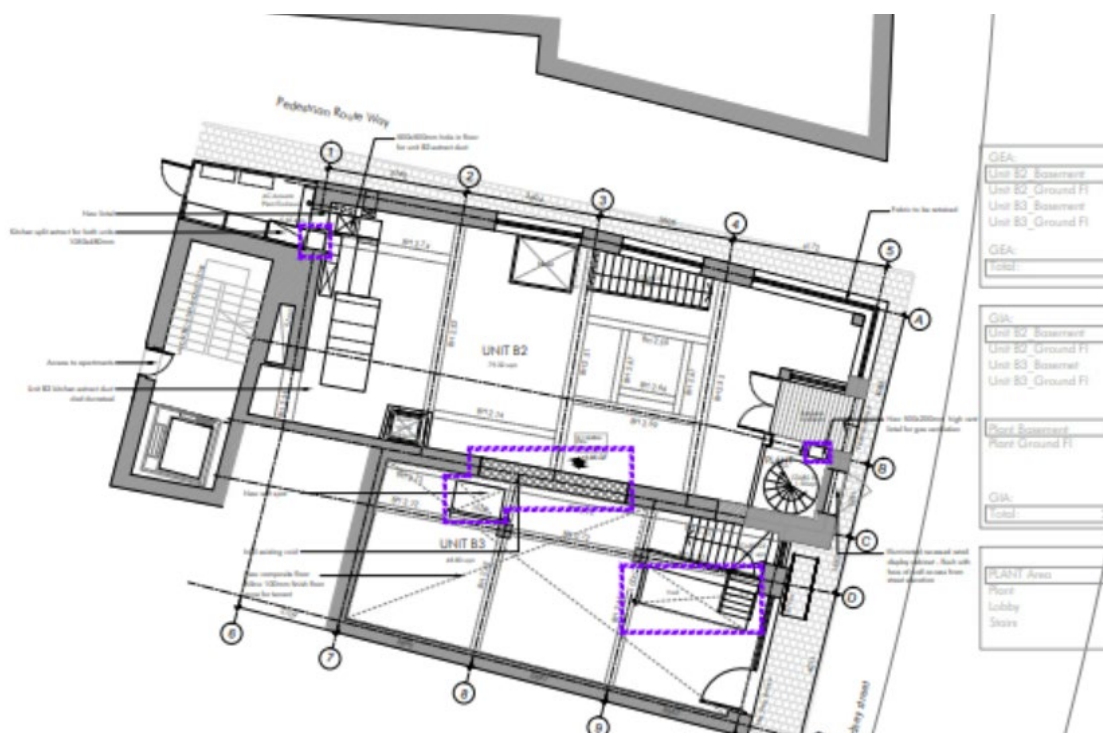
Details of proposal

7. The proposal is for the variation of Condition 6 'Hours' of planning permission ref no. 17/AP/2490 which itself was a variation of planning permission ref. 16/AP/4757. This original application saw consent granted for the change of use of the existing ground floor and basements properties at 194-204 Bermondsey Street from Class B1 to dual alternative Class A1/A3 use, amongst other external alterations to the building. Condition 6 of this consent (and also that of permission ref. 17/AP/2490) requires the use of the A1/A3 uses to only be carried out between the hours of 08:00 and 23:00 Monday to Sunday.

The amendment sought is to vary opening hours of ground floor and basement commercial unit to allow an additional hour of opening in the morning from 07.00 to 08.00 and therefore allow the use to operate from 07:00 to 23:00 Mondays to Sundays and Bank Holidays.

8. The site is currently occupied by Gail's Bakery since October 2022. Gail's Bakery specialises in handmade traditional artisan baking serving other restaurants and on-site customers. Gail's have other branches in London, Oxford and Brighton. As part of their business operation, including at this site, they typically open bakeries at 07:00 each day, and remain open until 18:00. This has been the mode of operation since October 2022. In November 2023, a complaint was lodged with the Southwark's Enforcement Team from nearby local residents about noise derived from Gail's deliveries which occur before the bakery opens. Deliveries to the bakery were being carried out before 7am and in some instances, according to residents, as early as 4:30am. The bakery was also opening before the 8am stated under condition 6.
9. There is no planning condition restricting the hours or method of deliveries to the site hence, no technical breach of planning control. However, following contact from the Southwark's enforcement team, Gail's Bakery have sought to resolve this matter by varying the hours of operation and positively mitigate the impact on neighbours through a Delivery Management Plan to place measures to reduce noise generated from deliveries. This Delivery Management Plan has been used at other Gail's bakery sites.
10. Accordingly, the proposed extension of one hour to the morning opening hours will bring this site in line with trading hours at other Gail's bakeries nationwide. The proposed extension of one hour will also ensure alignment with other operators within this location, including the following surrounding similar uses:
 - Café Murano, 184 Bermondsey Street. Whilst they have later operating hours, the planning permission covering their use of the site (ref. 15/AP/3880) imposes no condition on the hours of use of the ground floor A3 use.
 - Watchtower, 199 Bermondsey Street. Consent was granted under permission ref. 12/AP/1678 for use as a Class A1 coffee shop, with condition 5 allowing use between 07:00 and 18:00 Monday to Saturday.

11. Existing ground floor layout



Amendments to the application

12. A delivery service plan was submitted and an additional condition agreed, without prejudice to the final decision of the council. Previous objectors were notified of the plan and condition but there were an additional three objections raised.
13. The proposed condition states

Any deliveries or collections to the commercial units shall only be between the following hours: 07:00 to 20:00 with only one delivery/collection between 06:00 and 07:00 and in accordance with the delivery service plan.

Reason: To safeguard the amenity of neighbouring residential properties in accordance with the National Planning Policy Framework (2023); Policy P56 (Protection of amenity); P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Consultation responses from members of the public and local groups

Objections raised to original submission from the display of a site notice and the individual notification of adjoining occupiers

14. There were 6 objections to the original submission:

- Objections raised and the council's enforcement team contacted in relation to early hours deliveries and associated noise.
- Objectors concerning the earlier opening hours in the morning with resultant longer operating hours will result in even earlier deliveries and more noise.

Objections raised following the submission of the Delivery Service Plan and additional condition to original submission from the display of a site notice and the individual notification of adjoining occupiers.

15. Three additional objections were raised

- The delivery management plan, whilst nice to have, is a toothless document and is not enforceable by any third party - neither residents, nor the council.
- Gail's are currently operating illegally by opening at 7:15, despite their current planning permission only allowing 8am. They are seeking this amendment to regularise their current illegal activity. Early morning deliveries are still occurring.
- They have been bad neighbours in other ways including not using dedicated businesses refuse room only 5 metres away and leaving it on the street. This has repeatedly resulted in cardboard waste piling up and has the unpleasant effect of encouraging fly tipping
- I am surprised that council does not have control over delivery hours when considering the impact that an extension of a business's trading hours has on the environment, specifically residential properties.
- No guarantee they won't breach any extended hours.
- If they are saying that they can open at 7am with a daily delivery made between 6am and 7am, then the compromise perhaps is that they open at 7.30am, Monday to Friday, with a delivery after 6.45am and 8am on weekends with deliveries at 7.30 am onwards.

16. One additional representation

It would be good news if there is an enforceable obligation not to receive deliveries before 6am (and only one allowed before 7am)

I would prefer a 7:30 opening time but no comments otherwise.

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

Summary of main issues

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

- Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight
- Consultation responses and community engagement
- Community impact, equalities assessment and human rights

Legal context

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

Planning policy

20. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (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 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

21. The ability to seek minor material amendments to extant planning permissions is set out within S.73 of the Town and Country Planning Act 1990. Unlike an application for 'non-material changes' (S.96A applications) an application under S.73 results in a new permission being issued, although the time given to implement the permission remains unchanged, and is not extended as a result of any S.73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the point it determines a S.73 application, it must also take into account the scope of the changes being requested, and the status of the permission, in terms of how far construction has progressed.
22. The requested changes relate to a change in opening times for which there is considered to be no new land issues.

Design issues and Heritage considerations

23. There are no design or heritage issues as the proposal is to vary a condition to allow an earlier start time of 07.00 rather than 08.00 for an existing commercial unit granted in 2016 and there will be no physical alterations.

Biodiversity Net Gain

24. In England, Biodiversity Net Gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
25. The PPG on BNG states that the mandatory BNG condition does not apply to section 73 permissions where the original permission which the section 73 permission relates to was granted before 12 February 2024. The application is therefore exempt from the requirement to deliver mandatory BNG.

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

Noise issues

26. The primary issue raised by objectors to the proposal is in relation to deliveries in the early hours of the morning and the noise created. However, no condition was imposed in relation to deliveries and therefore they could take place any time of the day and were not subject to a delivery management plan. It is considered that a condition to prevent deliveries before 6 am or after 8 pm on any day will allow the control of the times of deliveries to safeguard and mitigate impact on the amenity of local residents in this mixed use area.
27. The environmental protection team suggested a number of conditions, but these were only relevant to a new use. The environmental protection team commented on deliveries and requested a Service Management Plan.
28. It is not unreasonable, in planning terms, to allow a bakery providing breakfast items and hot drinks to open at 7.00 in the morning to allow people travelling to work or with early working to be able to purchase items at this time. This is a common and standard time of opening for many bakery and breakfast outlets. If permission were to be granted, it would also enable the council to add an additional condition restricting the hours of delivery to the property. If the condition was not adhered to, then it could be enforced against. Therefore, on balance, the granting of the additional hour of trading of 07.00 to 08.00 is considered to be acceptable and not unduly harm the amenity of adjoining occupiers in terms of noise and disturbance.

The proposed conditions are considered relevant to the development permitted, enforceable, precise and reasonable in all other aspects.

Energy and sustainability

29. No impacts further to those previously considered under the parent applications 16/AP/4757 and 17/AP/2490.

Flood risk

30. No impacts further to those previously considered under the parent application 17/AP/2490.

Mayoral and borough community infrastructure levy (CIL)

31. Not applicable due to no additional floorspace being provided, only a change in opening times.

Other matters

32. Objectors have raised matters in relation to inappropriate storage of waste materials on the street, this is not a matter that is the subject of this proposal.

Consultation responses from Members of the Public

33. There were 6 objections to the original submission:
- Objections raised and the council's enforcement team contacted in relation to early hours deliveries and associated noise.
 - Objectors concerning the earlier opening hours in the morning with resultant longer operating hours will result in even earlier deliveries and more noise.

Objections raised following the submission of the Delivery Service Plan and additional condition to original submission from the display of a site notice and the individual notification of adjoining occupiers.

Three additional objections were raised:

- The Delivery Management Plan, whilst nice to have, is a toothless document and is not enforceable by any third party - neither residents, nor the council.
- Gail's are currently operating illegally by opening at 7:15, despite their current planning permission only allowing 8am. They are seeking this amendment to regularise their current illegal activity. Early morning deliveries are still occurring.
- They have been bad neighbours in other ways including not using dedicated businesses refuse room only 5 metres away and leaving it on the street. This has repeatedly resulted in cardboard waste piling up and has the unpleasant effect of encouraging fly tipping.
- I am surprised that council does not have control over delivery hours when

considering the impact that an extension of a business's trading hours has on the environment, specifically residential properties.

- No guarantee they would not breach any extended hours.
- If they are saying that they can open at 7am with a daily delivery made between 6am and 7am, then the compromise perhaps is that they open at 7.30am, Monday to Friday, with a delivery after 6.45am and 8am on weekends with deliveries at 7.30 am onwards.

34. One additional representation

It would be good news if there is an enforceable obligation not to receive deliveries before 6am (and only one allowed before 7am)
I would prefer a 7:30 opening time but no comments otherwise.

Officer comment

- It is considered that on balance, the additional hour of operation and the ability to impose a condition to restrict delivery times at the property will help overcome most of the noise and disturbance issues being caused to adjoining occupiers. The condition in relation to deliveries would be enforceable by the council's planning enforcement team.

Consultation responses from internal consultees

35. Environmental Protection Team

- Suggested conditions
- The main issue with delivery is the impact of noise
- The thorough process of designing a DMP in such a sensitive area involves conducting a noise impact assessment and developing a plan to minimise noise impact.

Officer comment

- The suggested conditions could only be used for a new use and not a variation of hours
- A Delivery Management Plan was sent to the case officer in the Environmental Protection Team, no response was received at the time.

Community impact and equalities assessment

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

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

The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human rights implications

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.

This application has the legitimate aim of increasing the hours of operation of a commercial unit. 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

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

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?	NO
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES in relation to an additional condition
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	N/A

CONCLUSION

It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Michele Sterry, Planning Officer		
Version	Final		
Dated	6 November 2024		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director, Resources		No	No
Acting Strategic Director, Environment, Sustainability and Leisure		No	No
Strategic Director, Housing		No	No
Date final report sent to Constitutional Team			22 November 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.

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

This document is not a decision notice for this application.

Applicant Gail's Ltd	Reg. Number	24/AP/0084
Application Type Minor application		
Recommendation	Case Number	PP-12726370

Draft decision notice**for the following development:**

Variation of Condition 6 'Hours' of planning permission ref no. 17/AP/2490 'Variation of Condition 1 Approved Plans of permission 16AP4757 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class A3 (Restaurant); to allow for alterations to the approved shopfront.' Amendment sought: Vary opening hours of ground floor and basement commercial unit. The use hereby permitted for A1/A3 purposes shall not be carried on outside of the hours 07:00 to 23:00 on Monday to Sunday.

In accordance with application received on 12 January 2024 and Applicant's Drawing Nos.:

Proposed Plans

01-100 REV B - PROPOSED BASEMENT FLOOR PLAN

116-PL-101 Rev A - PROPOSED GROUND FLOOR

Plan - proposed - 01-110 REV A - PROPOSED ALTERATION PLAN - BASEMENT FLOOR

Plan - proposed - 01-111 - PROPOSED ALTERATION PLAN - GROUND FLOOR

116-PL-200 Rev A PROPOSED ELEVATION BERMONDSEY STREET

116-PL-201 Rev A

116-01-202 Rev B - PROPOSED REAR ELEVATION

116-01-300 Rev A - PROPOSED SECTION

Amended plan - TNAL PITS RECORDS

Amended plan - 6925-300 REV SK - SITE INVESTIGATIONS

Other Documents

Transport statement

Design and access statement

VENTILATION STRATEGY

PRELIMINARY ENVIRONMENTAL RISK ASSESSMENT

MARKETING REPORT

Flood risk assessment

Noise impact assessment

Permission is subject to the following Compliance Condition(s)

2. The use hereby permitted for A1/A3 purposes shall not be carried on outside of the hours 07:00 to 23:00 on Monday to Sunday.

Reason:

To safeguard the amenity of neighbouring residential properties in accordance with the National Planning Policy Framework (2023); Policy P56 (Protection of amenity) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

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

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National

Planning Policy Framework (2023); Policy P56 (Protection of amenity) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

4. Any deliveries or collections to the commercial units shall only be between the following hours: 07:00 to 20:00 with only one delivery/collection between 06:00 and 07:00 and in accordance with the Delivery Service Plan.

Reason: To safeguard the amenity of neighbouring residential properties in accordance with the National Planning Policy Framework (2023); Policy P56 (Protection of amenity); P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

APPENDIX 2

Relevant planning policy

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 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- 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 D14 Noise
- 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:

- P18 Efficient use of land
- P35 Town and local centres
- P56 Protection of amenity
- P57 Open space
- P66 Reducing noise pollution and enhancing soundscapes
- P68 Reducing flood risk

Emerging planning policy

The following emerging SPDs are undergoing consultation in summer 2024 and are due to be adopted in May 2025:

- Climate and Environment SPD

APPENDIX 3

Planning history of the site and nearby sites

16/AP/4757 Change of use granted 02/02/2017 Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class A3 (Restaurant), together with lowering of the existing basement floor and external alterations; including new shopfront and window to the side return at ground floor; new kitchen extract to the rear of the building and plant

17/AP/2490 - Granted 18/08/2017 Variation of Condition 1 Approved Plans of permission 16-AP- 757 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class A3 (Restaurant); to allow for alterations to the approved shopfront.

17/AP/3559 - Granted 14/11/2017 PARTIAL APPROVAL OF DETAILS of Condition 3, a programme of archaeological mitigation works, pursuant to planning permission 17-AP-2490 for: Variation of Condition 1, Approved Plans of permission 16-AP-4757 for: Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within Class A1 (retail) of Class A3 restaurant); to allow for alterations to the approved shopfront.

17/AP/3587 - Granted 17/11/2017 Partial discharge of Condition 4, relating to part (a), 'site investigation and risk assessment', pursuant to planning permission

17/AP/2490 for: Variation of Condition 1 Approved Plans of permission 16AP4757 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within Class A1 (retail) or Class A3 (Restaurant); to allow for alterations to the approved shopfront

17/AP/4458 - Granted 17/01/2018 Details of Condition 5 'Glazing, Window frames and Signage details' pursuant to planning permission ref: 17/AP/2490 for the Variation of Condition 1 'Approved Plans' of permission 16/AP/4754 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class A3 (Restaurant); to allow for alterations to the approved shopfront.)

18/AP/1727 - Granted 02/08/2018 Details of Condition 4 - Contamination Report as required by planning permission dated 18/8/2017 [LBS ref no 17AP2490] for variation of Condition 1 Approved Plans of permission 16AP4754 (Change of use of existing ground floor and basement premises from Class B1 office to Dual Alternative use within class A1(Retail) or Class A3 (Restaurant); to allow for alterations to the approved shopfront.

22/AP/2432 - Granted Minor Application 09/12/2022 Installation of a metal security gate in front of the existing entrance door to the unit on the building's eastern elevation.

APPENDIX 4**Consultation undertaken****Site notice date:** 23/01/2024**Press notice date:** 18/01/2024**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 17/01/2024**Internal services consulted**

LBS Environmental Protection

LBS Environmental Protection

Statutory and non-statutory organisations**Neighbour and local groups consulted:**

Unit B2 194 - 204 Bermondsey Street London
 Ground Floor 194 - 204 Bermondsey Street London
 Unit B3 194 - 204 Bermondsey Street London
 Flat 1 3 Market Yard Mews London
 Flat 10 3 Market Yard Mews London
 Flat 7 3 Market Yard Mews London
 Flat 11 3 Market Yard Mews London
 Flat 6 3 Market Yard Mews London
 Unit 5 194 - 204 Bermondsey Street London
 Flat 18 3 Market Yard Mews London
 Flat 3 3 Market Yard Mews London
 Flat 15 3 Market Yard Mews London
 Flat 8 3 Market Yard Mews London
 Flat 17 3 Market Yard Mews London
 Flat 16 3 Market Yard Mews London
 Unit 1 194 - 204 Bermondsey Street London
 Flat 5 3 Market Yard Mews London
 Flat 2 3 Market Yard Mews London
 Flat 12 3 Market Yard Mews London
 Flat 9 3 Market Yard Mews London

Consultation responses received

Internal services

LBS Environmental Protection

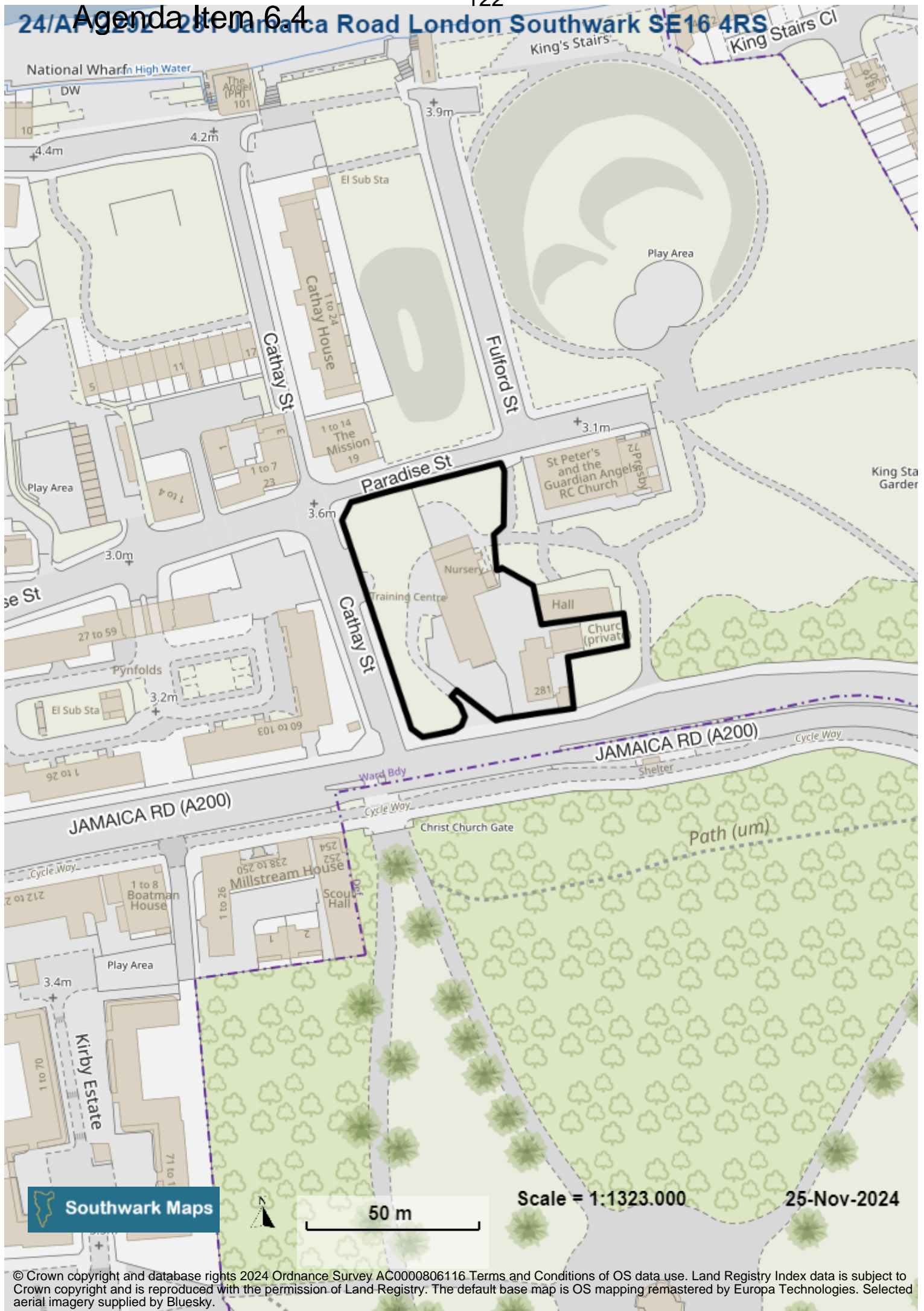
Statutory and non-statutory organisations

Neighbour and local groups consulted:

flat 10 , 3 Market Yards Mews 194
Bermondsey St London
Flat 1 3 Market Yard Mews London
Flat 5 2 Fair Street LONDON
Flat 1, 3 Market Yard Mews London SE1

3TJ
flat 10 Market Yard Mews London
1 cottages Market yard mews London

24/AR/2021-20 Jamaica Road London Southwark SE16 4RS



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Meeting Name:	Planning Committee (Smaller Applications)
Date:	9 December 2024
Report title:	<p>Development Management planning application: Application 24/AP/2292 for: Full Planning Application</p> <p>Address: 281 Jamaica Road, London, Southwark, SE16 4RS</p> <p>Proposal: Construction of single storey side extension to nursery. Demolition and rebuild of reception building. Reconfiguration of parking spaces and provision of short stay cycle storage with scooter rack. Construction of cycle store and new external store.</p>
Ward(s) or groups affected:	North Bermondsey
Classification:	Open
Reason for lateness (if applicable):	Not Applicable
From:	Director of Planning and Growth
Application Start Date: 28.08.2024	Application Expiry Date: 28.01.2025
Earliest Decision Date: 26.09.2024	

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

2. The application proposes the construction of single storey side extension to nursery, the demolition and rebuild of reception building, reconfiguration of parking spaces and provision of both short and long stay cycle storage.
3. The application is being referred to Planning Smaller Applications Committee as the new development is located on Metropolitan Open Land (MOL).
4. The proposal is considered to meet national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). The proposal would provide facilities that will allow the charity to expand their operation sustainably. The proposal would also preserve the appearance and character of the area, the openness of the MOL and not give rise to neighbour amenity or highway impacts.

BACKGROUND INFORMATION

Site location and description

5. The application site comprises a post-16 vocational college, a nursery and youth club. The proposal concerns the cluster of two-storey buildings with slate roofs comprising an early/mid C20 hall with a number of modern brick extensions. The buildings are set back from the streets and shielded by mature trees to the north, south and the west.
6. The nursery building relates to a large L-shaped, two-storey, post-war brick building which also serves the college. The existing reception room is a single storey structure to the southern end of the nursery with a pyramid hip roof of poor quality modern design. The site has both vehicular and pedestrian access from Jamaica Road, and pedestrian access from Paradise Street to the North.



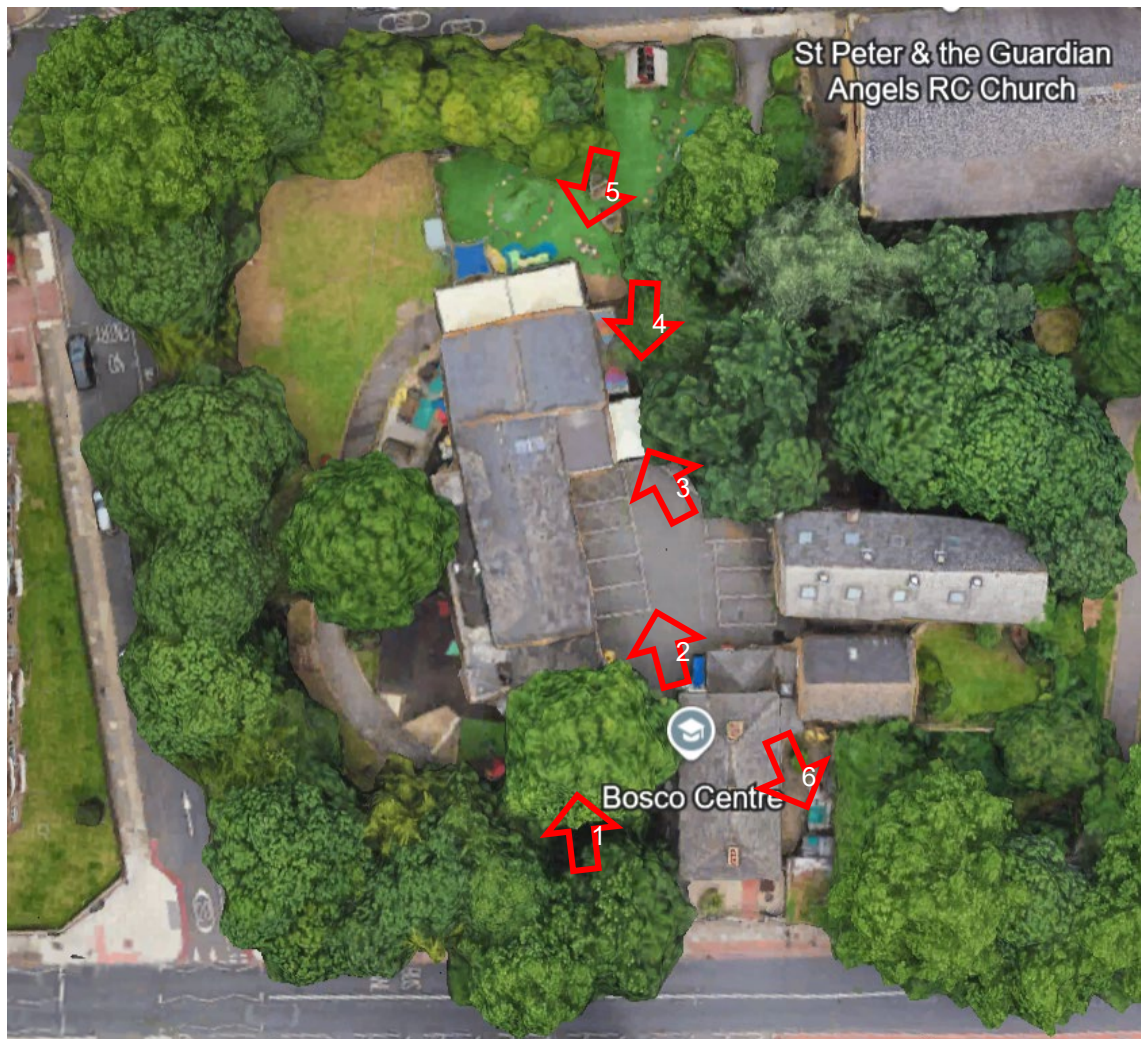
Aerial Plan of the site (the dotted red line denotes the extent of the new extension and long-stay cycle store)

7. In terms of heritage value, the site sits within the Edward III's Rotherhithe

Conservation Area and the setting of locally listed buildings, including the former vicarage on site facing Jamaica Road and the St Peter and the Guardian Angels RC Church to the northeast.



Site photographs (above). Locations of site photographs on aerial map (below)



Details of proposal

8. Planning permission is sought for the following development:

“Construction of single storey side extension to nursery. Demolition and rebuild of reception building. Reconfiguration of parking spaces and provision of short stay cycle storage with scooter rack. Construction of cycle store and new external store.”
9. The Bosco Centre College is a registered charity, set up by the Salesian Order, which operates a range of educational and community services. These include a nursery and youth clubs. The charity aims to empower young people to be honest, caring and employable citizens (with particular emphasis on those who are disadvantaged or discriminated against).
10. The college offers training to enable young people to obtain the qualifications to get a job and develop career and personal skills. For young people who want to consider childcare as a career, the nursery offers a chance to experience what it is like and help them decide whether they want to pursue an apprenticeship.
11. The proposals will aim to address the wasted areas on the site to create a better functioning nursery and college reception. The proposed college reception is in keeping with the existing building line. A new formal entrance is proposed to the nursery with its own reception that will provide safe internal access to playrooms for the children.

12.	The dimensions, materials and any other important features of the proposal are set out in the table below:	
	Maximum depth:	Side Extension: 19.2 metres Replacement Reception: 3.4 metres Short Stay Cycle Store: 5.315 metres Long Stay Cycle Store: 8.4 metres
	Maximum width:	Side Extension: 10.3 metres Replacement Reception: 10.3 metres Short Stay Cycle Store: 2.015 metres Long Stay Cycle Store: 3.65 metres
	Maximum height:	Side Extension: 3.2 metres Replacement Reception: 3.2 metres Short Stay Cycle Store: 2.1 metres Long Stay Cycle Store: 2.3 metres
	Materials:	Walls – composite cladding (Anthracite Grey) Windows and Doors – Aluminium window and door frames with clear toughened glazing (Anthracite Grey) Railings – Coated steel railing (Dark Grey) Roof – Green flat roof to be single ply membrane with Baudergreen extensive biodiverse green roof system that has 75:25 mix of wildflower to sedum Rainwater goods – Aluminium PPC (Anthracite Grey) Cycle Store- Timber
	Size:	Side Extension: 107 square metres Replacement Reception: 27 square metres Short Stay Cycle Store: 10.7 square metres Long Stay Cycle Store: 30.66 square metres

An accommodation schedule of the new rooms proposed is set out below:

Room	Size (Square metres)
Reception Room (college)	27
Office	9
Reception Room (Nursery)	9
Staff Room/Kitchen	15
Playroom 3 (inc. toilets)	68

13. The proposal reconfigures the car park layout of the site to reduce parking from 11no. to 7no. This includes the delineation of a blue badge space and 2no. active EV parking spaces.
14. The short stay cycle parking can accommodate 6no. short stay cycles and 10 scooters. The long stay parking can accommodate 8no. cycles including space

designed to accommodate 1no. disabled, adapted and cargo bicycle.

15. The proposed development will allow the centre to accommodate more pupils and staff. The development will result in an uplift of 9no. child places from 34no. to 43no. and 3no. staff from 11no. to 14no.



Image – Existing and Proposed Site Layout

Pre-application

16. A pre-application was carried out with LBS Case Officers in March 2024. The below concerns were raised:
 - Development was considered inappropriate on MOL and there was not currently sufficient evidence to justify a departure from the development plan, however, the principle of the nursery extension could be supported subject to further details and supporting documents.
 - Parking Numbers and Arrangement
 - Ecological Factors

Consultation responses from members of the public and local groups

17. The application has been advertised through site notices and a press notice and consultation letters sent to the immediate neighbours. No consultation responses were received from members of the public during the consultation period.

Planning history of the site

18.
 - 26 September 2016 - (ref. 14/EN/0293) For the Unauthorised erection of two single storey modular units (smoking shelter & two timber style sheds) on “metropolitan open land.”
 - 23 December 2015 - (ref. 15/AP/4563) T1 London Plane, T2 & T3 Ash, T4 & T5 Crown lift 4m over road due to complaint from council. T6 -T7 Ash and tree of heaven fell as growing through railings and will cause future problems. - Granted.
 - 3 October 2014 – (ref.14/AP/3096 | T1: Conifer - Fell due to heavy lean and poor condition. T2: London Plane - Repollard due to excessive shading. T3: London Plane - Repollard. The tree shades the property and light pruning would decrease this very slightly – Granted
 - 28 February 2013 - (ref. 12/AP/3815) Demolition of the existing home for nuns - Refused
 - 28 February 2013 - (ref. 12/AP/3385) Demolition of the existing building and construction of a new 3 storey home for nuns providing a total of 10 bedspaces – Refused
 - 31 March 1995 - (ref. 95/AP/0194) Demolition of existing garage & store & erection of new garage and store. (LBS original register no 9500194) - Granted

KEY ISSUES FOR CONSIDERATION

Summary of main issues

19. The main issues to be considered in respect of this application are:
 - Principle of the proposed development in terms of land use;
 - Design, including layout, building heights, landscaping and ecology;
 - Heritage considerations
 - Archaeology
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight
 - Noise
 - Transport and highways, including servicing, car parking and cycle parking
 - Environmental matters, including construction management, flooding and air quality
 - Energy and sustainability
 - Ecology and biodiversity
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses and community engagement
 - Community impact, equalities assessment and human rights
20. These matters are discussed in detail in the ‘Assessment’ section of this report.

Legal context

21. 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.
22. 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

23. 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. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
24. The site is located within the:
 - Edward II's Rotherhithe Conservation Area
 - Bermondsey Controlled Parking Zone (CPZ)
 - EA Flood Zone 3
 - Smoke Control Zone – North Bermondsey
 - Play Areas - Parks (300m Buffer)
 - Play Areas - Estates (300m Buffer)
 - Canada Water Action Area
 - Air Quality Management Area (AQMA)
 - Archaeological Priority Area (APA) - North Southwark And Roman Roads
 - Area Visions – AV.15 Rotherhithe
 - Area Visions – AV.03 Bermondsey
 - Hot Food Takeaway Exclusion Zone (Primary Schools)
 - Site of Importance for Nature Conservation (SINC) - King Stairs Gardens
 - Metropolitan Open Land (MOL)
 - Canada Water Opportunity Area
 - Suburban Zone North
 - Greenwich Park Wolfe Statue To St Paul's Cathedral LVMF London View Management Framework (LVMF)

ASSESSMENT

Principle of the proposed development in terms of land use

25. The application proposes an extension to an existing nursery, replacement reception building and cycle stores on MOL. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests.
26. There are cases where development on MOL is considered acceptable. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 154 of the NPPF (2023) and the Southwark Plan Policy P57. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and limited infilling of previously developed land, which would not have a greater impact on the openness of MOL than the existing development.
27. In respect to the London Plan Policies Policy GG2 'Making the Best Use of Land' highlights that development must protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening. This is supported by Policy G3 'Metropolitan Open Land' which sets out that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Policy G4 'Open Space' highlights that development proposals should not result in the loss of protected open space.
28. Elements of the proposed scheme falls under the list of exceptions for development on MOL through being extensions to an existing building. The proposed extensions are single storey, and proportionally sized in its scale and the mass to the surrounding context. This meets the exception criteria, and this element of the proposal is deemed to be appropriate development on this site.
29. The 2no. cycle stores are considered to constitute 'limited infilling of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development' (NPPF 2023, Para 153). As such, they too are considered to meets the exception criteria in land use terms.

Impact on openness of MOL

30. The proposed scheme is deemed to constitute an infill of the site being within the building cluster envelope and will only occupy already hardstanding area for the car park. Further, there is expected to be limited visibility of the proposed works from the street scene or surrounding MOL due to the existing vegetation already enclosing the site and orientation of the existing buildings.

Much of the existing site where the extension is proposed is covered by an existing canopy which is of no architectural quality.

31. Whilst increasing the built footprint of the site, the works sit on previously developed land/hardstanding would not significantly affect the openness of the MOL when compared with existing arrangements.
32. The long-stay cycle storage occupies an area of hardstanding and replaces an existing structure. At 2.3 metres in height, the proposal will not be visible from the rest of MOL and thus, its impact on the openness of MOL is considered insignificant. The modest size and materiality of the short-stay cycle store is not considered to have a significant detrimental impact on the MOL by way of visual or spatial impact. In summary, the proposal would conserve the openness of the MOL.

Special Circumstances

33. At Paragraph 153, the National Planning Policy Framework (NPPF) 2023 para 153 states that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

34. The proposal is considered to constitute an exception to ‘inappropriate development’ and is expected to provide a range of additional public benefits.
35. The proposal represents a local charity looking to sustainably grow to better meet the needs of the local community. The proposed scheme will allow for an increase in enrolment at the nursery from 34no. to 43no. and provide better space for children and staff in line with demand for childcare services. The centre provides day care for all children aged 6 months to 5 years. The uplift in 9no. places is considered a public benefit.
36. Directing the works to sit on the existing hardstanding orientation of the Site will ensure that the site will maintain the open space to provide safe play areas for the nursery children. A biodiverse green roof will be proposed for both the nursery and reception that will increase the existing biodiversity of the Site and reduce the risk of surface water flooding. This is important as it will encourage ecological enhancements to King’s Stairs Gardens (MOL) and reduce hard surfaces with an absorbent roof and sustainable drainage system.

Design

Site layout, Height, Scale and Massing



Proposed Site Plan

Reception

37. As a modern structure, the existing reception room is not of special historic or architectural interest. Its demolition and reconstruction are therefore considered to be acceptable. The proposed design will be single-storey and remains at the same width as the existing but extends in length to meet the building line of the existing side extension. Such height, scale and massing are considered subservient to the main hall and respectful of the existing urban grain.



Proposed South Elevation

Side Extension

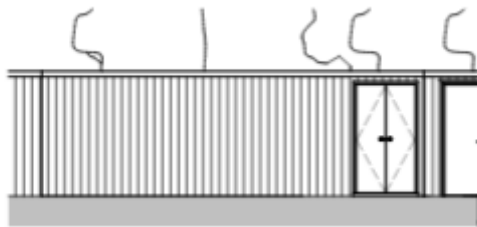
38. The proposed side extension will also be single storey and wrap around the east side of the cluster. There remains adequate distance between the proposed extension and the locally listed vicarage for its setting to remain undisturbed.
39. It is noted that open spaces, particularly King Stairs Garden, is an integral part of the character and significance of the conservation area (see para. 3.1.1 of the Conservation Area Appraisal). In this case, the proposals will mostly affect existing built-up areas within the site and is not readily visible from areas of openness.



Proposed East Elevation

Long Stay Cycle Store

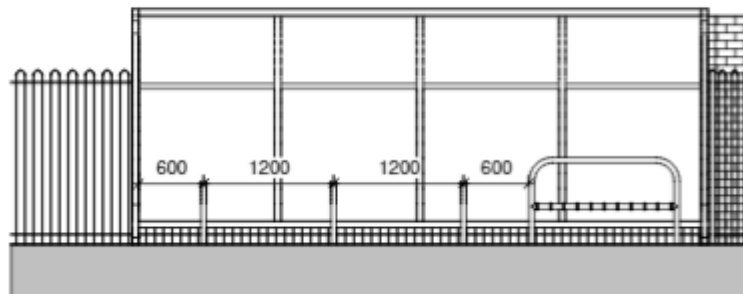
40. The new long stay cycle store is proposed to be east to the locally listed Bosco Centre. Care has to be given to ensure the material and dimension of this new bike store do not impact the fabric and setting of the locally listed building. The store is of a modest scale and does not come in contact with the locally listed building. The proposed timber cladding is considered an acceptable design response.



Proposed Long-Stay Cycle Store Elevation

Short Stay Cycle Store

41. The new children cycle shelter (short stay shelter) is located in the seating area outside the proposed Playroom 3. This shelter is also of a modest scale and the design of the shelter is appropriate in its context and is acceptable.



Proposed Short-Stay Cycle Store Elevation

Architectural design and materials

42. A consistent contemporary design will be adopted for both the reception room and side extension. The external walls will be vertical composite cladding in colour anthracite grey. Entrance doors to be UPVC in colour anthracite grey with clear toughened glazing. The bay windows for the nursery to be UPVC and be painted in 3 different colours (blue, red, yellow).
43. Despite sited within a conservation area, a modern design could be acceptable if it will preserve and enhance the character and appearance of the conservation area. In this case, the proposed design will be clearly distinguishable and is considered a playful addition to the existing brick buildings. The bay windows in the playroom are designed with a lower cill to better suit the needs of children, which is welcomed.



Proposed South View



Proposed South East View



Proposed Northeast View

Heritage Considerations

44. At single storey and shielded by mature trees, the proposed extensions are unlikely to affect the openness of King Stairs Garden and is therefore considered to preserve the character and appearance of the conservation area. There remains adequate distance between the proposed extension and the locally listed vicarage for its setting to remain undisturbed.
45. The design and conservation matters raised in the pre-application stage were addressed and the current proposal demonstrates it respects the setting of the locally listed building and is of an acceptable design quality - for example using aluminium windows instead of previously proposed UPVC. No objections are raised on design and conservation grounds and this opinion is shared by design and conservation officers.

Landscaping, trees and urban greening

46. The proposed green roofs will be BauderGREEN extensive green roof: BauderGREEN flora seed mixes and Plugs (75:25 mix of wildflower to sedum) on 80-150 varied biodiverse substrate on 40mm BauderGREEN DSE drainage layer. The proposed manufacturer specification and plans have been submitted providing further details on the green roof.
47. No other landscaping is proposed which is considered acceptable given the existing hardstanding nature of the site.

Ecology and biodiversity

48. King Stairs Gardens is a river front site situated in the north of Southwark. The site acts as an important green link between the Thames and the larger Southwark Park. The great majority of the site comprises amenity grassland,

planted trees, shrub, hedges and herbaceous perennials as well as smaller areas of recent secondary broadleaved woodland, scattered scrub and tall ruderal vegetation. The part of the site where the development is proposed is on existing tarmac/hardstanding within the cluster of existing buildings.

49. An ecological report (M3269), prepared by MS Ecology, has been submitted with this application. The report confirms that the study site provides minimal habitat of nature conservation value, consisting largely of tarmac, concrete paving or artificial grass. The short-mown grass at the eastern side of the site offers few opportunities. Adjacent habitats are of higher conservation value, none of which will be impacted by the development. There will be negligible impact on any protected species, with no suitable roosting features for bats, no suitable nesting habitat for birds and no suitable habitat for terrestrial species to be impacted.
50. As such, no ecological impacts are expected as a result of the proposal. The report has also been reviewed by LBS Ecologist who has confirmed no objection subject to conditions requiring net gains in biodiversity as required by Policy P60 Biodiversity. Some of these suggested conditions have been carried forward to the decision notice.

Biodiversity Net Gain

51. In England, Biodiversity Net Gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

There are currently four statutory exemptions and transitional arrangements which mean that the mandatory Biodiversity Gain condition does not always apply. This application has been assessed as being exempt for the following reason:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
52. The proposed development has been assessed as being exempt from Mandatory Biodiversity Net Gain requirements.

Designing out crime

53. A Safer Spaces Statement has been prepared within the submitted Design and Access Statement REV D. A summary of the key points within the statement is set out below:

- The proposed development provides accessible routes through the site, with generous spaces and well-lit footways
- The building has been designed to ensure there are active frontages, with no dark corners, maximising natural surveillance
- Railings will be set out around the site to prevent pedestrian-vehicle interactions
- A suitable footpath will allow pedestrian routes from Paradise Street
- CCTV will be implemented across the Site
- All perimeter fences are designed to provide appropriate levels of security and resistance to vandalism.

Fire Safety

54. A reasonable exemption statement has been submitted with the application. The submitted statement confirms that the current fire safety measures are appropriate and will not be adversely affected by the development. The alterations to existing safety measures include:

- The proposed development will not affect the existing fire appliance and assembly points. There is a space adjacent to the exit for the fire escape staircase for a fire appliance which can be accessed from gates located on the west off Cathay Street. Also, within the car park, a fire appliance can park to access both the college and nursery. Designated assembly points will be situated around the building exits.
- For passive safety measures the proposal will provide fire rated walls between the kitchen to nursery playroom and kitchen to reception. The floors will be made up of screed that has a high fire resistance.
- For active safety measures the existing provisions are sufficient for the existing building. Within the extension there will be heat and smoke detectors located within the rooms as required.
- The proposed building will be constructed of either blockwork or metal stud. Both materials have high fire resisting capacity and provides fire resistance above the requirements of building regulations. The chosen

cladding material for the external finish will be composite Cedral Click Cladding. The cladding boards have a fire resistance rating A2, s1 d0 which is the highest possible fire rating for cladding boards. They are non-combustible cladding which are fire resistant and will not spread fire.

- Means of escape for the proposed extension will include 4 new fire escape exits to replace the existing fire escape exits. There will be a suitable means of escape from all rooms within the building.
- The current evacuation strategy will be improved with more fire escape exits to provide suitable means of escape from the ground and first floor.
- Existing provisions for firefighting are sufficient and will not be affected by the proposed development. Access will not be prohibited during the construction or occupation phase.

The measures stated are expected to ensure a good standard of fire safety, thus the document is deemed acceptable for the purpose of planning permission.

The proposal is therefore considered to comply with Policy D12(a) of the London Plan 2021. Detailed consideration of the active and passive fire safety measures, materials, means of escape and evacuation strategy would also be carried out under the Building Regulations.

Archaeology

55. The site lies within an APA. A preliminary Archaeological Assessment has been submitted within the Design Access Statement REV D and the council's Archaeologist consulted on the proposal. Due to the scale of the proposal, there are no archaeological implications for this application. The proposals are away from the historic burial ground near to this site.

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

Privacy/overlooking, daylight/sunlight impacts, nor sense of enclosure/ loss of outlook

56. It is considered that given the use of the building, the setback from nearby sensitive receptors and single-storey nature of the development, there is unlikely to be any issues relating to a loss of neighbouring amenity. Specifically, a loss of privacy/overlooking, daylight/sunlight impacts, nor sense of enclosure/ loss of outlook.

Noise and vibration

57. It was considered whether an expansion of the nursery and uplift in child pupil numbers would cause significant adverse noise impacts which could be experienced by neighbours. The submitted noise impact assessment (ref. 3066-AF-00001-01, dated 20th June 2024) prepared by AFACOUSTICS shows acceptable internal noise levels within the nursery and demonstrates that the acoustic performance of the building will ensure that there will be no onerous impact on the effects of external noise levels as a result of the proposed development. In light of the distance to residents and the modest uplift to the existing operation it is considered unlikely that the extension will have any significant additional noise impact on the surrounding area and will not impact neighbouring amenity.

Transport and highways

Cycle Parking

58. For Nurseries, the required amount of long-stay cycle parking is 1 space per 8 Full Time Employed Staff + 1 space per 8 students, minimum 2 spaces. There are 14 staff, and 43 students. The required standard would therefore be 6 long stay spaces.
59. With regards to short stay cycle parking, the requirement is 1 space per 8 FTE staff plus 1 space per 8 students. Minimum of 2 spaces. The required standard would therefore be 6 short stay spaces.
60. The applicant has proposed 8 long-stay cycle parking spaces (including 1 accessible space). This complies with the required amount of parking. It is notable that the store has sufficient room to accommodate extra cycles for use by the college should the need arise.
61. 6 short-stay cycle parking spaces are proposed, plus 10 scooter parking spaces. This complies with the required amount of parking and the addition of 10 scooter parking spaces is a welcome improvement to the existing provision.
62. As per the LCDS Chapter 8, all proposed spaces are in Sheffield stand form with either a minimum of 1200mm clear space between stands, or 600mm to one side. 1 cycle parking space within the long-stay store has been designed to accommodate disabled, adapted and cargo bicycles and has at least 900mm clear space to one side.
63. The long-stay cycle store is secured with a lockable door, fully weatherproof and enclosed on all sides. The proposed cycle storage aligns with London Plan Policy T5, Southwark Plan Policy P53, London Cycle Design Standards Chapter 8, DfT LTN/120, Southwark Air Quality Action Plan Action 7.8, Streets for People objectives 3, 5 and 8, Southwark Council Delivery Plan, Cycling Plan objectives 4, 5 and 6.

Car parking

64. The applicant has proposed the removal of 4 of the existing 11 car parking spaces. 7 parking spaces, including 1 Blue Badge Bay, will be re-provided for staff. The removal of several parking spaces will help to reduce private vehicle modal share among staff and therefore accords to London Plan Policy T6 and Southwark Plan Policy P54.
65. The applicant has provided tracking demonstrating that smaller 4.5 metre vehicles and larger 4.9 metre vehicles can safely manoeuvre in and out of the standard and disabled parking spaces.
66. The applicant has proposed 1 Blue Badge Bay. This accords to adopted policy and to BS:8300:1 standards, with hatched buffer zones of at least 1.2 metres
67. on both sides and to the rear of each space. As per request of Transport Policy Officers, due to site level and gradient differences, the blue badge bay has been moved to the opposite side of the car park (closer to reception). This is in line with London Plan policy T6.5, Southwark Plan Policy P55, Figure 3; section 7.6 and Figures 4, 5 & 6, Southwark Council Delivery Plan.
68. The applicant has proposed that a minimum of 20% of car parking spaces would be equipped with active electric vehicle (EV) charging provision. This aligns with London Plan Policy T6.1, Southwark Plan Policy P54, Streets for People objective 11, Southwark Air Quality Action Plan Action 7.7, Southwark Council Delivery Plan.

Site layout

69. Vehicle access and crossover on Jamaica Road to remain as existing. The existing vehicle access does not provide adequate pedestrian and vehicular sightlines. In accordance with Manual for Street and Southwark Council's DS.114 (Highway Visibility) requirements, existing crossovers in sites undergoing re-development or intensification of use must have minimum pedestrian and vehicle sightlines. In response to this, the applicant has agreed to chamfer that the existing boundary wall and fence at the access off Jamaica Road will be realigned / chamfered to accommodate 1.5m × 1.5m pedestrian visibility splays which will be clear of any obstruction above 600mm. This is seen as a positive improvement to the wider site which will improve vehicle and pedestrian safety.
70. The Vehicle gate is electronically controlled and restricted to staff and visitors. Access is via fob (Only issued to staff) or via an intercom. Nursery parents do not access the site from Jamaica Road and are not allowed to use the car park. Pedestrian and cyclist access is proposed at the northeast side of the site, through Kings Stairs Gardens from Paradise Street.

Trip generation

71. The car park (and access) is only available to staff and the proposed development would increase the provision of staff from 11 to 14. The proposals reduce the provision to 7 car parking spaces which aligns with TfL guidance for a reduction in car parking which, by design, will encourage access by active and sustainable modes of travel. Whilst not a completely car-free development, this reduction is a welcome improvement to the existing situation.
72. A Transport Statement (TS) (ref. ADL/AM/6335/10A, prepared by ADL Traffic), has been submitted within this application. The applicant has proposed that trip generation will not experience significant change with the proposed development suggested to generate 5 and 4 additional (two-way) vehicle trips during AM and PM peak hours. This increase in trips includes both staff parking and those dropping off children – however, it is important to note that parents / guardians are not permitted to access the car park and it is therefore unlikely that the modest uplift in trips will be felt by the local transport network. The proposed development will not lead to vehicles parking/queuing along Jamaica Road.
73. In terms of staff parking, the Site lies within PTAL 6a, indicating a highly accessible location. The submitted TS provides a detailed account of the site's accessibility to active and sustainable travel (including an ATZ assessment) and concludes that staff would be able to travel without using a private car based on an excellent provision of footways, cycle routes, public transport nodes, crossing points, and local traffic calming measures. The proposal will result in an uplift of 4no. staff which is considered insignificant and it is considered a car park with 7no. spaces will sufficient to manage the parking needs of the site.

Servicing and deliveries

74. The proposals would comprise only minor extension works (plus rebuilding the reception) to facilitate 43 children (an increase of 9) and 14 staff (an increase of 3). There would not be a change of occupier and the site will generate a negligible increase in vehicular traffic.
75. The delivery and servicing arrangements would be retained as per the existing situation on site, there is no change expected in delivery/servicing trips.
76. Delivery and servicing vehicles are able to stop on Jamaica Rd within the bus lane which fronts the site outside of restricted hours (07:00 – 19:00, Monday to Saturday). This is suitable for large delivery vehicles which are unable to enter the site and car park.
77. TFL raised that there is the potential to amend the servicing restrictions on Jamaica Road, however, this is not currently the case. To align with TfL potential amendment to change Jamaica Road from “no stopping 7am-7pm” to “no stopping at any time”, the applicant has suggested that deliveries would occur on Cathay Street. Alternatively, deliveries are also possible from Paradise Street which is subject to single/double yellow line restrictions in the vicinity of the junction with Fulford Street. Paradise Street benefits from a bank

of parking spaces on the south side, fronting the church, which would be suitable for delivery vehicles (with rear nursery access via King's Stairs Gardens).

78. Smaller delivery vehicles, such as a 3.5T panel van (5.3m in length), would be able to enter and exit the car park using the site access on Jamaica Road. These deliveries will therefore not be required to adhere to Red Route restrictions but would be scheduled to occur outside of nursery operating hours.
79. Overall, the existing delivery and servicing operation is considered acceptable. If TFL's amendments are carried forward to amend servicing from Jamaica Road, officers are satisfied that reasonable and safe alternatives exist and the applicant has the ability to adapt to future restrictions.

Refuse storage arrangements.

80. Existing general waste is under contract to CB Waste management. Medical waste (nappies etc) is under a separate contract with PHS. All recycling throughout the site is managed via Southwark in mixed bins provided on site. A plan showing the Waste Strategy has been submitted with the application demonstrating the location of the bins towards the south of the Site near the site entrance. A SWMP has been included with the submitted design and access statement.
81. There are no changes to the existing arrangements, and it is considered that the proposal will accord with LBS Waste Management Guidance Notes and Waste Management Strategy Extension 2022 – 2025.

Environmental matters

Construction management

82. Jamaica Road is a classified road which is part of TFL's road network. Due to the sensitive location of the site, a Demolition Plan and a Construction Environment Management Plan (CEMP) (Rev B, prepared by Archer Architects) addressing how effects of construction on the environment will be avoided, minimised or mitigated has been submitted. The plan demonstrates how construction using public highways can be safely accomplished and how vehicular movements will be minimised and controlled to reduce danger to vulnerable road users.
83. The submitted plans show the locations of site hoarding, wheel washing, materials and skips, site office and welfare facility, vehicle access gates, banksman and signage, and informal staff parking area. Tracking of the construction and delivery vehicles proposed navigating Cathay Street and Jamaica Road have been provided to demonstrate that the construction proposal is suitable.
84. The secure gated entrance from Jamaica Road will provide access to the site car park for staff. There will be 4 parking spaces designated for staff parking.

Areas during construction will be separated through site hoarding to minimise disruption to the operations of the college and nursery. During construction, deliveries will be received via the Cathay Street crossover. As there is a contraflow cycle lane on Cathay Street, the banksman will ensure that the vehicles safely carry out the manoeuvre and pedestrians and cyclists are safe.

85. Working hours will generally be as follows:

- 08:00 – 18:00 Monday to Friday
- 09:00 – 13:00 Saturday
- No working on Sundays or Bank Holidays

86. Due to the large storage area within the site's construction compound, it is expected an average of 1 with a maximum of 2 one-way delivery trips to the site per day could be expected in a mix of vehicle-types. To align with Policy T7, this will be coordinated through a booking system with a designated fixed time slot for vehicles to arrive in. This will mitigate any potential for two vehicles arriving at the same time and ensures that no vehicles will be waiting on Jamaica Road or Cathay Street.

87. The proposal is therefore considered to comply with Southwark Plan Policy P50, Streets for People objective 10, Southwark Air Quality Action Plan Action Actions 2.1, 2.2, 2.5 and 2.7, Southwark Council Delivery Plan, Southwark Walking Plan objective 1.

Flood risk

88. The NPPF 2023 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).

The Environment Agency have been consulted on the application and directed the case officer towards the national Flood Risk Standing Advice (FRSA).

The Southwark flood risk team have been consulted and returned no comments.

Site Context

89. The development site is located in Flood Zone 3, as identified by the Environment Agency flood map. Zone 3 is highest risk, which indicates a high probability of flooding. Analysis of the EA's flood model data indicates that the Site has a Very Low risk of tidal flooding from the River Thames, when factoring in flood defences. However, there remains a residual risk should a

breach in the Thames flood defences occur.

Sequential Test

90. 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.
91. The site was not assessed as part of the Council's Strategic Flood Risk Assessment (2017). A site-specific Flood Risk Assessment (ref. 82554R1, prepared by GeoSmart) has been submitted. The proposed development is an extension to the existing nursery / reception and is therefore considered to be a minor extension. This is defined as a household or non-domestic extension with a floor space of no more than 250 m². As a result, as the proposals are defined as "minor development – householder development" they are not subject to the Sequential Test or an Exception Test.
92. The effect of the overall development will potentially result in an increase in the number of occupants and/or users of the Site but will not result in the change of use, nature or times of occupation. According to Annex 3 of the NPPG (2022), the vulnerability classification of the site is as 'More Vulnerable'. The estimated lifespan of the development is 75 years. There are no basements proposed.
93. There is a risk of flooding from tidal sources (in the event of a breach in the existing flood defences), where flood depths could be up to 0.89 m on Site. As the development is an extension to an existing building, it is likely not feasible to raise FFLs. It may be acceptable to keep the new floor levels the same but no lower than the existing FFL's.
94. The submitted flood risk assessment sets out a number of sea (estuarine) flood mitigation measures as there is a residual risk of flooding as a result of a breach in flood defences on the River Thames. A number of the key mitigation measures are provided below:
 - A Flood Warning and Evacuation Plan (FWEP) is recommended to ensure persons using the Site can evacuate safely on receipt of a Flood Warning.
 - Users of the Site should also be signed up to receive EA Flood Alerts and Flood Warnings.
 - The ongoing management and maintenance of existing and any proposed drainage networks, under the riparian ownership of the developer, should be undertaken in perpetuity with the development.
 - A business continuity plan is recommended to reduce risks to people, property and profit.
 - Sustainable Drainage Strategy (SuDS) should be developed for the Site, for

effective management of surface water runoff over the lifetime of the proposed development.

- Use of low permeability building materials up to 0.3 m such as engineering bricks (Classes A and B) or facing bricks;
- Hard flooring and flood resilient metal staircases
- The use of internal lime plaster/render or where plasterboards are used these should be fitted horizontally instead of vertically and/or using moisture resistant plasterboard at lower levels;
- Water, electricity and gas meters and electrical sockets should be located above the predicted flood level
- Communications wiring: wiring for telephone, TV, Internet and other services should be protected by suitable insulation in the distribution ducts to prevent damage.
- Where flood depths are expected to exceed 0.6 m at the Site, a water entry strategy should be adopted to preserve building integrity and to promote flood resilience rather than resistance (which is more difficult to achieve for significant flood depths).

95. The proposed development involves an increase of permeable surfaces at the Site: for example, through the installation of green roofs. This will increase soft landscaping across the site by approximately 107 square metres. Rainwater harvesting is being proposed to collect run-off from the roofs for use in non-potable situations like water butts.

96. The works are considered to align with the 'Minor extensions standing advice' from the EA Flood Risk Standing Advice for vulnerable developments located in Flood Zones 2 or 3 (February 2022). It is considered that it would be disproportionate in planning terms to ask for the flood mitigation measures as a condition as the proposed development is an exemption to both the sequential and exception tests. The mitigation measures as highlighted in the report should be carried and as such, an informative is recommended. Providing the recommended mitigation measures are put in place, it is considered that flood risk to this Site will be reduced to an acceptable level.

Land contamination.

97. The desktop environmental report and our records and historic maps show there is no obvious source of significant contamination on site or immediately surrounding. The extension is of modest dimensions and includes a surfaced (rubber floor) external area. EPT have been consulted and have had no reported contamination issues with the existing site. The risk of contaminated land is considered low however EPT recommended a 'watching brief' compliance condition whereby if, during development, contamination not previously identified is found to be present at the site then a remediation strategy detailing how this unsuspected contamination shall be dealt with must be submitted to the LPA. This condition is reflected within the decision notice.

Air quality

98. The submitted air quality assessment (ref. P7505-R1-V1, dated 16th July 2024) prepared by NoiseAir shows the building is not exposed to air quality in excess of UK air quality objectives and the development will comply with air quality neutral requirements.

Mayoral and borough community infrastructure levy (CIL)

99. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance, based on information provided by the applicant, the gross amount of CIL is approximately £7,200 (pre-charitable relief), all Mayoral CIL.
100. This figure is an estimate only and would be calculated in more detail when CIL Additional Information and Assumption of Liability forms are submitted prior to implementation.
101. Potentially 100% of CIL Charitable Relief can be claimed before commencement of development. The claimants must submit their CIL Forms 2 & 10 after the grant of permission but before material operations such as demolition starts on site.

Consultation responses from members of the public and local groups

102. 3no. Site notices were put up around the periphery of the Site – one on Jamaica Road, one on Cathay Street and one on Paradise Street. No consultation responses were received from members of the public during the consultation period.

Consultation responses from internal, external and statutory consultees

103. Design and Conservation
- The design and conservation matters raised in the pre-application stage were addressed and the current proposal demonstrates it respects the setting of the locally listed building and is of an acceptable design quality. No objections are raised on design and conservation grounds.

Officer Comment: Noted

104. Planning Policy

- The site lies within designated Metropolitan Open Land and development would not usually be permitted on this site, as per Southwark Plan Policy P57.
- The proposed development would consist of a single storey side extension to the existing nursery building and the demolition and rebuild of the existing reception building. There will also be construction of a new cycle store.
- As the development would consist of an extension building and would not be a disproportionate addition over and above the original building, the development would meet the exception test laid out in Policy P57 (in this instance due to Exception 2, see above).
- Although the extension is outside the footprint of the existing, the extension is surrounded by existing school buildings and would be constructed over hardstanding. It is considered that the extension would not unduly affect the sense of openness of the MOL (as it joins a group of buildings rather than being standalone), or views across the MOL from publicly accessible sites. The proposals would ensure that the outdoor play areas currently enjoyed by students would be kept.

Officer Comment: noted

105. Environmental Protection Team

- The noise assessment shows acceptable noise levels and suitability of open windows as a ventilation strategy. In light of the distance to residents and the existing operating facility we would consider it unlikely the extension will have any significant additional noise impact on the surrounding area.

Officer Comment: Noted

- The air quality assessment shows the building is not exposed to air quality in excess of UK air quality objectives and the development will comply with air quality neutral requirements.

Officer Comment: Noted

- There is no contamination assessment submitted however the generic desktop environmental report and our records and historic maps show there is no obvious source of significant contamination on site or immediately surrounding. The extension is very small and includes a surfaced (rubber floor) external area. We have had no reported contamination issues with the existing site. On balance the risk is considered low however we would recommend the 'watching brief' compliance condition.

Officer Comment: This recommended condition is reflected within the decision notice.

106. Urban Forester

- Appropriate tree protection measures are proposed such that there is no tree loss. Compliance and site supervision conditions are necessary, together with details of the green roof.

Officer Comment: Noted. Details of the green roof were subsequently provided which negated the need for this condition.

107. Flood Risk

- No Comment

Officer Comment: noted

108. Environment agency

- Use Standing advice to flood risk

Officer Comment: The proposal was considered in line with the standing advice. See flood risk section above.

109. Archaeology

- There are no archaeological implication for this application. the proposals are away from the historic burial ground near to this site.

Officer Comment: noted

110. Waste Management

- No response received

Officer Comment: noted

111. Community Infrastructure Levy (CIL) Team

- The proposal is a CIL chargeable development because it comprises over 100sqm GIA of new build. The site is located within Southwark CIL Zone 2 and MCIL2 Band 2 Zone. Based on measurements of drawings 101B, 102E and 103A, the gross amount of CIL is approximately £7.2k (**pre-charitable relief**), all Mayoral 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 Charitable Relief can be claimed before commencement of development. The claimants must submit their CIL Forms 2 & 10 after the grant of permission but before material operations such as demolition starts on site

Officer Comment: noted, and this is reflected in the CIL section above.

112. Transport Policy TeamCycle Parking

- The proposed cycle parking arrangements do not accord to Southwark Plan Policy P53 or LCDS Chapter 8 in terms of numbers of Sheffield stands and dimensions.

Officer Comment: The cycle store plans were amended. The case officer checked the dimensions proposed and the proposed stands meet the minimum standards including 1no. disabled, adapted and cargo bicycles space

- Provision of a bike maintenance stand and fixed pump will be seen positively in terms of quality of cycle parking provision and Travel Plan objectives.

Officer Comment: This is not considered essential.

Parking Permits

- As per Southwark Plan Policy P54, on-street parking permits will not be available for residents or businesses in current or future CPZs.

Officer Comment: Noted

Car Parking

- The applicant has proposed removal of 4 of the existing 11 car parking spaces. 7 parking spaces, including 1 Blue Badge Bay, will be re-provided for staff. The removal of several parking spaces will help to reduce private vehicle modal share among staff.

Officer Comment: Noted

- The applicant has provided tracking demonstrating that a small 4.5m vehicle can safely manoeuvre in and out of the standard and disabled parking spaces. The applicant must also provide vehicle tracking for a standard size vehicle (4.8m long), demonstrating that this vehicle can safely access at least some of the parking spaces.

Officer Comment: The applicant submitted vehicle tracking for a standard size vehicle (4.9m long)

Blue Badge Bay

- The applicant has proposed 1 Blue Badge Bay. This accords to adopted policy, however further details of compliance with BS8300:1 are required prior to determination. Gradients within Blue Badge parking bays and their associated hatched buffer zones need to be avoided and maintained at 1:1. Gradients on access routes from these parking spaces must be indicated on a submitted plan for review.

Officer Comment: The location of the blue badge bay was amended and now sits level with the reception building. The proposed blue badge bay is considered to comply with BS8300:1.

EVCPs

- The applicant has proposed 2 active and 5 passive EVCPs for the 7 parking spaces to be re-provided. This meets London Plan Policy T6.1 requirements of 20% active and 80% passive provision, considering all parking spaces.

Officer Comment: Noted

Vehicle Access

- Vehicle access and crossover on Jamaica Road to remain as existing. No new vehicle crossovers may be introduced to the site. The applicant must clarify how the vehicle gate on Jamaica Road will be managed to ensure only staff can access the car park, and to prevent any queuing on the TLRN during morning and afternoon arrivals/departures.

Officer Comment: This was clarified and understood that only staff can access the car park which is controlled through a fob system.

- The vehicle access does not provide adequate pedestrian and vehicular sightlines. As per Manual for Streets and Southwark's DS.114 and DS.132, existing crossovers in sites undergoing re-development or intensification of use must have minimum pedestrian and vehicle sightlines. The fencing around the site boundary may need to be altered (i.e. chamfered) to provide sightlines. At vehicle crossovers, pedestrian sightlines of 1.5m x 1.5m are required either side of the opening in the boundary (NOT within the opening), with no features higher than 0.6m within this area. This must be demonstrated on a submitted plan for review. Vehicle sightlines of at least 2.4m x 25m for 20mph roads or 2.4m x 43m for 30mph roads must also be demonstrated on a submitted plan for review.

Officer Comment: The entrance from 281 Jamaica Road has been chamfered to improve sightlines demonstrating 2.4m x 43m visibility splays.

Pedestrian Access

- Pedestrian and cyclist access is proposed at the north east side of the site, from Paradise Street. This requires visitors to walk through the car park to reach the reception area. The applicant needs to clarify if pedestrians and cyclists would be able to access the site via Jamaica Road.

Officer Comment: The nursery/pedestrian entrance is via Paradise Street, however, the secondary pedestrian access is via Jamaica Road. A separate nursery reception is proposed within the new extension.

Refuse/Recycling

- Transport Policy have no comment on the proposed refuse/recycling arrangements. Commercial waste must be managed privately.

Officer Comment: noted

Trip Generation

- The applicant has predicted an increase of 13 two-way vehicle trips in the morning peak (8-9am) and an increase of 11 two-way vehicle trips in the afternoon peak (5-6pm). This does not seem reasonable, considering the applicant is proposing the removal of 4 staff parking spaces, and the number of pupils will increase by only 9. The applicant must clarify why there is a significant increase in vehicle trips.

Officer Comment: It is understood that these figures relate to both staff and parents drop off. The comment from TRA suggests a misunderstanding of the plans and that this uplift will result in both pupils and staff to use the car park. However, it is understood from the submitted documentation that only staff have access to the car park, controlled via a fob system. Please see further transportation section above.

CEMP

- During construction, deliveries will be received via the Cathay Street crossover. The applicant needs to clarify how cyclists will be protected with this arrangement, as there is a contraflow cycle lane on Cathay Street.

Officer Comment: The applicant has submitted a CEMP showing that a banksman will guide vehicles in and prevent cyclist-vehicle interactions.

- The dropped kerb on Cathay Street is too wide and very close to the junction with Paradise Street. The applicant must submit drawings for review showing a narrowed crossover, with the section to the north of the existing dropped kerb returned to a full kerb-height footway.

Officer Comment: The dropped kerb on Cathay Street is as existing. No changes are proposed therefore, it is too onerous to suggest that the applicant amend this.

CLP

- Due to the scale and location of the proposal on a classified road and the TLRN, a Construction Logistics Plan must be provided. This is to ensure that Transport Policy can review the submitted document and assess whether the scheme can be delivered without adverse impacts on the operation of the public highway.

Officer Comment: A CEMP has been provided which show how the scheme can be delivered without adverse impacts on the operation of the public highway. Given the modest scale of the development, a CLP is not considered

necessary.

S278

- A Section 278 Agreement will be required for works to the public highway, as per the details which will be set out by Highways. Please consult Highways on this element.

Officer Comment: Highways have been consulted and do not need a S278 agreement.

113. Highways

- No comment.

Officer Comment: Noted.

114. Transport for London (TfL)

- A daytime Active Travel Zone assessment has been completed; however, a night-time assessment has not been completed. We usually request a night-time/'darker-hours' Active Travel Zone assessment is provided to align with the Mayor's Eliminating Violence Against Women and Girls Strategy (EVAWG) and Policy T2 Healthy Streets indicator 'people feel safe' and 'people choose walking, cycling and public transport'. However, given that this site is solely the small extension of the nursery, if the Council deems this appropriate, we consider that this requirement could be negated. We do not agree with the applicants' claim that a night-time ATZ is not required due to the operating hours of the nursery, as it is likely that staff will be leaving during 'hours of darkness' in the winter.

Officer Comment: A further night-time assessment is not considered proportionate to the proposed development which is a modest extension to a nursery. A Safer Spaces Statement has been prepared within the submitted Design and Access Statement REV D which is considered a sufficient response to the size of the proposal.

- The applicant's ATZ assessment has stated that improvements should be made to the 'maintenance of footways and crossings' along the routes provided. We recommend that more 'places to stop and rest' are provided along the identified ATZ routes. We recommend that benches are provided along all routes with suitable locations identified by the applicant prior to determination. We support the Council in securing Healthy Streets improvements where it deems necessary, in line with Policy T2. TfL should be consulted for any proposed improvement onto the TLRN.

Officer Comment: The case officer believes the request of additional benches on Jamaica Road to be onerous given the modest size and extent of the application.

- Nine cycle parking spaces are proposed, which aligns with the minimum standards of the London Plan. One wider and adapted space has been

proposed, which aligns with Policy T5 B.

Officer Comment: Noted

- Seven car parking spaces have been proposed, which does not comply with London Plan Policy T6.2. The align with policy, the proposed development should be car-free.

Officer Comment: This is not considered realistic to remove all parking spaces from an already established car park. The development does constitute a reduction in car parking from 11 to 7 and a reduction is welcomed in terms of addressing Policy T6.2.

- Additionally, TfL is concerned about the safety of pedestrians accessing the site. The proposed car park has no segregated pavement, which impacts upon the inclusive and safe access for people walking or cycling. This further goes against Vision Zero and policy T2 (Healthy Streets).

Officer Comment: The existing car park is already laid, and given the modest nature of the works, it is considered too onerous to request a full redesign. It is notable that the new extension will include a reception area accessed off Paradise Street, therefore not walking through the existing car park. The arrangements with the college reception remain as they are.

- One disabled parking space has been provided which is in line with policy T6.5. Parking spaces designated for use by disabled people should be 2.4m wide by 4.8m long with a zone 1.2m wide provided between designated spaces and at the rear outside the traffic zone, to enable a disabled driver or passenger to get in or out of a vehicle and access the boot safely.

Officer Comment: Noted. The proposed blue badge bay conforms to the measurements.

- The applicant has proposed that a minimum of 20% of car parking spaces would be equipped with active electric vehicle (EV) charging provision. While this aligns with London Plan Policy T6.4C. We encourage active EVCPs are provided for all spaces to align with the Mayor's Zero Carbon London initiative.

Officer Comment: Compliance with T6.4C is noted.

Trip Generation

- The applicant has proposed that trip generation will not experience significant change with the proposed development suggested to generate 5 and 4 additional (two-way) vehicle trips during AM and PM peak hours. We consider that car parking should be reduced and these trips dispersed onto sustainable and active travel modes, as there should be no commuter parking to align with Policy T6.

Officer Comment: This matter is addressed within the relevant Transport section above.

- Further to this, the number of proposed vehicle movements summarised in table 6A is not consistent with the proposed vehicle trips explained in section 6.1.3. We ask the applicant to confirm the disparity in numbers (e.g. two-way trip generation in AM is listed at 23 in table 6A but changes to 26 in section 6.1.3).

Officer Comment: This has been clarified with the applicant and the submitted transport statement amended.

Delivery and Servicing Plan

- No information on the number of proposed deliveries has been provided. This should be provided in order for TfL to determine whether the delivery strategy proposed is suitable. We consider that a survey of the existing site should be completed to determine the number of expected deliveries.

Officer Comment: Appendix 4.0 of the TS shows that OGV trip rates are negligible, and the minor nature of the proposals will not change the number of servicing or delivery trips.

- The applicant has proposed that delivery times would be scheduled to occur outside of nursery operating hours and in accordance with the red route restrictions (for those unloading from Jamaica Road). Please be aware that these restrictions are from 7am-7pm no stopping. We have concerns that loading/unloading on Jamaica Road will have an impact upon safe and reliable bus services and for cyclists using the bus lanes and we are aware that the current restrictions are being looked into becoming double red lines (no stopping at any time) in the future. Thus, we encourage the applicant to utilise the site entrance on Cathay Street in order to reduce road safety risks and lessen the impact on bus services and passengers and in order for the applicant to future proof their ability to service the site. There should be no deliveries on Jamaica Road and this secured in the full Delivery and Servicing Plan.

Officer Comment: To align with TfL potential amendment to change Jamaica Road from “no stopping 7am-7pm” to “no stopping at any time”, the applicant has suggested that deliveries would occur on Cathay Street. Alternatively, deliveries are also possible from Paradise Street which is subject to single/double yellow line restrictions in the vicinity of the junction with Fulford Street. Paradise Street benefits from a bank of parking spaces on the south side, fronting the church, which would be suitable for delivery vehicles (with rear nursery access via King’s Stairs Gardens).

- Deliveries have been proposed to occur outside of nursery operating hours. The applicant should confirm specific times when deliveries will occur in order to reduce road safety risks at times of high cycle and pedestrian movements in the full DSP. To align with Policy T7 H, deliveries should occur outside of peak network hours

Officer Comment: There is no changes to the existing situation proposed in terms of deliveries.

- Subsequently, a full delivery and servicing plan should be secured through condition to align with Policy T7

Officer Comment: Given that a DSMP has already been submitted, and there are no changes to the existing situation, this is not considered necessary.

Construction Logistics

- The Vehicle Tracking on Cathay Street shows vehicles reversing on Cathay Street. TfL are concerned with the safety of cyclists on Cathay Street. Policy T7 K requires for the construction phase of development, inclusive and safe access for people walking or cycling is prioritised and maintained at all times. To align with the Mayor's Vision Zero approach, vehicles should enter in and exit in a forward gear.

Officer Comment: Given the nature of the site, entering and exiting in forward gear is unlikely to be possible. A banksman will guide vehicles in and is expected to be sufficient to mitigate the impact on cyclist safety.

- We note that deliveries are proposed to occur from the bus lane on Jamaica Road outside of the red route restrictions (7am-7pm no stopping). We have concerns with this; we are aware that these restrictions are currently being looked into becoming double red lines (no stopping at any time). Therefore, we consider that the applicant should future proof their ability to service the site by not having any deliveries on Jamaica Road and alternative areas provided.

Officer Comment: The bulk of the deliveries of construction materials are expected to arrive to the site from Cathay Street and not Jamaica Road. The extensions are of modest dimensions, and a project of this size is unlikely to be constructed over a significant length of time. This, alongside the other information contained within the CEMP has satisfied the case officer that the proposed construction deliveries will be acceptable.

- Site Plan Vehicle Track 3 Cars does not show the bus lane or carriageway lines on the tracking plan. An updated plan showing this should be provided. From the information provided, it is unclear whether this manoeuvre is acceptable in terms of road safety.

Officer Comment: This has been updated and submitted.

- Tracking of the largest construction vehicle proposed and a 10m rigid lorry navigating the Cathay Street/Jamaica Road junction should be provided to demonstrate that the construction proposal is suitable. This should be provided prior to determination.

Officer Comment: As per the submitted CEMP, the junction between Cathay Street and Jamaica Road is expected to be able to accommodate deliveries and a route for delivery vehicles to take has been mapped.

- Deliveries have been proposed Monday to Friday between 08:00 and 18:00, and Saturday between 09:00 and 13:00. To align with the London Plan Policy T7 Part H deliveries should be arranged 'outside of peak hours' and outside of nursery pick up/drop off times.

Officer Comment: Noted. The proposed delivery hours are considered acceptable.

- No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.

Officer Comment: Noted

- TfL welcomes the use of wheel washing facilities.

Officer Comment: Noted

- To align with Policy T7, we recommend that a booking system is implemented. No information regarding mitigation in case two vehicles arrive at the same time has been provided. The applicant should provide further information on whether off-site holding areas are proposed or what mitigation is in place if vehicles arrive at the same time on-site. Vehicles must not wait on Jamaica Road or Cathay Street.

Officer Comment: The applicant has taken this suggestion on board and provided additional information within an updated CEMP.

- TfL welcomes the proposal of active travel and shared vehicle use to the site. Details of this should be provided in a full CLP. For example . Cycle parking should be provided in line with the London Cycle Design Standards to align with Policy T5 and should be secure, covered, accessible and well-located, close to the site entrance on-site. We encourage that complementary facilities are also provided, such as changing facilities, changing rooms and lockers.

Officer Comment: The extensions are of modest dimensions, and a project of this size is unlikely to be constructed over a significant length of time. These additional measures are considered too onerous.

- We recommend that cargo cycles are utilised and provision for these is provided to align with Policy T7. We also recommend that electric vehicles are used where possible, and charging facilities are provided, to align with Policy T7 and the Mayor's Zero Carbon London initiative.

Officer Comment: Noted.

- The applicant estimates that an average of 5 and a maximum of 10 one-way delivery trips to the site per day could be expected. No justification for the proposed delivery numbers has been provided. The full CLP secured through condition will need to robustly justify the expected delivery numbers. This is to ensure that the space provided on site for deliveries will

be able to accommodate the expected delivery numbers without any vehicles waiting on the highway.

Officer Comment: The extensions are of modest dimensions, and a project of this size is unlikely to be constructed over a significant length of time/ limited numbers of deliveries. These additional measures are considered too onerous.

- It must be ensured that hoarding does not reduce footway widths on the TLRN. If this is the case, TfL should be reconsulted.

Officer Comment: Noted

- A full Construction Logistics Plan (CLP) should be secured through condition to align with Policy T7.

Officer Comment: A CEMP has been provided which show how the scheme can be delivered without adverse impacts on the operation of the public highway. Given the modest scale of the development, this is not considered necessary.

115. Ecology

- Further information is required before a decision can be made on this application. From the information provided it is not clear if the de minimis exemption for BNG applies to this development. Adjacent habitats including trees which have a root protection area and canopy within the redline boundary and will be impacted by the development should be included within the baseline. There are concerns that these habitats have not been taken into account when determining if the site is de minimis. It is recommended that the applicant appoint a suitably qualified ecologist to determine the impacts of these habitats and to undertake a BNG assessment if this is deemed necessary.

Officer Comment: An ecology assessment was provided and confirmed that 'No vegetated habitat will be lost or impacted in the development.'

- An ecology assessment should also be submitted with the application.

Officer Comment: An ecology assessment was provided and considered acceptable by the council's ecologist.

- Policy P60 states that
 - Development must contribute to net gains in biodiversity through:
 - o Enhancing the nature conservation value of Sites of Importance for Nature Conservation (SINCs),
 - o Local Nature Reserves (LNRs), designated ancient woodland, populations of protected species and priority habitats/species identified in the United Kingdom, London or identified and monitored in the latest adopted Southwark Nature Action Plan; and
 - o Protecting and avoiding damage to SINCs, LNRs, populations of protected species and priority habitats/ species; and
 - o Including features such as green and brown roofs, green walls, soft

landscaping, nest boxes, habitat restoration and expansion, improved green links and buffering of existing habitats.

Buffer planting to include native hedgerow or shrub planting is recommended at the borders of the site.

The proposed green roof should be biodiverse and include a varied substrate with a varied depth of 80mm-150mm. The green roof should be seeded and plug planted with wildflower species and meet the requirements of the GRO Code. Sedum species should be avoided.

The ecology assessment confirms that the site can be accepted as de minimis and exempt from BNG.

- Recommended conditions:
- Green roof
- PTC11-CEMP
- PTO14- Bat lighting
- AGW06- Bat boxes x2
- Bird boxes

Officer Comment: The suggested conditions have been reviewed. Some of the conditions which are more relevant to the proposal have been carried forward to a decision notice. The proposed green roofs are considered a large benefit of the scheme and therefore their installation has been added as a compliance condition. Bird and bat boxes are considered important to provide ecological enhancements to the SINC in line with Policy P60 and therefore their installation has been reflected as a condition on the decision notice.

A CEMP has already been provided and considered acceptable, therefore the conditioning of an additional CEMP is considered too onerous. Further, a prior to occupation bat lighting condition was deemed too onerous given the modest nature of the works comprising an extension to an existing building, and no evidence of bats were found on the site. However, an informative, worded as recommended by the submitted ecological assessment has been reflected on the decision notice.

Community impact and equalities assessment

116. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
117. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
118. 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.
119. 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

120. 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.
121. This application has the legitimate aim of *providing a nursery extension, replacement reception and cycle storage*. 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

122. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
123. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

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

CONCLUSION

124. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	William Tucker, Planning Officer	
Version	Final	
Dated	25 November 2024	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Resources	No	No
Strategic Director, Environment, Sustainability and Leisure	No	No
Strategic Director, Housing	No	No
Date final report sent to Constitutional Team		28 November 2024

APPENDIX 1**Recommendation (draft decision notice)**

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

This document is not a decision notice for this application.

Applicant	Mr Darren Coghlan Bosco Centre (registered charity number 1157639)	Reg. Number	24/AP/2292
Application Type	Minor application		
Recommendation	GRANT permission	Case Number	PP-13163194

Draft of Decision Notice

Planning permission is GRANTED for the following development:

Construction of single storey side extension to nursery. Demolition and rebuild of reception building. Reconfiguration of parking spaces and provision of short stay cycle storage with scooter rack. Construction of cycle store and new external store.

281 Jamaica Road London Southwark SE16 4RS

In accordance with application received on 6 August 2024 and Applicant's Drawing Nos.:

Proposed Plans

EXISTING AND PROPOSED FIRST FLOOR PLAN 6778(P)103 REV A received 06/08/2024

PROPOSED FIRST FLOOR PLAN FIRE STRATEGY 6778(P)103- 2 REV A received 06/08/2024

COMPARATIVE NORTH ELEVATION 6778(P)201 REV A received 06/08/2024

COMPARATIVE WEST ELEVATION 6778(P)203 REV A received 06/08/2024

COMPARATIVE EAST ELEVATION 6778(P)200B received 05/09/2024

COMPARATIVE SOUTH ELEVATION 6778(P)202C received 20/09/2024

PROPOSED GROUND FLOOR PLAN 6778(P)102F received 20/09/2024

Other Documents

EXISTING AND PROPOSED ROOF PLAN 6778(P)104 REV A received 06/08/2024

PROPOSED CYCLE DETAILS LONG STAY 6778(P)521 received 28/08/2024

PROPOSED GROUND FLOOR - FIRE STRATEGY 6778(P)102-1A received 05/09/2024

HORIZONTAL (VEHICLE) AND PEDESTRIAN VISIBILITY SPLAYS ADL_6335-01 received 20/09/2024

PROPOSED CYCLE DETAILS 6778(P)520B received 20/09/2024

VEHICLE TRACKING PLAN 6778(P)510B received 20/09/2024

PROPOSED 3D RENDER VISUALS 6778(P)500C received 20/09/2024

PROPOSED GROUND FLOOR - WASTE STRATEGY 6778(P)102-2C received 20/09/2024

EXISTING AND PROPOSED SITE PLAN 6778(P)100D received 20/09/2024

PROPOSED SITE LEVELS PLAN 6778(P)100-2D received 20/09/2024

PROPOSED SITE PLAN FIRE STRATEGY 6778(P)100-1C received 20/09/2024

SITE PLAN VEHICLE TRACK 3 CARS 6778(P)015-02 REV # received 27/09/2024

PROPOSED GREEN ROOF 6778(T)300 received 09/10/2024

DESKTOP RISK ASSESSMENT - INCLUDING FLOOD RISK ASSESSMENT received 06/08/2024

BSI 5837 ARBORICULTURAL REPORT FOR DEVELOPMENT received 06/08/2024

HERITAGE STATEMENT received 06/08/2024

AIR QUALITY ASSESSMENT received 06/08/2024

NOISE IMPACT ASSESSMENT received 06/08/2024

FLOOD RISK ASSESSMENT received 06/08/2024

DESIGN AND ACCESS STATEMENT REV D received 20/09/2024

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN REV B received 27/09/2024

TRANSPORT ASSESSMENT ISSUE 4 received 03/10/2024

PROPOSED GREEN ROOF DETAILS received 09/10/2024

PROPOSED GREEN ROOF DETAILS received 09/10/2024

ECOLOGICAL ASSESSMENT received 11/11/2024

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

2. 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); Policy G7 (Trees and Woodlands) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

3. 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 reference 02116D/CJO/2902, dated 24 February 2024. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority.

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 shall adhere to BS5837: (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations, EAS 01:2021 (EN) - Tree Pruning 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); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

4. Prior to the completion of the development, no less than 2no. open fronted bird boxes and 2no. 18mm hole bird boxes shall be provided and installed on mature trees or on buildings across the site. Further, prior to the completion of the development no less than 2no. bat tubes, or bricks or boxes shall be installed on the site.

The bird and bat tubes/bricks/boxes 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 National Planning Policy Framework (2023); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening), Policy G6 (Biodiversity and access to nature) of the London Plan (2021); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022)

5. The electric vehicle parking, as shown on the drawings ref. 6778(P)102F, and 6778(P)100DF 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 encourage the uptake of electric and hybrid vehicles and minimise the effect of the development on local air quality within the designated Air Quality Management Area in accordance with the National Planning Policy Framework (2023); Policy T6 (Car parking) of the London Plan (2021); Policy P54 (Car Parking) and Policy P70 (Energy) of the Southwark Plan (2022).

6. The Blue Badge parking arrangements (compliant to current Southwark design standards) as shown on the drawings ref. 6778(P)102F, and 6778(P)100DF 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 meet the requirements of Policy P55 (Parking standards for disabled people and the physically impaired) of the Southwark Plan (2022).

7. The cycle facilities as shown on the drawings ref. 6778(P)102F, 6778(P)520B, and 6778(P)521 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 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. The biodiversity green roof(s) as shown on drawings ref. 6778(T)300, 6778(P)103 REV A, 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.

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

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

Reason: To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

10. 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: There is always the potential for unexpected contamination to be identified during development ground works. The Environment Agency and the Environmental Protection Team should be consulted should any contamination be identified, 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.

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 All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.
- 3 As per the submitted site-specific Flood Risk Assessment (ref. 82554R1, prepared by GeoSmart), it is recommended that a Flood Warning and Evacuation Plan should be carried out. The plan should state how occupants will be made aware that they can sign up to the Environment Agency Flood Warning services, and provide details of how occupants should respond in the event that they receive a flood warning, or become aware of a flood. The plan should be proportionate and risk based in terms of sources of flooding.
- 4 Any lighting on site should be in accordance with the BCT lighting guidelines (Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust, 2023)) to ensure that any commuting routes or foraging areas are unimpacted.

Relevant Planning Policy

National Planning Policy Framework (NPPF) 2023

The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives - economic, social and environmental.

Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 13 Protecting Green Belt Land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

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

- Policy SD1 Opportunity Areas
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G2 London's Green Belt
- Policy G3 Metropolitan Open Land
- Policy G4 Open space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.5 Non-residential disabled persons parking
- Policy T7 Deliveries, servicing and construction

Southwark Plan 2022

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

- P13 Design of places
- P14 Design quality
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P23 Archaeology
- P26 Local list
- P27 Education places
- P47 Community uses
- P50 Highways impacts
- P53 Cycling
- P54 Car Parking
- P55 Parking standards for disabled people and the physically impaired
- P56 Protection of amenity
- P57 Open space
- P59 Green infrastructure
- P60 Biodiversity
- P61 Trees
- P65 Improving air quality
- P67 Reducing water use
- P68 Reducing flood risk
- P69 Sustainability standards
- P70 Energy

Area based AAP's or SPD's

- Heritage SPD (2021)
- Edward III's Rotherhithe conservation area appraisal (2011)

APPENDIX 3

Relevant planning history of the site and nearby site

Reference and Proposal	Status
24/AP/3237 Provision of a temporary classroom building on the existing car park for a period of 3 years	Pending consideration
24/AP/3153 Prior approval for proposed temporary classroom to be on the existing car park	Application withdrawn 30/10/2024
24/AP/0217 Construction of a single storey side extension to provide additional nursery accomodation. Demolition and rebuild of single storey reception building.	Application Returned
15/AP/4563 T1 London Plane, T2 & T3 Ash, T4 & T5 Crown lift 4m over road due to complaint from council.	

T6 -T7 Ash and tree of heaven fell as growing through railings and will cause future problems	23/12/2015
14/AP/3096 T1: Conifer - Fell due to heavy lean and poor condition. T2: London Plane - Repollard due to excessive shading. T3: London Plane - Repollard. The tree shades the property and light pruning would decrease this very slightly.	03/10/2014
12/AP/3815 Demolition of the existing home for nuns.	Refused 28/02/2013
12/AP/3385 Demolition of the existing building and construction of a new 3 storey home for nuns providing a total of 10 bedspaces.	Refused 28/02/2013
03/AP/1609 Convert garage into additional classroom; alterations to south facing elevation of building at ground and first floor level and installation of new rooflight on east elevation.	Granted 05/11/2003
98/AP/0110 Construction of a first floor extension to existing building to provide community training facilities for pre and post vocational training programmes.	Granted 19/03/1998
97/AP/1358 Construction of a single storey covered link building.	Granted 08/12/1997
95/AP/1031 Erection of a glazed canopy to part of shopfront, and replacement of existing door with a new customer entrance.	Granted 18/12/1995
95/AP/0194 Demolition of existing garage & store & erection of new garage and store. (LBS original register no 9500194)	GRANTED-Minor Application 31/03/1995

Consultation undertaken

Site notice date: 29/08/2024

Press notice date: 05/09/2024

Case officer site visit date: n/a

Neighbour consultation letters sent: 28/08/2024

Internal services consulted

LBS Ecology

LBS Community Infrastructure Levy Team

LBS Design & Conservation Team [Formal]

formal consultation and response to Pol

LBS Transport Policy

LBS Environmental Protection

LBS Ecology

LBS Flood Risk Management & Urban Drain

LBS Urban Forester

LBS Archaeology

LBS Highways Development & Management

LBS Waste Management

Statutory and non-statutory organisations

Transport for London

Environment Agency

Neighbour and local groups consulted:

72 Paradise Street London Southwark

St Peter And The Guardian Angels Church

Paradise Street London

Re-consultation:

LBS Ecology

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

LBS Ecology
LBS Community Infrastructure Levy Team
LBS Design & Conservation Team [Formal]
LPS Planning Policy
LBS Transport Policy
LBS Environmental Protection
LBS Ecology
LBS Flood Risk Management & Urban Drain
LBS Urban Forester
LBS Archaeology
LBS Highways Development & Management

Statutory and non-statutory organisations

Transport for London
Environment Agency

Neighbour and local groups consulted:

OPEN

COMMITTEE:

NOTE:

PLANNING COMMITTEE (SMALLER APPLICATIONS)

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

MUNICIPAL YEAR 2024-25

OPEN

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		TOTAL PRINT RUN	11
List Updated: 27 November 2024			