
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 Thompson Southwark Park Road Developments Ltd	Reg. Number	17/AP/0296
Application Type	Full Planning Application	Case Number	TP/181-4
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing buildings and erection of a part 6 part 7 storey mixed-use building with 416sqm of flexible commercial and employment floorspace at ground and first floor level (Use Classes A1, A2 and B1), 18 flats (6 x 1Bed, 8 x 2Bed & 4 x 3Bed) comprising 2 wheelchair accessible units in the upper floors and associated private amenity areas, landscaping, pedestrian access points, cycle parking and refuse storage.

At: 4-10 BOMBAY STREET, LONDON, SE16 3UX

In accordance with application received on 26/01/2017 12:01:04

and Applicant's Drawing Nos. Air quality assessment; Daylight/Sunlight assessment; BREEAM PRE-ASSESSMENT; Energy statement; Flood risk assessment; Noise impact assessment; Planning statement; Transport statement; Viability assessment

Site location plan - BSS-DS-01-GF-DR-A-D001 REV P0

9670_E - Elevations; 9670_G - Ground Floor; 9670_T - Topographical Survey

BBS-DS-01-ZZ-DR-A-P200--S2-P1-Proposed West Elevation AA; BBS-DS-01-ZZ-DR-A-P300 - PROPOSED SECTION DD; BBS-DS-01-ZZ-DR-A-P202 - PROPOSED SOUTH ELEVATION; BBS-DS-01-ZZ-DR-A-P201 - PROPOSED EAST ELEVATION; BBS-DS-01-GF-DR-A-P100-S2-P1-Proposed Ground Floor Plan; BBS-DS-01-01-DR-A-P101-S2-P1-Proposed First Floor Plan; BBS-DS-01-02-DR-A-P102-S2-P1-Proposed Second Floor Plan; BBS-DS-01-03-DR-A-P103-S2-P1-Proposed Third Floor Plan; BBS-DS-01-04-DR-A-P104-S2-P1-Proposed Fourth Floor Plan; BBS-DS-01-05-DR-A-P105-S2-P1-Proposed Fifth Floor Plan; BBS-DS-01-06-DR-A-P106-S2-P1-Proposed Sixth Floor Plan; BBS-DS-01-06-DR-A-P107-S2-P1-Proposed Roof Plan

Subject to the following fifteen conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:
BBS-DS-01-ZZ-DR-A-P200--S2-P1-Proposed West Elevation AA; BBS-DS-01-ZZ-DR-A-P300 - PROPOSED SECTION DD; BBS-DS-01-ZZ-DR-A-P202 - PROPOSED SOUTH ELEVATION; BBS-DS-01-ZZ-DR-A-P201 - PROPOSED EAST ELEVATION; BBS-DS-01-GF-DR-A-P100-S2-P1-Proposed Ground Floor Plan; BBS-DS-01-01-DR-A-P101-S2-P1-Proposed First Floor Plan; BBS-DS-01-02-DR-A-P102-S2-P1-Proposed Second Floor Plan; BBS-DS-01-03-DR-A-P103-S2-P1-Proposed Third Floor Plan; BBS-DS-01-04-DR-A-P104-S2-P1-Proposed Fourth Floor Plan; BBS-DS-01-05-DR-A-P105-S2-P1-Proposed Fifth Floor Plan; BBS-DS-01-06-DR-A-P106-S2-P1-Proposed Sixth Floor Plan; BBS-DS-01-06-DR-A-P107-S2-P1-Proposed Roof Plan

Reason:

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

- 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.

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Before the development hereby permitted is commenced, the applicant shall submit written confirmation from the appointed building control body that the specifications for each dwelling identified in the detailed construction plans meet the standard of the Approved Document M of the Building Regulations (2015) required in the schedule below and as corresponding to the approved floor plans. The development shall be carried out in accordance with the details thereby approved by the appointed building control body

Unit reference numbers

Access to and use of building standard

Units 3 to 18

M4(2)

Units 1 & 2

M4(3a)

Reason

To ensure the development complies with Core Strategy 2011 Strategic Policy 5 (Providing new homes) and London Plan 2015 Policy 3.8 (Housing choice).

- 4 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a) The Phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) ref: J16306 dated January 2017 was submitted to the Local Planning Authority before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.2 Protection of amenity of the Southwark Plan (2007), strategic policy 13 High environmental standards of the Core Strategy (2011) and the National Planning Policy Framework 2012.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 5 Prior to above grade works commencing, material samples/sample-panels/sample-boards of reconstituted stone, bricks and mortar (1 sqm) and metal cladding to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

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

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

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 7 Before the first occupation of the building the cycle storage facilities as shown on drawing BBS-DS-01-GF-DR-A-P100-S2-P1-Proposed Ground Floor Plan shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 8 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced BBS-DS-01-GF-DR-A-P100-S2-P1-Proposed Ground Floor Plan shall be provided and made available for use by the occupiers of the premises and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 9 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit

piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

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

Reason

There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

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

Reason

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

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

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

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

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 14 A scheme of sound insulation for the commercial premises shall be designed by a suitably qualified expert and installed to provide reasonable resistance to the transmission of sound sufficient such to ensure that NR25 is not exceeded in residential rooms sharing a party wall or floor with the commercial premises. Any measures required to ensure compliance with this standard shall be implemented prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter for the duration of the use.

Reason:

To ensure that the occupiers of immediately adjoining residential premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

- 15 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels specified by BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings are not exceeded due to environmental noise:

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

Living rooms- 35dB LAeq T_d

Dining room - 40 dB LAeq T_d

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

d - Daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

Statement of positive and proactive action in dealing with the application

The pre-application service was used for this application and the advice given was followed.

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

Negotiations were held with the applicant to secure changes to the scheme to make it acceptable and the scheme was amended accordingly.

The application was subject to a planning performance agreement and was determined with the agreed timescale.

Informatives

We recommend non return valves are installed for all connections to the sewer below the Environment Agency Thames breach modelling plus 300mm freeboard.

The developer/applicant must ensure that their proposal, both during construction and after completion of works on

site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land

cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

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

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