

Planning Committee (Smaller Applications)

Wednesday 23 October 2024

7.00 pm

G01 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: 15 October 2024



Planning Committee (Smaller Applications)

Wednesday 23 October 2024
7.00 pm
G01 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	
	To approve as a correct record the minutes of the meeting held on 2 October 2024. (TO FOLLOW)	
6.	DEVELOPMENT MANAGEMENT	1 - 5
	6.1. 291 - 299 BOROUGH HIGH STREET LONDON SE1 1JG	6 - 36

Item No.	Title	Page No.
6.2.	285 RYE LANE AND 289 PECKHAM RYE, LONDON SE15 4UA	37 - 69
6.3.	12 DULWICH VILLAGE, LONDON SE21 7AL	70 - 95

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: 15 October 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
Environment, Neighbourhoods and Growth
Tel: 020 7525 5403

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

Meeting Name:	Planning Committee (Smaller Applications)
Date:	23 October 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	Beverley Olamijulo, Constitutional Officer Head of Law (Planning and Development)	
Version	Final	
Dated	14 October 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	14 October 2024	

291-299 BOROUGH HIGH STREET LONDON SE1 1JG

Cycle Hire Station

4.1m +

Redman House
THE BOROUGH

Prospero House

TCBs 4.0m

Ward Bdy
CR

Avon House

Avon Pl
Avon Place



1 to 12
St Michaels Court

Britannia House

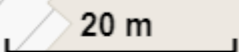
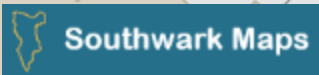
Trinity St

Swan St

4.2m +

Trinity St

Trinity Church Sq



Scale = 1:661.500

9-Oct-2024

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Meeting Name:	Planning Committee (Smaller Applications)
Date:	23 October 2024
Report title:	<p>Development Management planning application: Application 24/AP/1868 for: Full Planning Application</p> <p>Address: 291- 299 Borough High Street, London SE1 1JG</p> <p>Proposal: Change of use of one ground floor retail unit and offices at upper floors (Class E) to create 47-bedroom Hotel (Class C1).</p>
Ward(s) or groups affected:	Chaucer
Classification:	Open
Reason for lateness (if applicable):	Not Applicable
From:	Director of Planning and Growth
Application Start Date: 26 June 2024	Application Expiry Date: 29 November 2024
Earliest Decision Date: 24 October 2024	

RECOMMENDATION

1. That planning permission be granted subject to conditions and completion of **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 April 2025, the committee is asked to authorise the director of planning and growth to refuse permission, if appropriate, for the reason set out in paragraph 59.

BACKGROUND INFORMATION

Site location and description

3. The building is located on the east side of Borough High Street in between

Hulme Place and Trinity Street. The surrounding buildings along Borough High Street are generally mid-rise (between 4 and six storey) and are of a variety of ages and architectural styles. There is also a mix of uses, with some retail at ground floor and a mix of offices and residential accommodation to the upper floors.

4. The building is not a designated heritage asset, nor is it on the Council Locally List buildings. The closest listed buildings are the Grade II listed dwellings at 2 - 12 Trinity Street, as well as the Grade II listed properties which surround Trinity Church Square. The site itself does not lie within a conservation area, however it is in relatively close proximity to the Borough High Street Conservation Area (which lies approx. 90m to the north) and the Trinity Church Square conservation area (which lies approx. 75m to the South East). The rear upper levels and rear of the application site is partially visible in some views from Trinity Church Square and Trinity Street. Avon House and Britannia House (275 Borough High Street and 7 Trinity Street) adjacent to the site to the north and east are allocated within the Southwark Plan (NSP09) requiring a new east-west pedestrian and/or cycle link between Borough High Street and Swan Street, enhancing Borough High Street and Swan Street with active frontages and providing residential floorspace.
5. The site is subject to the following designations:
 - *Bankside and the Borough Area Vision Boundary*
 - *Better Bankside BID Area*
 - *Central Activities Zone*
 - *Bankside and Borough District Town Centre*
 - *North Southwark and Roman Roads Archaeological Priority Area*
 - *South Bank Strategic Cultural Area*
 - *Air Quality Management Area*
 - *Bankside, Borough and London Bridge Opportunity Area*
 - *Flood Zones 2 and 3*

Details of proposal

6. Change of use of one ground floor retail unit and offices at upper floors (Class E) to create 47-bedroom Hotel (Class C1).
7. Other important features of development
 - *Total floorspace: 998sqm*
 - *Ancillary café use at ground floor: 100sqm*
 - *Existing roof terrace to be used as hotel amenity for guests: 96 sqm*

Consultation responses from members of the public and local groups

8. The public consultation process included various forms of publicity. The council website was updated with information and residents were informed on the status of the application. The application received 12 contributions all

objections, which are summarised below.

9. Objections (12)

- *Risks to health and safety during construction (similar related issues to construction logistics and environmental concerns)*
- *Increased air pollution*
- *Increased noise pollution*
- *Increased light pollution*
- *Unreasonable impacts to children and those of health conditions to residents within Hulme Place*
- *Overlooking from rooftop terrace and hotel rooms*
- *Increased traffic and congestion through users of hotel*
- *Refuse storage and collection arrangements are inadequate*
- *Against principle of hotel development due to over saturation of hotels within area*
- *Impact upon adjacent nearby conservation areas*
- *Failure of developer to appropriately consult residents*

10. In response to concerns raised on the extent of public consultation, the planning department met with Cllr Vambe and agreed that an online consultation event should be conducted with the applicants/developers and residents at Hulme Place. The event was conducted with the presence of the Planning Officer in a purely observational manner and was through MS Teams on Wednesday 11 September. Where appropriate, responses to the material planning issues raised are addressed within the assessment section of this report.

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. No relevant planning history is attributed to the site as outlined 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
- Quality of commercial floorspace
- Marketing and Hotel Needs Assessment
- Fire safety
- Impact of proposed development on amenity of adjoining occupiers
- Transport and highways
- Environmental matters

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

Legal context

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

Planning policy

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

16. The application site is located within the CAZ (Central Activity Zone) and the Bankside, Borough and London Bridge Opportunity Area. Policies SD1 (Opportunity Areas), SD4 (The Central Activity Zone), SD6 (Town centres and high streets) and E10 (Visitor infrastructure) of The London Plan (2021) and; policies P35 (Town and local centres) and P41 (Hotels and visitor accommodation) of the Southwark Plan (2022) identify sites within Opportunity Areas and the CAZ as appropriate for accommodating significant growth to meet the demands of high quality serviced visitor accommodation for inner London. The CAZ is recognised as a significant tourist location (CAZ SPG 2016) and the LP sets a strategic benchmark target for 40,000 net additional hotel bedrooms by 2036. Improving the accessibility of hotel accommodation in London is highlighted as a priority, particularly with the CAZ Boroughs. The designation of Area Vision 2 within the Southwark Plan (2022) for Bankside and The Borough, also further empathises that development should continue to develop the CAZ as an international destination for business, tourism and transport services.
17. Policy P30 (Office and business development) of the Southwark Plan (2022)

seeks to protect employment floorspace within the CA, town centres and opportunity areas. The loss of employment floorspace would only be accepted in exceptional circumstances if no demand of its existing use can be demonstrated through a marketing exercise. The policy proceeds to outline that any development which results in the loss of employment floorspace must provide a financial contribution towards training and jobs for local people. The proposed development does involve the loss of employment floorspace. Southwark's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD 2015 set this contribution at £4300 (average cost for a Southwark unemployed resident to gain support and training to get access to a skilled job) multiplied by 10% of the number of full-time equivalent jobs that may have been provided in equivalent amount of (net) lost floorspace in the existing employment use class. For general offices this is 12 sq. m. per full-time equivalent job and this is further outlined in the assessment of this proposal.

18. Policy E10 (Visitor infrastructure) of The London Plan (2021) supports the provision of serviced visitor accommodation, confirming its need to be strengthened by enhancing and extending its attractions, legibility, visitor experience and supporting infrastructure. It further outlines that serviced accommodation should be promoted within Opportunity Areas within the CAZ, in order to meet the accommodation demands of tourists who want to visit the capital. Policy P41 (Hotels and other visitor accommodation) of the Southwark Plan (2022) further outlines that such development brings employment potential and growth which will be supported, although development for hotels must ensure the design, scale function and servicing arrangements must protect the amenity of the local community.
19. Policy SD6 (Town centres and high streets) of The London Plan (2021) states that development within town and district centres should promote and enhance the vitality and viability of the town centres, and that visitor infrastructure should be enhanced and promoted. This position is further supported through Policy P35 (Town and local centres) of the Southwark Plan (2022) which identifies Bankside and The borough as a District Town Centre of importance; and as such, should provide an active use to the general public (not just visitors within the hotel) that would not harm the vitality and viability of the centre.
20. The proposed development would strategically comply with the aims and objectives of the CAZ and Opportunity Area, by providing important visitor accommodation in the District Town Centre. The Bankside, Borough and London Bridge Opportunity Area identifies this zone as suitable for delivering such visitor infrastructure. Therefore, the proposed development would contribute to meeting this identified growth opportunity in the Southwark Plan (2022). As such, the principle of development is supported, providing the proposal does not harm the vitality and viability of the town centre or the amenity of neighbours and provides satisfactory marketing evidence for the loss of employment floorspace.

Quality of commercial floorspace

21. The proposed development would provide 998sqm of Class C1 (Hotel) floorspace. As required by policy E10 of The London Plan (2021) and policies

P35 and P41 of the Southwark Plan (2022), such development should provide 10% of the GIA as an active area, that provides an alternative use to the general public which would not harm the vitality and viability of the centre. This should be ancillary to the hotel facilities and incorporate a range of publicly accessible daytime uses whilst providing employment opportunities.

22. The development would provide 100sqm on the ground floor as an ancillary café. This would not be restricted to hotel guests but open and accessible to members of the public to use. As the site is located within a district town centre, the proposed café use would be considered a suitable operation of the premises and would likely serve a localised catchment. This arrangement would comply and satisfy the policy requirements and therefore considered acceptable.

Quality of hotel accommodation

23. The first to fifth floors comprise of 47-bedrooms, all rooms would include ensuite facilities. All of the bedrooms would have windows, providing outlook to the front and rear of the building – demonstrating good quality visitor accommodation. Policy P41 specifies requirements to provide at least 10% of hotel and visitor accommodation as accessible, and the proposal includes 5 rooms which are classified as accessible rooms. The proposal also includes the provision of the existing roof terrace, which is only for use attributed to users of the hotel. Recognising the constraints of a change of use application, the quality of hotel accommodation is considered to be of a good standard.

Marketing and hotel needs assessment

24. The applicant has provided a marketing and hotel needs assessment report commissioned by BBG Real Estate Advisors. This outlines the premises of the building had been advertised since later summer/early autumn of 2022 on the basis of the office being made available to let. The marketing campaign included advertisements on Zooplar, Rightmove, Costar, Egi, Propertylink and Realla – details were also advertised on the BBG website. The office premises was advertised as follows:

25.

Floor	Area (m2)	Availability
1 st Floor	159.0	Available
2 nd Floor	158.7	Available
3 rd Floor	158.9	Available
4 th Floor	161.2	Available
5 th Floor	120.5	Available

26. The pricing was advertised as:

- *Rent: £32.50 psf*
- *Rates: £14.64 psf*
- *Service Charge: £7.10 psf*

27. This satisfies the Southwark marketing requirements of:

- *Registration of the property with at least one commercial agent*
 - *Property marketed for appropriate use*
 - *Property marketing at a reasonable price in relation to use, condition, quality and location.*
28. Section 5.0 of the statement indicates that between December 2019 and until September 2022, 8 interested parties made viewings of the premises with 31 enquiries during that period. From the parties who viewed the premises, no subsequent offer was submitted to the landlord in which an agreement was found.
29. The marketing statement is considered to be detailed and headline covers the main interested parties and record of viewings. The statement also provides a complete list of these parties with corresponding dates. The evidence appears to be sufficient as so far as to consider that reasonable attempts have been made to market and let the office space.
30. As the Development would incur the loss of commercial Class E floorspace within the CAZ, a financial contribution towards training and jobs should be provided to the Council. For this proposal the calculation is as follows:
- Loss of Class E floorspace: 998 sqm
 - Area per FTE m2 (General Office): 12
 - FTE jobs: $998 / 12 = 83.17$
 - $83.17 / 10 = 8.31$
 - $8.31 \times \text{£}4300 = \text{£}35,733.00$
 - (*£4300 average cost of Southwark unemployed resident to gain skills and support back into paid employment).
31. The loss of this commercial floorspace within the CAZ is therefore acceptable and this payment is to be secured through a Planning Obligation within a S106 Legal Agreement. The introduction of C1 (Hotel) use on site is considered an appropriate use within the CAZ.
32. The submission includes a letter of statement from the real estate agent Savills (dated: 13 June 2024 by Richard Dawes). It specifies that the demand for C1 Hotel use within this location would be highly desirable to operators from a range of domestic and international hotel groups, due to the limited hotel development opportunity in the immediate area. Savills also confirm they would be entering into detailed discussions with a shortlist of these operators and will agree terms with a preferred partner should planning permission be granted.

Fire safety

33. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
34. Paragraph 3.12.9 of Policy D12 of The London Plan (2022) explains that Fire Statements should be produced by someone who is “third-party independent

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

35. Fire details have been provided for this proposal. These matters are required by planning policy only and are in no way a professional technical assessment of the fire risks presented by the development. All technical related matters regarding fire safety should seek expertise from a qualified Fire Safety Engineer.

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

Overlooking/privacy and noise

36. The existing office building includes a 96 sqm roof terrace and the proposal seeks to use this as ancillary amenity space for the C1 Hotel use. The existing roof terrace allows unobstructed views to adjacent buildings, and particular concern has been raised by residents at Hulme Place that the terrace and rear elevation windows, would create overlooking and privacy issues negatively impacting upon their amenity.
37. It is important to acknowledge the terrace and rear views of the building toward Hulme Place are already existing, and the development does not create any unacceptable new harm. However the application does provide good opportunity to mitigate any potential harmful impacts in terms of overlooking, privacy and noise.
38. In order to ensure protection of amenity for residents, the following conditions shall be attached to mitigate any negative amenity impacts for residents.
- Use hours of roof terrace
 - Details on privacy screening/obscure glazing to all rear elevation windows
 - Details of balustrading, landscaping(planter) / privacy screening details for roof terrace

Transport and highways

39. The application site has a PTAL score of 6B, which demonstrates excellent connectivity to TfL transport services.

PTAL calculation parameters

- 40.
- 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

Site access

41. The primary hotel lobby access to the site is currently proposed on Borough High Street. The secondary access on Hulme Place is proposed to be retained and is intended to provide access to the cycle store and the 'service access' to the rear of 291-299 Borough High Street. Hulme Place is a private road, providing vehicle and pedestrian access to St Michaels Court a residential building to the rear of the site. Hulme Place effectively operates as a shared surface, with no demarcation or lineation denoting pedestrian priority. Although vehicular traffic on Hulme Place would likely be limited.
42. It is recommended that a S278 Highways Agreement be submitted to demonstrate what improvements can be made to the surface and layout of Hulme Place, to provide an appropriate means of access to all potential users whilst maintaining access to St Michaels Court.

Walking and cycling access and provision

43. The footways on Borough High Street are considered to be of a reasonable quality, and the site is also within a short distance of a number of cycle routes, as demonstrated within the accompanying Active Travel Zone assessment. There is tactile paving and dropped kerbs at the existing crossover to Hulme Place, although the existing footway and crossing are damaged in this location. The crossover on Hulme Place must be upgraded to current Southwark Streetscape Design Manual standards and should be included within the S278 works for the site.

Cycle parking provision

44. Cycle parking is currently proposed to the rear of the site and accessed via Hulme Place. The quantum of cycle parking proposed is generally acceptable, subject to further details on the type of stand that can be accommodated within this space and confirmation that these accord with London Cycling design standards to ensure accessibility and usability.
45. The applicant currently proposes to provide short-stay cycle parking within the long-stay store. It would be preferable that this provision is located within the public realm within the vicinity of the site, and the width of footway on Borough High Street is sufficient to comfortably accommodate this. This would enable and encourage deliveries by cargo bike or similar to the site. The provision of Sheffield stands within the highway would form part of the S278 works and would be subject to agreement with LBS Highways, but is supported by LBS

transport planning.

Deliveries and servicing

46. Loading on borough high street within the vicinity of the site is restricted between 7am and 7pm, Monday to Sunday, as indicated by kerb markings and signage. The applicant therefore currently proposes that deliveries to the site will only be undertaken on borough high street outside of these hours. Given the land use proposed, it is expected that most deliveries and servicing requirements can be scheduled. Any vehicles not following the on-street loading restrictions will be subject to enforcement. The applicant further states that deliveries which cannot be easily scheduled or arranged can be undertaken via Trinity Place to the south of the site utilising existing kerbside restrictions.
47. Refuse storage would be located adjoining the application building, along Hulme Place within a stored container. Residents have raised this as an objection with regard to pedestrian access and safety. As the premises is a commercial premises, the frequency and volume of refuse collection is conducted through a private operator and not the council. Details of the servicing and delivery arrangements shall be conditioned, and details of the enclosure of refuse storage shall also be attached to any such permission.

Trip generation

48. A multi-modal trip generation assessment is included within the Transport Assessment, which assesses the likely existing and proposed trip generation characteristics of the site. The methodology and results of this assessment are acceptable. The results indicate that the proposed development would result in a net decrease in peak hour trips and an increase in daily trips in comparison with the existing land use. However, the total net additional daily two-way trips (+82 trips) would be expected to have a negligible impact on the local highway and transport networks.

Highways development

49. Borough high street is an adopted highway - 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 upon a busy road, a full Construction Logistics Plan must be submitted and approved by the council prior to the commencement of any works.
50. The developer would be required to undertake a precommencement survey to catalogue the existing condition of footway fronting the site prior to works commencing. A S278 agreement shall also ensure that any damage caused by construction to the Highway shall be repaired to SSDM standards.

Construction management

51. An outline Construction Management Plan (CMP) has been submitted. The contents and scope of the CMP are generally acceptable at this stage. However, given the site's sensitive location, a full and detailed Construction Environment Management Plan (CEMP) must be conditioned.

Environmental matters

Construction management

52. Given the sensitive location of the application site, a Construction Environmental Management Plan (CEMP) shall be required to ensure health, safety and impacts from deliveries and servicing, does not cause pollution or unreasonable disturbance to residents. A pre-commencement condition providing details of this shall be attached to any such permission – this position is agreed with highways and transport and also in response to raised objections from contributors during public consultation.

Air quality

53. The Air Quality Assessment (ref: BE15814/A1 dated April 2024 by Build Energy Ltd) has been reviewed by the council's environmental protection team. This was requested from the applicant as 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.
54. The results of the dispersion modelling assessment indicated that predicted concentrations of NO₂ and PM₁₀ were below the relevant targets across the proposed development. Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against the screening criteria provided within the IAQM guidance. As the proposals are 'car-free', road traffic exhaust impacts were predicted to be not significant. Overall the adverse impacts of the development on air quality are likely to be negligible to exposed NO₂, PM₁₀ and PM_{2.5}. A condition requiring compliance with the Air Quality Screening Assessment shall be applied to any such approval.

Planning obligations (S.106 agreement)

55. 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.

56. 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.

57.

Planning Obligation	Mitigation
Loss of employment floorspace	Employment and enterprise contribution towards training and upskilling of Southwark unemployed residents - £35,733.00
S278 Agreement for Highway Works	Associated upgrade, renewal of existing associated infrastructure relevant and commensurate to scale of development and safety of pedestrians.

58. In the event that an agreement has not been completed by 25 April 2025, the committee is asked to authorise the director of planning and growth to refuse permission, if appropriate, for the following reason:

59. *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)

60. 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 development would not be CIL Liable, as the proposal constitutes less than 100 sqm of new build floor area within the site boundary. To seek written confirmation of this, the applicant can submit a CIL Additional Information and Assumption of Liability Forms in which the CIL team would be able to formally confirm NIL liability should the developer seek further confirmation prior to implementation of the development.

Community impact and equalities assessment

61. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
62. 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.
63. 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

64. 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.
65. This application has the legitimate aim of providing hotel accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Positive and proactive statement

66. 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.
67. 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.

68. **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

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

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: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Zaib Khan, Team Leader	
Version	Final	
Dated	4 October 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		9 October 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	C/o agent C/o agent C/o agent Create Asset Management	Reg. Number	24/AP/1868
Application Type	Minor application		
Recommendation		Case Number	PP-12829884

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

Change of use of one ground floor retail unit and offices at upper floors (Class E) to create 47 bedroom Hotel (Class C1).

291 - 299 Borough High Street London Southwark

In accordance with application received on 25 June 2024 and Applicant's Drawing Nos.:

LOCATION PLAN 2207-LAT-XX-00-M2-A-P10002 received 25/06/2024

Existing Plans**Proposed Plans**

PROPOSED FIRST FLOOR PLAN 2207-LAT-XX-01-M2-A-1502 received 25/06/2024

PROPOSED SECOND FLOOR PLAN 2207-LAT-XX-02-M2-A-15103 received 25/06/2024

PROPOSED THIRD FLOOR PLAN 2207-LAT-XX-03-M2-A-15104 received
25/06/2024

PROPOSED FOURTH FLOOR PLAN 2207-LAT-XX-04-M2-A-15105 received
25/06/2024

PROPOSED FIFTH FLOOR PLAN 2207-LAT-XX-05-M2-A-15106 received
25/06/2024

PROPOSED GROUND FLOOR PLAN 2207-LAT-XX-GF-M2-A-15101 received
25/06/2024

PROPOSED ELEVATION TO HULME PLACE 2207-LAT-XX-NE-M2-A-15202
received 25/06/2024

PROPOSED ELEVATION TO BOROUGH HIGH STREET 2207-LAT-XX-NW-M2-A-
15201 received 25/06/2024

PROPOSED ELEVATION TO BOROUGH HIGH STREET 2207-LAT-XX-NW-M2-A-
15205 received 25/06/2024

PROPOSED ELEVATION TO TRINITY STREET 2207-LAT-XX-SW-M2-A-15204
received 25/06/2024

PROPOSED REAR ELEVATION 2207-LAT-XX-SE-M2-A-15203 received 25/06/2024

Other Documents

PROPOSED ROOF TERRACE PLAN 2207-LAT-XX-06-M2-A-15107 received
25/06/2024

PROPOSED ROOF PLAN 2207-LAT-XX-RF-M2-A-15108 received 25/06/2024

1. Development shall be carried out in accordance with the approved plans (listed above).

Reason:

For the avoidance of doubt and in the interests of proper planning.

Time limit for implementing this permission and the approved plans

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

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

Permission is subject to the following Pre-Commencements Condition

3. 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, resident's liaison meetings, etc.);
 - A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
 - Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations; and
 - A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

To follow current best construction practice, including the following:

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

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

Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework (2023); Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Permission is subject to the following Grade Conditions

4. Roof Terrace Privacy Screening

Prior to the commencement of above grade works, details of the roof terrace privacy screening (plans, elevations and sections including any green planting) 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).

5. Lighting and security surveillance - roof terrace

Prior to above grade works, details of Lighting and Security Surveillance - Roof Terrace Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment at roof terrace level of the building, shall be submitted to and approved by the Local Planning Authority in writing before any such lighting or security equipment is installed. The development shall not be carried out otherwise in accordance with any such approval given.

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 safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with Chapter 8 (Healthy and safe communities) of the National Planning Policy Framework (2023); P56 Protection of amenity; P66

Reducing noise pollution and enhancing soundscapes, P15 Residential design, P16 Designing out crime, P13: Design of places and P14: Design quality of Southwark Plan (2022).

6. 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).

Permission is subject to the following Pre-Occupation Conditions

7. Prior to the commencement of use of the roof terrace, an Operational Management Plan shall be submitted to and approved in writing by the local planning authority. The use of the roof terrace shall, unless otherwise agreed by the local planning authority, comply with the terms of the Operational Management Plan at all times.

The Operational Management Plan shall include:

- The arrangements to manage the use of the roof terrace including oversight by a building manager;
- The arrangements to manage the number of people using the roof terrace at any one time so as to protect the amenity of neighbouring residents and to minimise noise and disturbance;

Reason

In order to ensure that the use of the terrace operates in a neighbourly way and is not harmful to the amenity of adjoining occupiers. In accordance with Policy P56 Protection of Amenity of the Southwark Plan 2022.

8. Service Management Plan

Before the first occupation of the building hereby permitted, a Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason: To ensure compliance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2023); Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) and Policy P50 (Highways Impacts) of the Southwark Plan (2022).

9. 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 Conditions

10. Obscure Glazing

The window(s) on the south-east elevation of the 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).

11. Deliveries and Collections

Any deliveries or collections to building shall only be between the following hours:

- 07:00 to 20:00 on Monday to Saturday and;
- 10:00 to 16:00 on Sundays and public holidays

Reason: To safeguard the amenity of neighbouring residential properties in accordance with policy P56 (Protection of Amenity) of the Southwark Plan (2022) and the National Planning Policy Framework (2023).

12. Roof Terrace Hours

The hotel roof terrace (which is not restricted to servicing only) shall only be used during the hours of:

- 09:00 to 22:00 Monday to Saturday and;
- 10:00 to 20:00 on Sunday and public holidays

Reason

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

13. Air Quality Assessment

The development must be carried out in accordance with the provisions of the Air Quality Assessment ref: (BE15814/A1 dated April 2024 by Build Energy Ltd), unless otherwise approved in writing by the Local Planning Authority. Any such relevant mitigation measures should be incorporated into the Construction Environmental Management Plan.

Reason

To ensure that the development incorporates the necessary air quality measures and mitigations to address the impacts of poor air quality in accordance with P65 (Improving Air Quality) of the Southwark Plan (2022) and SI 1 (Improving Air Quality) of The London Plan (2021).

14. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level ($L_{A90\ 15min}$) 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).

15. RESTRICTION ON THE INSTALLATION OF ROOF PLANT

No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted.

Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places), Policy P14 (Design quality) and P56 (Protection of amenity) of the Southwark Plan (2022).

Relevant planning policy

The National Planning Policy Framework (NPPF) 2023

- Chapter 2 – Achieving sustainable development.
- Chapter 6 – Building a strong, competitive economy.
- Chapter 7 – Ensuring the vitality of town centres.
- Chapter 9 – Promoting sustainable transport.
- Chapter 11 – Making effective use of land.

The London Plan (2021)

- Policy GG5 Growing a good economy.
- Policy SD1 Opportunity Areas
- Policy SD4 The Central Activity Zone (CAZ)
- Policy SD5 Offices, other strategic functions and residential development in the CAZ.
- Policy SD6 Town centres and high streets.
- Policy D1 London's form character and capacity for growth.
- Policy D3 Optimising site capacity through the design led approach.
- Policy E10 Visitor infrastructure
- Policy D12 Fire safety
- Policy E1 Offices
- Policy SI1 Improving air quality.
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction.
- Policy DF1 Delivery of the Plan and Planning Obligations

Southwark Plan (2022)

- Policy P18 Efficient use of land
- Policy P30 Office and business development
- Policy P35 Town and local centres
- Policy P41 Hotel and visitor accommodation
- Policy P50 Highway impacts
- Policy P53 Cycling
- Policy P56 Protection of amenity
- Policy P65 Improving air quality.
- Policy P66 Reducing noise pollution and enhancing soundscapes.
- Policy P70 Energy
- Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

Relevant planning history

No relevant planning history.

APPENDIX 4**Consultation undertaken**

Site notice date: 12/08/2024

Press notice date: n/a

Case officer site visit date: 12/08/2024

Neighbour consultation letters: Requested

Southwark Planning Register: 15/07/2024

Internal services consulted.

LBS Community Infrastructure Levy Team

LBS Urban Forester

LBS Environmental Protection

LBS Highways Development & Management

LBS Transport Policy

formal consultation and response to Pol

LBS Community Infrastructure Levy Team

Statutory and non-statutory organisations

None.

Neighbour and local groups consulted:

Hulme Place residents association following request.

Consultation responses received

Internal services

LBS Community Infrastructure Levy Team
 LBS Urban Forester
 LBS Highways Development & Management
 LBS Transport Policy
 formal consultation and response to Pol
 LBS Community Infrastructure Levy Team

Neighbour and local groups consulted:

Flat 2 St Michaels Court 3 Hulme Place
 London

Flat 1 St Michaels Court, 3 Hulme Place
 London SE1 1HY

1 Hulme Place London SE1 1HX

Flat 1, St Michael's Court 3 Hulme Place
 London

Flat 4 St Michaels Court 3 Hulme Place
 London

Flat 8, St Michaels Court 3 Hulme Place
 Southwark, London

FLAT 3 34 TRINITY CHURCH SQ
 LONDON

Flats 6, 11 and 12 St Michael's Court 3
 Hulme Place London

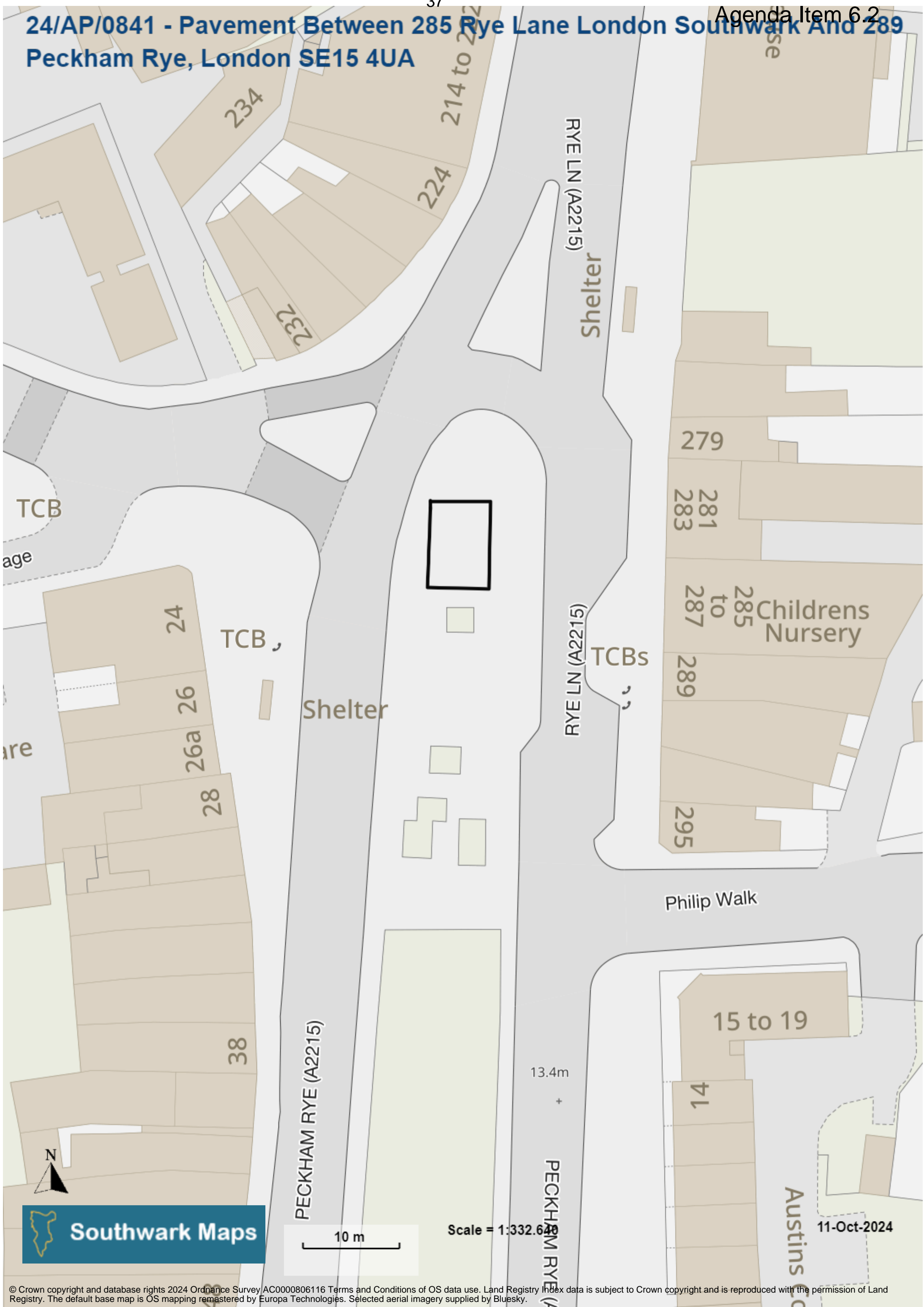
Flat 3, Hulme Place London SE1 1HY

2 HULME PLACE LONDON SE11HX

Flat 1 St Michaels Court 3 Hulme Place
 London

Flat 1 St Michaels Court, 3 Hulme Place
 London

24/AP/0841 - Pavement Between 285 Rye Lane London Southwark And 289 Peckham Rye, London SE15 4UA



234

224

214 to 222

232

RYE LN (A2215)

Shelter

279

281
283

287

285 to

Childrens Nursery

289

295

RYE LN (A2215) (G127A) N1 EYE

TCBs

TCB

TCB

Shelter

24

26

26a

28

38

Philip Walk

15 to 19

41

Austins



10 m

Scale = 1:332.648

13.4m

11-Oct-2024

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Meeting Name:	Planning Committee (Smaller Applications)	
Date:	23 October 2024	
Report title:	<p>Development Management planning application: Application 24/AP/0841 for: Full Planning Application</p> <p>Address: Pavement between 285 Rye Lane and 289 Peckham Rye, London Southwark SE15 4UA</p> <p>Proposal: Erection of a temporary food kiosk (Class E(a)) for a period of 3 years. (This application represents a departure to Policy P57 Open Space of Southwark Plan 2022 by reason of development on Metropolitan Open Land (MOL)).</p>	
Ward(s) or groups affected:	Rye Lane	
Classification:	Open	
Reason for lateness (if applicable):	Not Applicable	
From:	Director of Planning and Growth	
Application Start Date: 01.05.2024	PPA Expiry Date: 31.10.2024	
Earliest Decision Date: 23/10/2024		

RECOMMENDATION

1. That the development which is located on Metropolitan Open Land (MOL) be granted temporary permission subject to conditions.

EXECUTIVE SUMMARY

2. The proposed development is for the erection of a temporary food kiosk (Class E(a)) - Display or retail sale of goods, other than hot food' for a temporary period of 3 years.
3. The application is being referred to Planning Smaller Applications Committee as the new development is contrary to the development plan, being the erection of a new food kiosk that is located on Metropolitan Open Land MOL, and not complying with policies relating to acceptable development on MOL.
4. The small scale, temporary nature of the proposal and the proposed design and positioning of the new kiosk would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or

detract from its character. The proposal would provide facilities that can be used by visitors to the park. The proposal would also preserve the appearance and character of the area and not give rise to neighbour amenity or highway impacts.

BACKGROUND INFORMATION

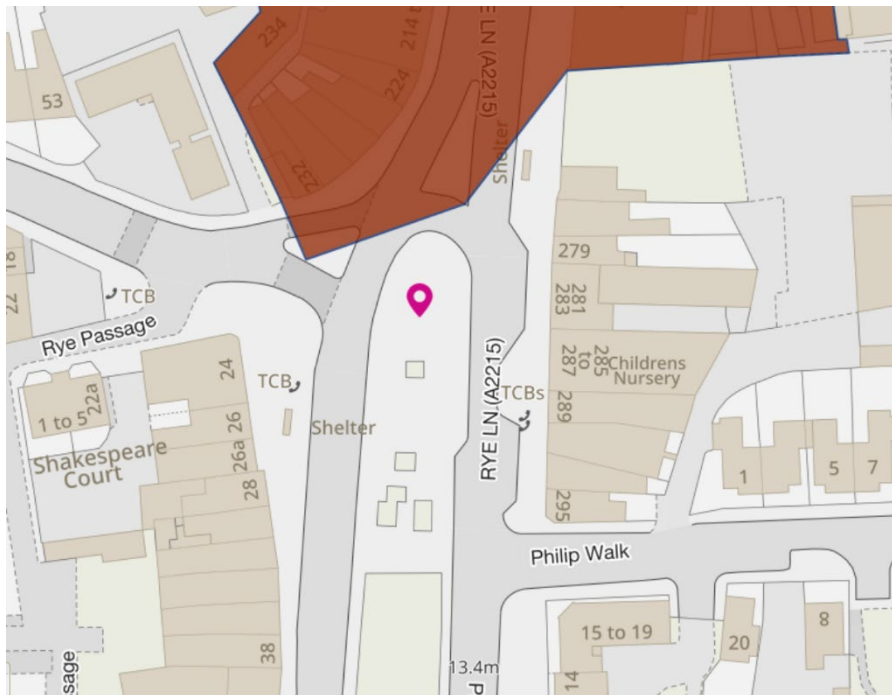
Site location and description

5. The application site is located on an elongated traffic island split in the gyratory of Peckham Rye the A2215. The site is located on the northern end of the island opposite its junction with Nigel Road to the west. The site is bounded by commercial units with residential above to its north, east and west elevations.
6. The site is not located in a Conservation Area however Rye Lane Conservation Area lies approximately 12m north of the site. There are no Listed Buildings nearby.
7. The site is subject to the following planning designations:
 - AV.14 Peckham – Area Vision Boundary
 - Peckham Major Town Centre
 - Peckham Rye Common and Piermont Green – Green Chain Park
 - Peckham Rye Common and Piermont Green - Site of Importance for Nature Conservation
 - Peckham Rye Common and Piermont Green – Metropolitan Open Land (MOL)
 - Peckham and Nunhead Action Area
 - Hot food takeaway primary school exclusion zone
 - East Southwark Critical Drainage Area

8. *Figure 1- Site Location Plan*



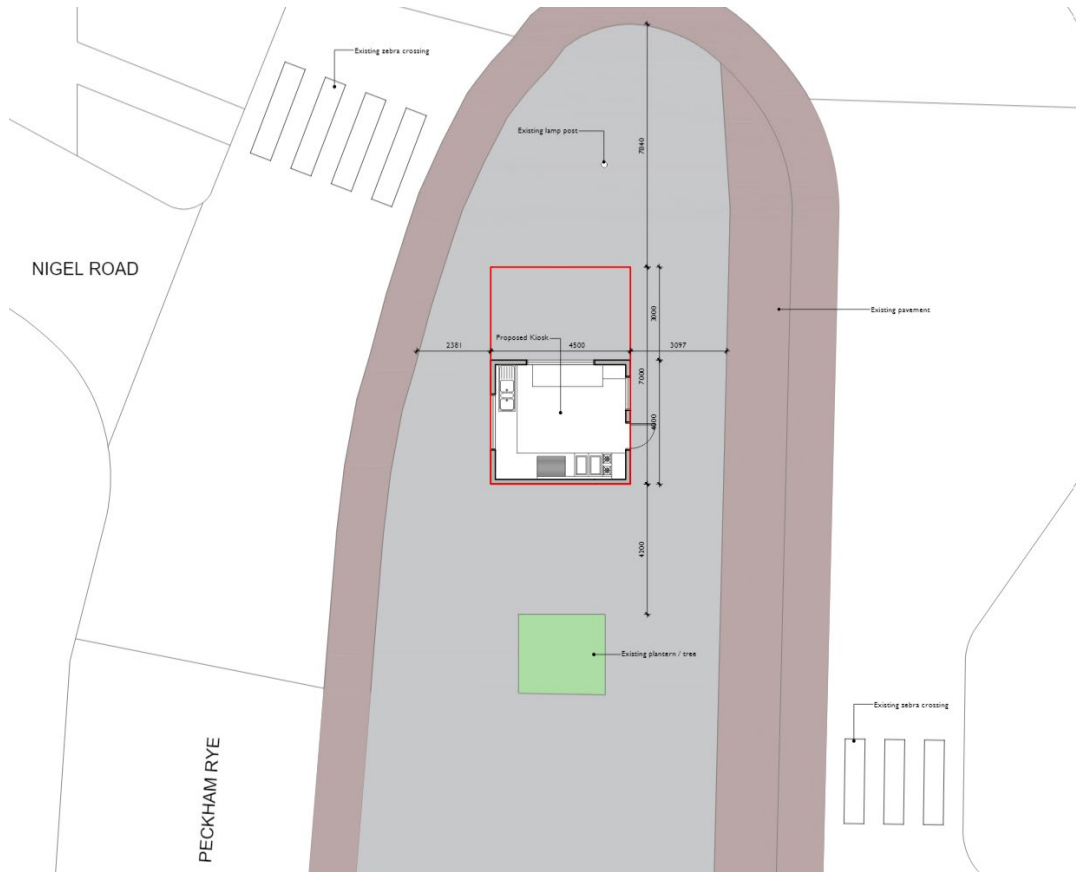
9. *Figure 2 - Proximity of site to Rye Lane Conservation Area*



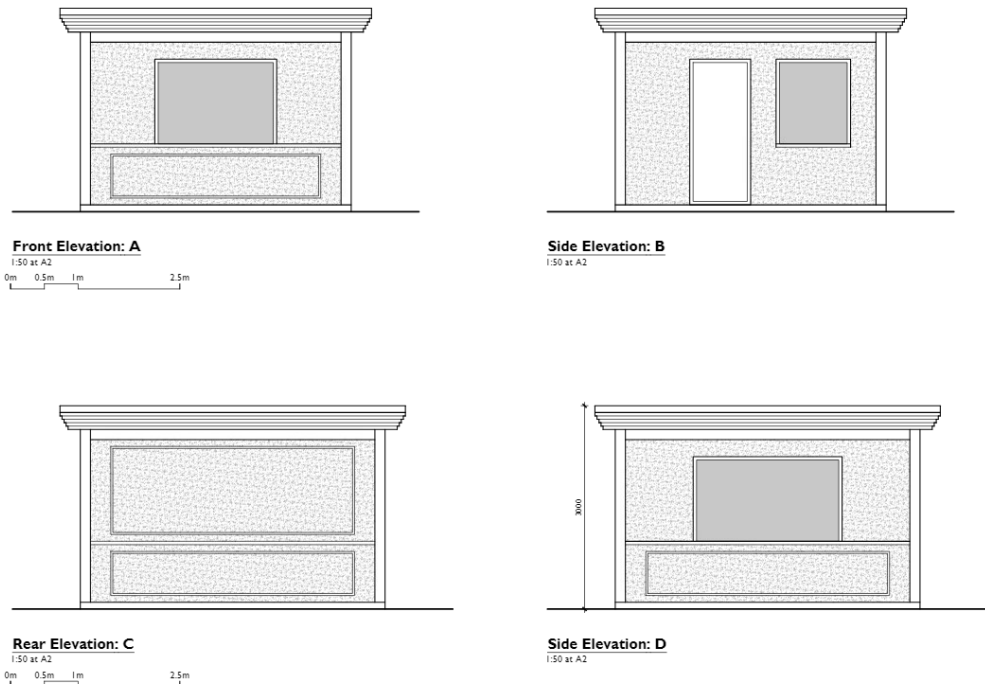
10. *Figure 3 - Existing traffic island – facing south west***Details of proposal**

11. The proposed development is for the erection of a temporary food kiosk (Class E(a)) for a temporary period of 3 years.
12. Class E is for Commercial, Business and Service with sub-category A defined as the 'Display or retail sale of goods, other than hot food'.
13. The initial description of development sought permission for a permanent food kiosk. This was amended during the application to a temporary permission for a period of 3 years.
14. The proposed kiosk would be of a painted grey timber material and would have the following dimensions:
 - Maximum height: 3m
 - Maximum width: 4.5m
 - Maximum depth: 4m
 - Footprint = 18m²

15. *Figure 4 - Proposed site plan*



16. *Figure 5 - Proposed elevations*



Amendments to the application

17. The application initially proposed a permanent kiosk but this was amended to a temporary period of 3 years during the assessment following Case Officer advice that a permanent structure would unlikely be considered acceptable.
18. The application was further amended to move the proposed kiosk an additional 0.9m north from the existing planter / tree and display the existing zebra crossings on the site plan. This was following public objections and comments received by the Urban Forester.

Consultation responses from members of the public and local groups

19. One site notice was initially displayed at the site on 15.05.2024. The application was re-advertised following an update in the description to advertise temporary permission and departure from the development plan. Three site notices were displayed (1x at the site 1x on Rye Lane west and 1x on Peckham Rye east) from 03.07.2024. A Press Notice was also issued on 04.07.2024.
20. 18 public comments were received (across both consultation periods); 17 objections and 1 comment of support, at the time of writing. These are outlined below.
21. Objections:
 - Close to multiple food businesses, overconcentration
 - Affect existing local businesses
 - Increase in congestion and overcrowding on footpath.

- Increase in litter
- Unsuitable placement in the way of pedestrians and zebra crossing
- Increase in smoke
- Introduction of additional competition in the form of food kiosks would exacerbate the already declining customer traffic
- Increase in accidents from customers crossing road to kiosk
- Exhaust fumes and pollutants from the vehicles passing by could easily contaminate the food being served at the kiosk, posing serious health risks to customers specially if food is to be stored on site
- Distraction to drivers and pedestrians
- Smells harming surrounding ecology
- Blocks zebra crossing which affects wheelchair users
- Block businesses view from other side of road.

22. Support:

- Accessible location with space for other things on the island
- Benefit to community and tourists.

23. The material planning considerations have been addressed throughout the officer report below.

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

24. 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

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

- Principle of the proposed development in terms of land use
- Design
- Landscaping, trees and urban greening
- Ecology and biodiversity
- Biodiversity Net Gain
- Fire safety
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Transport and highways
- Environmental matters, including flood risk
- Mayoral and borough community infrastructure levy (CIL)
- Consultation responses and community engagement
- Community impact, equalities assessment and human rights.

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

Legal context

27. 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.
28. 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

29. 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

30. The application proposes the erection of a food kiosk on Metropolitan Open Land for a temporary period of 3 years. The acceptability of the principle of the land use comprises two factors, whether the proposed use is acceptable with regard to impact upon the MOL and whether the commercial use is acceptable in this location.

Metropolitan Open Land

31. As the site forms part of MOL, it should be protected from inappropriate development in accordance with national planning policy tests that are applied to Green Belt, as required by Chapter 13 'Protecting the green belt' of the National Planning Policy Framework (NPPF) (2023) and Policy G3 'Metropolitan Open Land' of the London Plan (2021). These policies outline that development in MOL should only be approved in very special circumstances. Paragraphs 154 and 155 of the NPPF outline that such exceptional circumstances can include the provision of appropriate facilities in connection with existing use of land or a change of use for outdoor sport, recreation, cemeteries, burial grounds or allotments, as long as these facilities preserve the openness of the green belt.

32. Policy P57 (Open space) of the Southwark Plan 2022 states that development will not be permitted on Metropolitan Open Land (MOL). In exceptional circumstances development may be permitted when:
1. *It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or*
 2. *It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building or*
 3. *It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.*
33. The proposal is listed as a departure application, as the proposed use for Class E(a) is not cited as related to outdoor sport, recreation, cemetery and cannot be considered ancillary.
34. The application site relates to an existing traffic island to the north of Peckham Rye Park which has been included in the designation of the Peckham Rye Common and Piermont Green Metropolitan Open Land (MOL). The landowners are Southwark Council and as such the applicant would require a license from the Council for use of the land, though this does not form a part of planning considerations. The proposed kiosk would be situated entirely on existing hardstanding to the northern edge of the MOL boundary, occupying a footprint of approximately 18m².
35. It is considered that the existing site location offers limited contribution to the Metropolitan Open Land designation as it comprises hardstanding on a traffic island located over 100m from the northern section of Peckham Rye Park, being even further away from the main park grounds. The kiosk would be of modest dimensions no higher than 3m and would not form a permanent structure at the site. Given the small-scale nature of the building and its distance from the park, it would not detract from the openness experienced at Peckham Rye Common and Piermont Green. The kiosk would be prefabricated and placed onto the hardstanding for a temporary period of 3 years after which the land would then be vacant again.
36. Given the site's location to the very northern edge of the MOL boundary on hardstanding, with a considerable distance away from the open space of Peckham Rye Park and Common, it is considered the proposal would have negligible impact on the openness, accessibility or quality of the MOL. The immediate vicinity of the site is urbanised and comprises commercial units, to which the proposed kiosk would relate well to the setting of the area. It is therefore considered that in this case, an exception to the MOL policy can be made.

Use Class E(a) – Display or retail sale of goods, other than hot food

37. The proposed development would be for Class E(a) the 'Display or retail sale of goods, other than hot food'. The Planning Statement outlines that the proposed kiosk would sell vegetarian/vegan salads, wraps and mocktails. The application site is in the Peckham Major Town Centre and Hot food takeaway primary school exclusion zone. Therefore P35 'Town and Local Centres' and P48 'Hot food takeaway' of the Southwark Plan 2022 would apply to the proposed development.
38. The site is within the Peckham Major Town centre, where uses such as shops, professional services and restaurants are supported by policies, such as Southwark Plan Policy P35 (Town and local centres). The provision of retail/sale of food/drink units in this location would contribute to the vitality of the area. It is noted that objectors express concern regarding an overconcentration of business in the area and the introduction of a food kiosk would lead to additional competition and declining customer traffic. Rye Lane and Peckham Rye roads adjacent to the application site host a wide number of town centre uses. It is not considered that the addition of a temporary unit would significantly harm the vitality or viability of the town centre.
39. As outlined, the application site is also located in the 'Hot food takeaway primary school exclusion zone'. This means that P48 (Hot food takeaway) of the Southwark Plan 2022 restricts the development of new hot food takeaways. Given the nature of the proposed use Class E(a) being a kiosk for display or retail sale of goods, other than hot food to be consumed away from the premises, it is important to restrict the use of the kiosk to prohibit the cooking of hot food. It is noted that whilst the internal layout is subject to change, it displays hob rings/grills that could be used for the cooking of any hot food. As such a compliance condition is recommended to restrict the use of the kiosk for the cooking of any hot food in line with the permitted use class and to ensure ongoing compliance with P48.

Design

Site context

40. *Figure 6 - Aerial photo of the site*



Site layout

41. *Figure 7 - Site layout in context*

42. The proposed kiosk would be of modest dimensions with a maximum flat roof height of 3m, a depth of 4m and a width of 4.5m. It would be located 4.2m north from the existing tree/brick planter and between the lamppost to the northern edge of the traffic island. The structure would be prefabricated and not fixed into the existing pavement. It would be constructed of timber painted in a grey colour.
43. The site lies south of the Rye Lane Conservation Area boundary by approximately 12m. The council's Design and Conservation Team expressed concern that the kiosk would not respond well to its setting or the nearby conservation area. Given the modest dimensions and that the kiosk would be temporary, it is not considered that the proposed kiosk would cause significant detrimental harm to the character of the area or nearby conservation area. It would not appear as an overbearing structure in the context of the existing traffic island. As the structure would be prefabricated and not permanently fixed into the site, there is limited control over the proposed design of the kiosk. As such the proposal is deemed acceptable in design terms.

Landscaping, trees and urban greening

44. The proposed kiosk's southern elevation was initially located 3m north of the existing planter / tree on the traffic island. The Urban Foresters consultation comments outlined that whilst the proposed kiosk does not currently directly affect a small tree in the adjacent raised brick planter, its location 3m from the planter means the canopy would require pruning to avoid a constraint in future.
45. It was outlined by the case officer that the position of the kiosk should be amended within the red line boundary so that it is located further from the tree canopy to avoid potential conflicts due to close proximity. Alternatively, an Arboricultural Impact Assessment may be submitted prior to determination to consider this issue.

46. The applicant amended the proposal so that the kiosk was moved an additional 0.9m north of the existing brick planter. As such a distance of 4.2m is maintained between the planter and the southern elevation of the proposed kiosk. It is now considered that the proposed kiosk maintains a good separation distance away from the tree canopy to avoid future constraints and so the proposal would be acceptable in respect of impact on trees.

Ecology and biodiversity

47. The application site is in the Peckham Rye Common and Piermont Green Site of Importance for Nature Conservation (SINC).
48. The council's ecologist has reviewed the information provided by the applicant. P60 'Biodiversity' of the Southwark Plan 2022 notes the following:

1. Development must contribute to net gains in biodiversity through:

- 1. Enhancing the nature conservation value of Sites of Importance for Nature Conservation (SINCs), 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*
- 2. Protecting and avoiding damage to SINCs, LNRs, populations of protected species and priority habitats/ species; and*
- 3. 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.*

2. Any shortfall in net gains in biodiversity must be secured off site through planning obligations or as a financial contribution.

49. The ecologist outlined that as the site is a SINC, the implications of the removal of or harm any of the habitat onsite caused by the proposed development should be considered. Whilst the site is in a SINC, the proposed kiosk would be located to the northern edge of the traffic island, situated entirely on hardstanding and would be of a temporary nature with no permanent foundations. As such it is not considered that the proposal would cause any considerable damage to the SINC.
50. It was also outlined that there should be no increase of lighting onto the SINC or nearby street trees caused by the development. A pre-occupation condition for a bat lighting plan to be submitted is recommended and has been agreed by the applicant. As such, subject to conditions, the development is not considered harmful to nature conservation.

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.
52. Based on the information provided by the applicant, this site is considered to be exempt from the requirement to deliver mandatory BNG as it is located entirely on hardstanding.

Fire safety

53. Policy D12 (A) of the London Plan 2021 requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
54. Paragraph 3.12.9 of the policy explains that fire statements should be produced by someone who is "third-party independent and suitably-qualified". The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the engineering council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts fire statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
55. Summary of information contained in Planning Fire Safety Strategy:
 - The kiosk window and doorway would provide egress in the event of a fire
 - The site would not be connected to a water supply albeit water containers would be stored in the kiosk
 - Fire extinguishers and fire blankets would be installed in the kiosk
 - In the event of a fire, the staff would meet outside of the kiosk to the pavement
 - Signs would be attached to the kiosk to prevent smoking outside the kiosk.
56. Notwithstanding that this is a fairly basic assessment, not prepared by an individual with specialist fire safety qualifications, it deals with the key points of the planning policy. The proposal is for a single-storey prefabricated food kiosk and does not present unusual risks in relation to fire safety and on balance, the information provided satisfies the requirements of planning policy.

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

Outlook and privacy

57. The proposed kiosk would be located on a traffic island in an area constructed on hardstanding. There would be a serving window to the northern elevation, a window and access door to the eastern elevation and a window to the western elevation.
58. Given the sites location and nature of the proposal being a food kiosk, it is not considered that the proposed windows and doors to the kiosk would cause any harmful overlooking or privacy impacts to nearby residential properties above commercial on Rye Lane or Peckham Rye.

Daylight and sunlight

59. As outlined above, the proposed kiosk would be located on a traffic island between 285 Rye Lane and 289 Peckham Rye. The kiosk would be of modest dimensions reaching a maximum height of 3m. The kiosk would not interfere with any nearby residential properties habitable windows to cause an adverse impact on daylight and sunlight levels.

Sense of enclosure and loss of outlook

60. The proposed kiosk would have a maximum height of 3m, depth of 4m and width of 4.5m. It would be located on a traffic island to which pedestrian crossings are located to the southeast and northwest of the site. The kiosk would be of modest dimensions and leave adequate distance to each of the footpaths and pedestrian crossings. It would not be of a scale to impact on nearby properties outlook nor would it cause a sense of enclosure given its location on a central traffic island.
61. A public objection has noted that the placement of the kiosk would block the public's view of their business from the other side of the road. The kiosk would not be of a scale to significantly block views from all directions on adjacent streets.

Noise, vibration, odour and fumes

62. Given the temporary nature of the structure, there would be no plant or kitchen extract equipment installed with the kiosk. The council's environmental protection team were consulted on the application and raised no objections to the proposal. As such no adverse impacts by way of noise and vibration associated with the use are expected.
63. The application notes that the proposed kiosk would operate between the following hours:

12:00pm – 22:00pm on all days.

A compliance condition is recommended to ensure the unit does not operate outside the above stated hours. This is in the interest of protecting neighbour's amenity. Public objections express concern regarding the proposed use attracting crowds at night. However, the hours outlined above ensures that the site closes earlier than other food establishments in the local area, minimising any potential noise risk to nearby properties. Further to this, the site does not

provide any outdoor facilities for consumption on the premises as such significant noise generation is deemed unlikely due to the nature of the use.

64. Public objections also note concern about increased smells from the proposed kiosk and fumes from the surrounding area affecting food. As noted earlier in the assessment, given that the site is for proposed use Class E(a) which does not permit the sale of hot food, and the sites location in a hot food takeaway exclusion zone, a condition would be appropriate to prohibit the use of the kiosk for hot food. It is therefore considered that the kiosk would not generate heightened levels of odour to cause a significant impact on members of the public in the area. Any potential impact on the kiosks food from pollution is not a material consideration to the planning application.

Transport and highways

Servicing and deliveries

65. Given the small scale of the proposed kiosk and its temporary nature, it is not expected that high volumes or servicing or deliveries would be required. The Planning Statement outlines that cooking material and water would be brought to and from site.

Refuse storage arrangements

66. The transport team outlined that commercial waste must be managed privately. Given that the site does not benefit from external yard space, it is assumed that the waste would be stored internally and presented outside on collection day.
67. Public objections note concern regarding an increase in litter as a result of the proposal. It is noted the existing traffic island has public waste bins, with the nearest being southeast of the tree / brick planter. As outlined throughout the assessment, the kiosk would not present opportunities for consumption at the kiosk as no tables or chairs would be provided. It would be expected that customers consume the goods away from the site.

Car parking

68. The proposed kiosk would be a temporary structure for a period of 3 years. No car parking spaces are proposed with the development. The proposed car-free development is acceptable.

Cycle parking and cycling facilities

69. The transport team have outlined in their consultation comments that the proposal should provide 2 long-stay cycle spaces and 2 visitor spaces in line with policy requirements for food retail use.
70. Given the prefabricated and temporary use of the site, it is not considered pertinent to request cycle parking facilities. The site is in a PTAL 6a, indicating an excellent level of access to public transport. There would be no outside

seating area as part of the proposal and so customers would be required to purchase and consume the food elsewhere. As such the absence of long and short stay cycle parking facilities is considered acceptable in this instance and no monetary contribution to facilities would be sought given the temporary permission.

Highways impacts

71. Public objections express concern regarding the proposed kiosk causing congestion to the existing traffic island and public safety impacts to road users and pedestrians/wheelchair users when crossing the road.
72. An updated proposed site plan was provided at the request of the case officer illustrating the locations of the existing zebra crossings in relation to the proposed kiosk. It is noted that the proposed kiosk would be of a sufficient distance away from each crossing, with at least an 8m to the crossing at the east and 4.5m west. As such the location of the kiosk is unlikely to give rise in increased congestion given the ample clearance distance surrounding the kiosk and the adjacent zebra crossings.
73. The highways team were consulted on the application as the surrounding roads are adopted highways. No objections or comments were provided by the team. Given the modest scale of the structure and its set back from all elevations on the traffic island, it is not considered to pose a significant distraction to road users. Any advertisement that would not be classed as having deemed consent would require a separate advertisement consent application to be assessed.

Environmental matters

Flood risk

74. 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).

Site Context

75. The development site is in Flood Zone 1 as identified by the Environment Agency flood map. Zone 1 is lowest risk, which indicates a low probability of flooding. The site is also within the East Southwark Critical Drainage Area. This means it is an area where, when there is heavy rainfall, local flooding occurs. Given that the proposal is for a minor temporary development that is not a fixed structure, an assessment of flood risk is not required.

Mayoral and borough community infrastructure levy (CIL)

76. The proposal does not involve new build of at least 100m² gross internal area (GIA) floorspace or involve the creation of one or more dwellings. As such the development is not CIL liable.

Consultation responses from internal consultees

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

78. Ecology:

- The site designations are Metropolitan Open Land, Site of Importance for Nature Conservation (SINC) and Green Chain Link
- The development site is within the Peckham Rye and Piedmont Green Borough Grade SINC
- Policy P60 states that developments should avoid damage to SINC. This site is a SINC and the implications of the removal of or harm any of the habitat onsite caused by the proposed development should be considered
- This temporary development is situated entirely on hardstanding
- There should be no increase of lighting on the SINC or nearby street trees caused by the development
- Recommended conditions - PTO14 - Bat lighting.

Officer comment:

- The ecologist's comments have been considered in the Ecology and Biodiversity section of the report.

79. Parks and cemeteries team:

- Do not see the merits in such an operation on this land
- On the basis this area is MOL and it is highly visible a kiosk would detract from the area
- Do not support this proposal and would not seek to approve nor issue a licence for a kiosk.

Officer comment:

- The objections from the Parks and Cemeteries team have been noted and the principle of development has been assessed in the report.
- Licensing is separate to planning as such whether a license would be issued does not form a consideration of this application.

80. Planning policy team:

- The site designations are MOL Metropolitan Open Land, SINC and Green Chain Link. The entire site is located within Metropolitan Open Land (MOL)
- Policy P57 sets out that development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL) except in exceptional circumstances
- Development on the site would be a departure from Local Plan Policy P57. MOL has the same weight as greenbelt as set out in the NPPF.

- The development of this kiosk is not ancillary to the use of the park, within the footprint of the existing building, or consist of the replacement of a building. The development would therefore not meet the exceptional circumstances set out in policy P57. The section of MOL that the kiosk is proposed on the top end of the park and is on hand standing at the junction of Peckham Rye and Rye Lane. The sense of openness at this junction should also be considered.
- This application has been revised to a temporary permission for three years, and would be acceptable for this time period.
- The development site is also within a SINC. Peckham Rye and Piedmont Green is a Borough Grade SINC.
- Policy P60 states that developments should avoid damage to SINC. This site is a SINC and the implications of the removal of or harm any of the habitat onsite caused by the proposed development should be considered.

Officer comment:

- The planning policy team's comments have been considered in the principle of the proposed land use section of the report.

81. Urban forester:

- Whilst the proposed kiosk does not currently directly affect a small tree in the adjacent raised brick planter, it's location 3m from the planter means the canopy will require pruning to avoid a constraint in future.
- Should it otherwise be considered acceptable, the position should be amended within the red line so that the kiosk is located further from the tree canopy to avoid potential conflicts due to close proximity.
- Alternatively, an arboricultural impacts assessment may be submitted prior to determination to consider this issue.

Officer comment:

- The urban forester's comments have been considered in the landscaping and trees section of the report.

82. Design and conservation team:

- The installation of an independent prefabricated timber kiosk, painted grey in the proposed location is not expected to result in a positive contribution to the area which has a greater potential.
- The case officer is to confirm whether the proposed use falls as an ancillary facility that positively contribute to the setting, accessibility and quality of the MOL. If the use is acceptable, a purposely designed structure, that respond to the character of the area and nearby conservation area should be adopted and should be integrated well with an overall landscape development of the traffic island.
- Though the scale of the unit does not appear excessive in the location, the exterior design of kiosk unit is required to respond to its immediate setting. It is also noted that there exist few trees in planters to the southern part of island, sometimes used as a seating by public. But it is the rear blank wall of the kiosk that faces this area.
- The proposal in its current form is not supported as it does not appear to respond well to its setting or the nearby conservation area or the quality of MOL.

Officer comment:

- The design and conservation team's comments have been considered in the design section of the report.

83. Environmental protection team:

- No objection or comment

Officer comment:

- Noted.

84. Transport team:

- For this proposal, the required amount of long-stay cycle parking is therefore 2 spaces. 2 visitor spaces must also be provided to meet requirements of 1 space per 20 sqm GEA for first 750 sqm and 1 space per 150 sqm GEA thereafter, minimum of 2 visitor spaces.
- As the site is in PTAL 6a, the proposed car-free development is acceptable.
- As per Southwark Plan Policy P54, on-street parking permits will not be available for residents or businesses in current or future CPZs.
- No vehicle access or crossover have been proposed. As the proposal is car-free, this accords to adopted policy.
- The proposed pedestrian access accords to adopted policy.
- Commercial waste must be managed privately.

Officer comment:

- The Transport Team's comments have been considered in the transport and highways section of the report.

85. Highways team:

- No comments on the application.

Officer comment:

- Noted.

Community impact and equalities assessment

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

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

88. 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.
89. 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.
90. 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

91. 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.
92. This application has the legitimate aim of constructing a food kiosk. 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

93. 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.
94. 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 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
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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

95. 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	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	Agneta Kabele, Planning Officer	
Version	Final	
Dated	10 October 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		11 October 2024

Recommendation

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

This document is not a decision notice for this application.

Applicant	MR R Kembora	Reg. Number	24/AP/0841
Application Type	Minor application		
Recommendation		Case Number	PP-12922741

Draft of Decision Notice

for the following development:

Erection of a temporary food kiosk (Class E(a)) for a period of 3 years.

(This application represents a departure to Policy P57 Open Space of Southwark Plan 2022 by reason of development on Metropolitan Open Land (MOL)).

Pavement Between 285 Rye Lane London Southwark And 289 Peckham Rye,
London Southwark SE15 4UA

In accordance with application received on 25 March 2024 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

PROPOSED LAYOUT AND ELEVATIONS P5 REV B received 25/03/2024

Other Documents

EXISTING AND PROPOSED BLOCK PLAN P3 REV C received 19/09/2024

PROPOSED SITE PLAN P2 REV C received 19/09/2024

Time limit for implementing this permission and the approved plans

2. The development hereby permitted shall be permitted for a period of three years until 31/10/2027, on or before which date the structure shall be removed from the site and the land restored to its former condition.

Reason:

The type of building is not such as the Local Planning Authority is prepared to approve other than for a limited period.

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

3. 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)

4. 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).

5. The use class hereby permitted does not permit any primary cooking on site or hot food takeaway.

Reason:

This is in accordance with the NPPF (2023), London Plan (2021) and P48 (Hot Food Takeaway), P56 (Protection of amenity) and P65 (Improving air quality) of the Southwark Plan 2022.

6. The use hereby permitted shall not be carried out outside of the hours of 12:00pm - 22:00pm on all days.

Reason:

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

Informatives

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 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 13 Protecting Green Belt (applies to Metropolitan Open Land)
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural 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 SD6 Town centres and high streets
- Policy E9 Retail, markets and hot food takeaways
- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy D14 Noise
- Policy G2 London's Green Belt
- Policy G3 Metropolitan Open Land
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car 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
- P35 Town and local centres
- P48 Hot food takeaways
- P53 Cycling
- P54 Car parking
- P56 Protection of amenity
- P57 Open space
- P60 Biodiversity
- P61 Trees
- P65 Improving air quality
- 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:

- Affordable Housing SPD (updated)
- Climate and Environment SPD
- Householder SPD

Relevant planning history

No relevant planning history

Consultation undertaken

Site notice date: 03/07/2024

Press notice date: 04/07/2024

Case officer site visit date: 15.05.2024

Neighbour consultation letters sent:

Internal services consulted

formal consultation and response to Pol

LBS Urban Forester

LBS Design & Conservation Team [Surgery]

LBS Environmental Protection

LBS Transport Policy

LBS Highways Development & Management

LBS Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

Re-consultation:

Consultation responses received

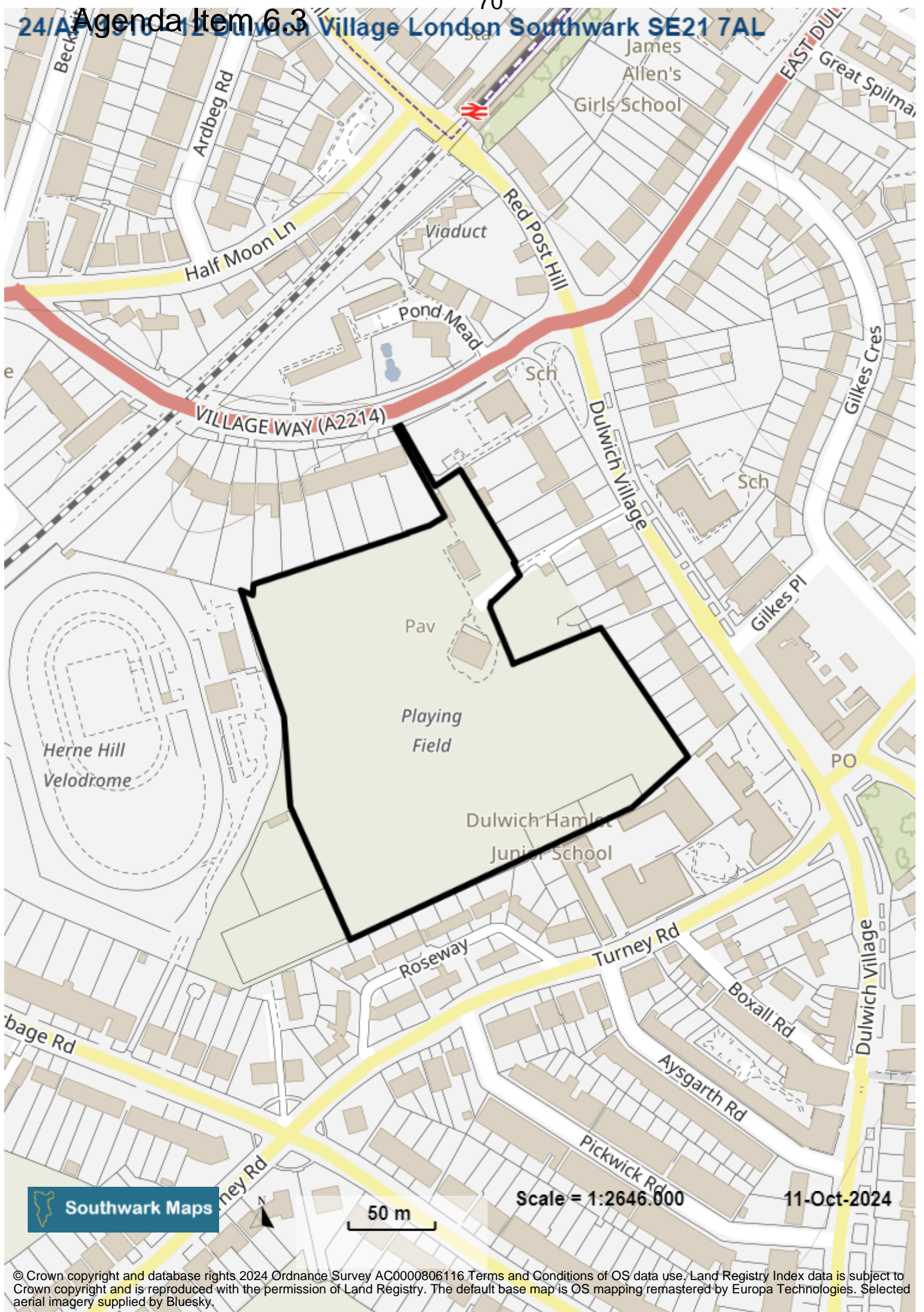
Internal services

formal consultation and response to Pol
 LBS Urban Forester
 LBS Design & Conservation Team [Surgery]
 LBS Environmental Protection
 LBS Transport Policy
 LBS Highways Development & Management
 LBS Ecology

Statutory and non-statutory organisations

Neighbour and local groups consulted:

55 Nightingale Road 55 London
 291 rye lane Peckham SE15 4UA
 277 rye lane New Addington London
 48 Choumert Road London SE15 4AX
 291 rye lane Peckham SE15 4UA
 21 wivenhoe close London Se153QJ
 33 London Se25 4bn
 26A Peckham Rye Peckham SE15 4JR
 26 galata square peckham se15 3pl
 London Se15 3pl
 Se15 3nn3 15 hugonuet square London
 Se15 3nn
 36 brimstone court Peckham rye London
 8 hazel cloae Peckham London
 Flat 2 Bramley Court Scylla Road
 London
 Flat4 emblem court Friern road London
 15 Huguenot sq London
 295 Crystal Palace LONDON Se229jl
 Flat 11 russell court heaton road
 Peckham Se15 3nw
 Flat 54 co-operation house 253 rye lane
 London



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Meeting Name:	Planning Committee (Smaller Applications)
Date:	23 October 2024
Report title:	<p>Development Management planning application: Application 24/AP/1916 for: Full Planning Application</p> <p>Address: 12 DULWICH VILLAGE, SOUTHWARK LONDON SE21 7AL</p> <p>Proposal: Erection of netting approximately 4m from the fence line with 26 and 28 Dulwich Village measuring 3 m high and 40 m wide</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: 01/07/2024	Application Expiry Date: 25/08/2024
Earliest Decision Date: 08/08/2024	

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

2. The application proposes to construct five steel posts and netting approximately 4m from the fence line with 26 and 28 Dulwich Village measuring 3 m high and 40 m wide. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
3. The small scale of the proposal and the proposed design and positioning of the posts and netting would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or detract from its character. The proposal will provide facilities that will enable continued use of the football pitches. The proposal will also preserve the appearance and character of the area and the Dulwich Village Conservation Area in which it sits.

BACKGROUND INFORMATION

Site location and description

4. The application site is located within the south-western area of Griffin Sports Club playing fields, an area of approximately 1850sqm (170sqm perimeter) and is accessed via the lane off Dulwich Village to the South of the site. The existing site is designated as Metropolitan Open Land (MOL), which is a clear open space and is identified as a Site of Importance for Nature Conservation. Whilst the club has various sports facilities, the specific site relates to the erection of sports posts and netting.
5. The site is subject to the following designations:
 - Air Quality Management Area
 - Archaeological Priority Zone
 - CIL Zone 1
 - Conservation Area – Dulwich Village
 - Metropolitan Open Land
 - Site Of Importance for Nature Conservation
6. Figure 1: Aerial image of application site



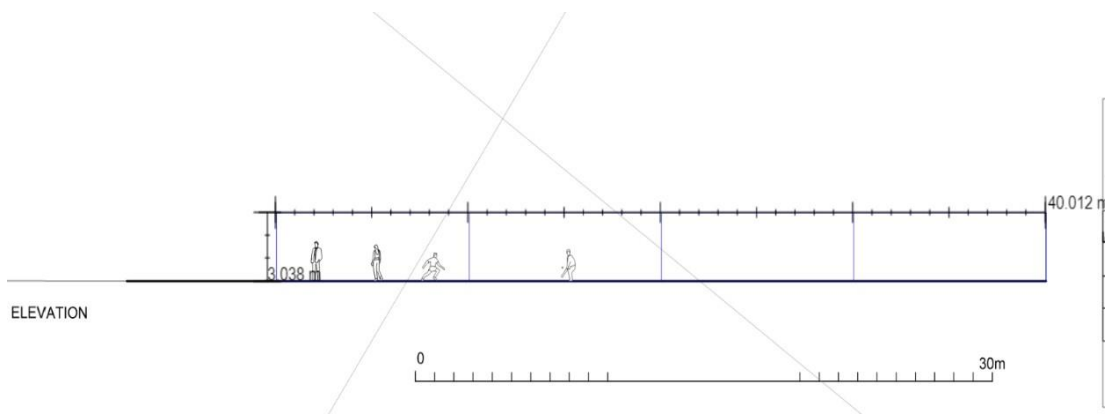
7. *Figure 2: Photograph of existing application site*



Details of proposal

8. The erection of netting approximately 4m from the fence line with 26 and 28 Dulwich Village measuring 3 m high and 40 m wide is proposed. Five steel posts measuring 3 meters high will be planted into the ground and the netting will be attached. The netting will be made from black space knotted string with gaps measuring 120mm. The netting will be used for sports purposes.
9. *Figure 3: Proposed site location plan*



10. *Figure 4: Proposed elevations*

Consultation responses from members of the public and local groups

11. There have been no responses from members of the public or local groups.

Planning history of the site and adjoining or nearby sites.

12. Planning permission 22/AP/2598 was granted on the 14 December 2022. The description of development reads as follows:

Replacement of existing bowling green area with construction of cricket cage facility.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use
 - Impact on openness of MOL
 - Design, heritage and layout
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - Archaeology
 - Noise and vibration
 - Transport and highways
 - Ecology and biodiversity
 - Trees
 - Flood risk and critical drainage
 - Air quality
 - Energy and sustainability
 - Planning obligations (S.106 undertaking or agreement)
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses and community engagement

- Community impact, equalities assessment and human rights.

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

Legal context

15. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
16. 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

17. The statutory development plans for the borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2023 and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 3. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

National Planning Policy Framework (the Framework) 2023

18. 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.
19. Paragraph 224 states that the policies in the Framework are material considerations which should be considered in dealing with applications.
20. The relevant chapters from the Framework are:
- Chapter 2 Achieving sustainable development
 - Chapter 8 Promoting healthy and safe communities
 - Chapter 11 Making effective use of land
 - Chapter 12 Achieving well-designed and beautiful places

- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

The London Plan 2021

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

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security and resilience to emergency
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy S1 12 Flood risk management
- Policy HC1 Heritage conservation and growth
- Policy G3 Metropolitan Open Land
- Policy G4 Open space
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

Southwark Plan 2022

22. 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
- P20 Conservation areas
- P23 Archaeology
- P45 Healthy developments
- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees
- P68 Reducing flood risk

23. **Area based AAPs or SPDs**

Of relevance in the consideration of this application are:

- Heritage SPD (2021)

Emerging Policy

Draft SPDs

24. The following emerging SPDs are undergoing consultation in summer 2024 and are due to be adopted in May 2025:
- Affordable Housing SPD (updated) 2024
 - Climate and Environment SPD 2024
 - Householder Development SPD 2024
 - Section 106 and Community Infrastructure Levy SPD 2024

ASSESSMENT

Principle of the proposed development in terms of land use

25. The application proposes the erected of five steel posts and netting attached within Dulwich Park 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. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2021) and the Southwark Plan Policy P57. This includes the provision of appropriate facilities which are deemed essential for outdoor recreation. Therefore, the proposal meets the policy test for appropriate development in MOL.
26. In respect to the London Plan Policies Policy GG2 'Making the Best Use of Land' highlights that development must protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening. Policy G3 'Metropolitan Open Land' sets out that MOL should be protection 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.
27. In terms of the Southwark Plan 2022 the relevant policy is Policy P57 (Open Space) which states 'Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when it consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function.'

28. The proposed netting would ensure the continued use of the existing football pitches and given the small-scale nature of the development, it will not detract from the openness of the MOL. As such the proposal is considered compliant with Policy P57 of the Southwark Plan (2022), the NPPF (2023) and the London Plan (2021).
29. Development for the provision of healthy sports facilities would also be supported by policy P45 (Healthy Developments) of the Southwark Plan (2022). The netting will increase opportunities for healthy sports activities outdoors and promote an active lifestyle for users.

Impact on openness of MOL

30. The proposed netting will be a new addition to the sports pitches, however, will only take up 20sqm out of the total 1850sqm of which equates to 1.08% as a percentage of the overall wider MOL. The netting would provide a public benefit, increasing precision, safety, and the overall enjoyment for users of the community. The netting will mainly prevent sports balls from entering neighbouring gardens, thus protecting their amenity. It is considered that the impact of the netting in this location is not harmful to the openness of the MOL due to its small scale and location within the velodrome.
31. Thereby meeting the exceptional circumstance (1) outlined in P57 (Open Spaces) whilst also providing provision for enhanced sports facilities and social–leisure benefits as stipulated in parts (1.3 and 2.0) in policy P45 (Healthy developments) of the Southwark Plan (2022). The development will serve a recreational use for outdoor sports and would not detract from the openness of the MOL as a significant open space. It is therefore considered that the development meets the requirement of exceptional circumstances and is in principle acceptable.

Design

32. The modest size and scale of the proposed posts and net would be considered a discreet addition. Steel posts and a top rail are proposed with netting made from black 2.5mm thick high-density polyethylene (HDPE) twine with 120mm spaced knotted mesh.
33. The large playing field ensures the openness of the Metropolitan Open Land is not impacted harmfully. The location and positioning of houses, due to screening along Dulwich Village, ensures that the installation of the netting would not affect the character and appearance of the Dulwich Village conservation area. The netting is considered to be an acceptable construction in design terms, ensuring no harm to the wider heritage of the area. A condition is recommended for materials.

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

34. The proposed development will be sited 4 meters away from the closest neighbours along Dulwich Village. The large existing gardens serving these neighbouring properties provide a distance between the netting and the rear of the dwellinghouses of 27m. The distance mitigates against any issues of sense of enclosure or overbearing to these neighbours. It is also considered that the development does not raise any issues of loss of light to any property or any privacy issues.

Archaeology

35. Given the nature of the works, it is considered that there are no significant archaeological implications for this proposal.

Noise and vibration

36. The Environmental Protection team raise no objections with noise and hours of use.

Transport and highways

37. Visitors and users of the associated football pitches will use the existing access arrangements of which are considered suitable.

Ecology and biodiversity

38. The application site is a designated Site of Importance for Nature Conservation Area.
39. A Preliminary Ecological Appraisal has been submitted with the application. The assessment recorded no bird or bat nests or any low-level/ground nesting within the site. The proposed development would be unlikely to have a negative impact on biodiversity.

Trees

40. The application does not propose the loss of any trees. An arboriculture method statement for installation by pre commencement condition is recommended. The type and form of the netting should not prove damaging to tree roots. The height of the trees in that vicinity would also not likely need pruning, however, should these need this then we would expect a s.211 notification for works to trees in a Conservation Area. An informative is also recommended here for prior written consent for works to statutorily protected trees.

Flood risk and critical drainage

41. The NPPF (2023, 157-158) states that planning decisions must take into account the current and long-term implications for flood risk in order to minimise the vulnerability of communities and improve resilience. Where development is necessary in higher risk areas, development should be made safe for its lifetime without increasing flood risk elsewhere. Certain steps need to be followed when reaching a planning decision on development in higher risk areas, with risks managed through suitable adaptation measures. The advice of flood risk management authorities also needs to be taken into account (NPPF, 166).
42. The site is located within Flood Zone 1 and therefore a Flood Risk assessment or sequential test is not required here.

Air Quality

43. The application has been assessed in consultation with Environmental Protection (EPT) who have raised no objections in relation to air quality.

Energy and sustainability

44. London Plan 2021 requires developments to consider the 'be lean; be clean; be green' principles. Given the nature of the development, measures in line with energy and sustainability principles are not required here.

Mayoral and borough community infrastructure levy (CIL)

45. This is not a CIL liable development.

Consultation responses from members of the public and local groups

46. None received.

Consultation responses from internal consultees

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

48. Design and conservation team:

- No objections

49. Transport policy:

- No objections

50. Ecology:

- Following the submission of a Preliminary Ecology Assessment, the proposal is considered acceptable.

51. Urban Forester:

- Proposed development is acceptable subject to conditions.
- Advise condition for the submission of an Arboricultural Method Statement and informative for prior written consent is required for works to statutorily protected trees.

52. Environmental Protection:

- No objections

53. LBS Archaeologist:

- No objections

Community impact and equalities assessment

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

55. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
56. 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.
57. 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

58. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
59. This application has the legitimate aim to erect fencing. 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

60. 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.

61. 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.

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

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

Conclusion

63. The application proposes to construct a new net used for sports purposes, ancillary to the existing sports pitches. There is no loss to the openness of the Metropolitan Land. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
64. The proposal will preserve the appearance and character of the conservation area. There are no adjoining occupiers. It is therefore recommended that planning permission is granted, subject to planning conditions.

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: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
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Appendix 2	Relevant planning history
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Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Emily Williams, Planning Officer	
Version	Final	
Dated	8 October 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		14 October 2024

Recommendation

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

This document is not a decision notice for this application.

Applicant	Mr Stephen Grey London Youth Sports Trust	Reg. Number	24/AP/1916
Application Type	Minor application		
Recommendation	Grant subject to conditions	Case Number	PP-13051817

Draft of Decision Notice

Grant subject to conditions for the following development:

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

12 Dulwich Village London Southwark SE21 7AL

In accordance with application received on 28 June 2024 and Applicant's Drawing Nos.:

Proposed Plans

Plans - Proposed 337-1.201-A received 28/06/2024

Plans - Proposed 337-0.001-A received 28/06/2024

Other Documents

Site location plan 337-0.002-A received 28/06/2024

Time limit for implementing this permission and the approved plans

1. 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)

2. 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 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.

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

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

In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations; BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 01:2021 (EN) -Tree Pruning Standard; EAS 02:2022 (EN) - Tree Cabling/Bracing Standard; EAS 03:2022 (EN) - Tree Planting Standard. NHBC 4.2.13 Tables for Foundations Near Trees

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy

Framework 2023 Parts, 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021); Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan (2021); Policy P13 (Design of Places), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

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

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

Informatives

- 1 The local planning authority's prior written consent is required for works to statutorily protected trees (protected by a tree preservation order and/or trees located in a Conservation Area) .The cutting of roots is potentially damaging. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent (see paragraph 1 of the Planning Practice Guidance)

In any event, the existing trees on or adjoining the site which are to be retained should be protected and both the site and trees managed throughout the period of the works. In any case, all works should pay heed to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations, EAS 01:2021 (EN) - Tree Pruning Standard.

Relevant planning history

No relevant planning history

Planning Policies

National Planning Policy Framework (the Framework) 2023

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

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

The relevant chapters from the Framework are:

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

The London Plan 2021

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

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security and resilience to emergency
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy S1 12 Flood risk management
- Policy HC1 Heritage conservation and growth
- Policy G3 Metropolitan Open Land
- Policy G4 Open space
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

Southwark Plan 2022

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

- P13 Design of places

- P14 Design quality
- P20 Conservation areas
- P23 Archaeology
- P45 Healthy developments
- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees
- P68 Reducing flood risk

Area based AAP's or SPD's

Of relevance in the consideration of this application are:

- Heritage SPD (2021)

Emerging Policy

Draft SPD's

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

- Affordable Housing SPD (updated) 2024
- Climate and Environment SPD 2024
- Householder Development SPD 2024
- Section 106 and Community Infrastructure Levy SPD 2024

Consultation undertaken

Site notice date: 18/07/2024

Press notice date: 11/07/2024

Case officer site visit date: n/a

Neighbour consultation letters sent: 09/07/2024

Internal services consulted

LBS Archaeology

LBS Ecology

LBS Design & Conservation Team [Formal]

LBS Environmental Protection

LBS Urban Forester

LBS Ecology

Statutory and non-statutory organisations

N/A

Neighbour and local groups consulted:

Herne Hill Stadium 104 Burbage Road
London

12 Village Way London Southwark

10 Roseway London Southwark

38 Dulwich Village London Southwark

Transformer Chamber Dulwich Hamlet
Junior School Dulwich Village

Annex Building Dulwich Village Church
Of England Infants School 181 Turney
Road London

34 Dulwich Village London Southwark

2 Roseway London Southwark

175 Turney Road London Southwark

5 Roseway London Southwark

12 Roseway London Southwark

1 Roseway London Southwark

18 Village Way London Southwark

15 Village Way London Southwark

11 Village Way London Southwark

9 Roseway London Southwark

6 Dulwich Village London Southwark

32 Dulwich Village London Southwark

24 Dulwich Village London Southwark

14 Dulwich Village London Southwark

Annexe Dulwich Hamlet Junior School
Dulwich Village

30 Dulwich Village London Southwark

28 Dulwich Village London Southwark
26 Dulwich Village London Southwark
22 Dulwich Village London Southwark
20 Dulwich Village London Southwark
18 Dulwich Village London Southwark
16 Dulwich Village London Southwark
10 Dulwich Village London Southwark
17 Village Way London Southwark
16 Village Way London Southwark
14 Village Way London Southwark
13 Village Way London Southwark
173 Turney Road London Southwark
153 Turney Road London Southwark

94

8 Roseway London Southwark
7 Roseway London Southwark
6 Roseway London Southwark
4 Roseway London Southwark
3 Roseway London Southwark
11 Roseway London Southwark
8 Dulwich Village London Southwark
40 Dulwich Village London Southwark
36 Dulwich Village London Southwark
Street Record C5840073 London
Dulwich Hamlet Junior School Dulwich
Village London
4 Dulwich Village London Southwark

Consultation responses received

Internal services

LBS Archaeology

LBS Ecology

LBS Design & Conservation Team [Formal]

LBS Environmental Protection

LBS Urban Forester

Statutory and non-statutory organisations

N/A

Neighbour and local groups consulted:

OPEN

MUNICIPAL YEAR 2024-25

COMMITTEE: PLANNING COMMITTEE (SMALLER APPLICATIONS)

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

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		Ravi Johal (Southwark)	
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