

# SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)



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## DECISION NOTICE

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**LBS Reg. No.:** 21/AP/4671

**Date of Issue of Decision:** 01/12/2023

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Applicant c/o Agent - KMP Surrey Quays 2 Limited

### **Planning Permission was GRANTED WITH LEGAL AGREEMENT for the following development:**

Erection of a part four and part five-storey (plus basement) building on current vacant site to provide residential units (Use Class C3), with associated landscaping, public realm, private and communal amenity space and cycle parking

At: 17-21 Rotherhithe Old Road London Southwark SE16 2PP

In accordance with the valid application received on 7 January 2022 and supporting documents submitted which can be viewed on our Planning Register. For the reasons outlined in the case officer's report, which is also available on the Planning Register. The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

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### **Conditions**

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#### **Permission is subject to the following Approved Plans Condition:**

1. The development shall be carried out in accordance with the following approved plans:

Reference no./Plan or document name/Rev.	Received on:
329/PA/1.03 PROPOSED SECOND FLOOR PLAN (Rev: REV C)	21/12/2021
329/PA/1.02 PROPOSED FIRST FLOOR PLAN (Rev: REV C)	21/12/2021
329/PA/1.04 PROPOSED THIRD FLOOR PLAN (Rev: REV C)	21/12/2021
329/PA/2.01 PROPOSED SECTION B-B (Rev: REV A)	21/12/2021
329_PA_3 03_B PROPOSED SIDE ELEVATION (NORTH WEST)	25/08/2022

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329_PA_3 02_B PROPOSED SIDE ELEVATION (SOUTH EAST)	25/08/2022
329_PA_3 01_B PROPOSED REAR ELEVATION	25/08/2022
329_PA_3 00_C PROPOSED FRONT ELEVATION	25/08/2022
329_PA_1 06_C PROPOSED ROOF PLAN	25/08/2022
329_PA_1 05_E PROPOSED FOURTH FLOOR PLAN	25/08/2022
329_PA_1 01_E PROPOSED GROUND FLOOR PLAN	25/08/2022
329_PA_1 00_E PROPOSED BASEMENT PLAN	25/08/2022
329/PA/2.00_B PROPOSED SECTION A-A	25/08/2022

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

### **Permission is subject to the following Time Limit:**

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

Reason:

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

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

3. Prior to works commencing, detailed design and method statements (AIP) for foundations and basements structures retaining the highway (temporary and permanent) in accordance with CG 300 'Technical Approval of Highway Structures' shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To manage the foundation and basement works ensuring that the development would not adversely impact on the local highway in accordance with the National Planning Policy Framework 2023 and Policy P50 (Highways impacts) of the Southwark Plan 2022

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4. No development shall take place, including any enabling works, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:
- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
  - Site perimeter continuous automated noise, dust and vibration monitoring;
  - Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
  - Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.);
  - A commitment to adopt and implement of the 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;
  - 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.

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

Reason:

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

5. a) Prior to works commencing, an intrusive site investigation and associated risk assessment shall be completed to fully characterise the

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nature and extent of any contamination of soils and ground water on the site. This report shall be submitted to the Local Planning Authority for approval.

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

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-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 off-site receptors in accordance with the National Planning Policy Framework 2023 and Policies P56 (Protection of amenity) and P64 (Contaminated land and hazardous substances) of the Southwark Plan 2022.

6. Prior to works commencing detailed design, method statements and risk

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assessments for each stage of the development covering demolition, substructure and superstructure and all temporary works shall be submitted to and approved in writing by the Local Planning Authority (in consultation with RfL) which:

- provide details on all structures
- provide details on the fire strategy
- provide details on the use of plant
- provide details of the construction
- accommodate the location of the existing RfL Assets / Infrastructure
- demonstrate absolutely no disturbance to the RfL Asset/ Infrastructure and in particular the Railway Retaining Wall (a sensitive asset) in the short and long term
- accommodate RfL Operational and Maintenance requirements
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise, smoke, vibration & distractions arising from the adjoining operations to the RfL Infrastructure & Operations

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements.

**Reason:**

To ensure that the development does not impact on existing or proposed Rail for London transport infrastructure and operations in accordance with the National Planning Policy Framework 2023 and Policy P50 (Highways impacts) of the Southwark Plan 2022.

7. Prior to works commencing an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.
  - a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any enabling works, changes to ground levels, pruning or tree removal.
  - b) A detailed Arboricultural Method Statement showing the means by which any retained trees directly adjacent to the site are to be protected from damage by enabling works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other

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equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation. The existing trees adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority.

In any case, all works must adhere to BS5837: (2012) Trees in relation to enabling works, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

**Reason:**

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with the National Planning Policy Framework 2023, Policies G1 (Green infrastructure), G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P56 (Protection of amenity), P57 (Open space) and P60 (Biodiversity) of the Southwark Plan 2022.

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

8. a) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to above grade works (excluding enabling works) and shall be implemented in accordance with

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the approved details prior to occupation.

b) Prior to occupation of the development a satisfactory Secured by Design inspection must take place. The resulting Secured by Design certificate shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:**

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework 2023, Policy D11 (Safety, security and resilience to emergency) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality) and P16 (Designing out crime) of the Southwark Plan 2022.

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

**Reason:**

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

10. Before any above grade work (excluding enabling works) hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered long-stay storage of at least 38 cycles, and short-stay storage of at least 2 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:**

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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 the National Planning Policy Framework 2023, Policy T5 (Cycling) of the London Plan 2021 and Policy P53 (Cycling) of the Southwark Plan 2022.

11. Before any above grade work (excluding enabling works) hereby authorised begins, details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity green roofs shall be

- Biodiversity based with extensive substrate base (depth 80-150mm);
- Laid out in accordance with agreed plans; and
- Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

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

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2023, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green infrastructure) and G5 (Urban greening) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

12. Before any above grade work (excluding enabling works) hereby authorised begins, elevation plans at a scale of 1:20 or 1:50 of doors, windows and balcony design shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.



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**Reason:**

In order to ensure that a high quality of design and detailing is achieved in accordance the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policies P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan 2022.

13. Before any above grade work (excluding enabling works) hereby authorised begins, details of Swift nesting bricks and bat tubes shall be submitted to and approved in writing by the Local Planning Authority.

No less than 6 nesting bricks and 3 bat tubes shall be provided and the details shall include the exact location, specification and design of the habitats. The bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Swift nesting bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and the Local Planning Authority agreeing the submitted plans.

**Reason:**

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

14. Before any above grade work (excluding enabling works) 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 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.

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

**Reason:**

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with the National Planning Policy Framework 2023, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green infrastructure, G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021, Policies P13 (Design of places), P14 (Design quality), P56 (Protection of amenity), P57 (Open space) and P60 (Biodiversity) of the Southwark Plan 2022.

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

15. The use hereby permitted shall not commence until full particulars and details of a scheme for the internal ventilation of the development (to comply with Building Regulations Part F and to provide suitable ventilation without the need to open windows in order to mitigate heat risk) which shall include; appropriately located plant, inlets and outlets; internal plant noise output levels; and a management and maintenance plan have been submitted to and approved by the LPA. The development shall be carried out in accordance with the approval given.

**Reason:**

In order that the Local Planning Authority may be satisfied that the ventilation, ducting, filtration/treatment and ancillary equipment is incorporated as an integral part of the development in the interests of residential amenity in accordance with the National Planning Policy Framework 2023, Policies D6 (Housing quality and standards) and Policy SI4 (Managing heat risk) of the London Plan 2021 and Policy P56

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(Protection of amenity) of the Southwark Plan 2022.

16. Prior to occupation details of blinds used to mitigate overheating risk (which shall be installed as part of the construction and shall not clash with opening windows/doors) shall be submitted to the Local Planning Authority for approval. Once approved the blinds shall be permanently maintained thereafter.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of overheating in accordance with the National Planning Policy Framework in accordance with the National Planning Policy Framework 2023, Policies D6 (Housing quality and standards) and Policy S14 (Managing heat risk) of the London Plan 2021 and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

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

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

Living and Dining rooms- 35dB LAeq T †

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

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

A report shall be submitted in writing to and approved by the LPA detailing acoustic predictions and mitigation measures to ensure the above standards are met. Following completion of the development and prior to occupation, a validation test shall be carried out on a relevant sample of premises. The results shall be submitted to the LPA for approval in writing. The approved scheme shall be implemented and permanently maintained thereafter.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2023 and Policies P56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

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

18. Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings. The facilities provided shall thereafter be retained and shall not be used for any other purpose.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

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

Reason:

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

20. The ground floor finished floor level must be set no lower than 2.09 metres above Ordnance Datum (mAOD), in line with the submitted Flood Risk Assessment by Structa (dated 15 March 2022, ref.6055-FR001 Rev.3) and

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the 'Proposed Front Elevation Extract Diagram with Ground Floor FFL' by Glas Architects (dated February 2022, ref.329/PA/10.00 Rev OR).

This mitigation measure shall be fully implemented prior to occupation. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:**

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

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

21. a) All Arboricultural Supervisory elements to be undertaken in accordance with the approved Arboricultural Method Statement for this site, as evidenced through signed sheets and photographs.

b) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority within 28 days of completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained or pre-appointed tree specialist.

**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, Policies G1 (Green infrastructure), G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P56 (Protection of amenity), P57 (Open space) and P60 (Biodiversity) of the Southwark Plan 2022.

Signed: ***Stephen Platts***

Director of Planning and Growth

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### Informative Notes to Applicant Relating to the Proposed Development

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1. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:  
"third-party independent and suitably-qualified" The Council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The Council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

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

2. - RfL requires that the applicant enters into an Asset Protection Agreement with RfL to ensure that the development is carried out safely and in accordance with RfL's requirements.  
  
- RfL shall need the applicant conducts a light & glare assessment to determine the impact on the RfL signalling apparatus and / or train drivers' vision on approaching trains. RfL reserves the right to request the screening of any light & glare, which may interfere with the sighting of signalling apparatus and / or train drivers' vision on approaching trains.  
  
- RfL shall need the applicant conducts radio/GSMR surveys before and after the construction to assess the level of impact the development has on RfL's radio/GSMR infrastructure/operation. It may be necessary to enhance

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or renew RfL's radio/ GMSR infrastructure as a result of the development. RfL will seek payment from the Developer for any improvements necessary.

- No maintenance regime for the proposed development elevations facing the railway should be permitted which compromises the safe, efficient and economic operation of the railway.
- For all new developments adjacent to operational lines RfL accepts no liability in respect of noise and vibration. Developers should undertake their own investigations to establish any level of noise and vibration likely to originate from the operation of the railway, and design their mitigation measures accordingly.
- Any additional fencing required on the railway boundary, for example for screening purposes, must be independent of RfL's infrastructure and fencing and allow room for maintenance of both fences and infrastructure.
- All drainage needs to be directed away from the railway and into local authority sewers, and it should be installed a minimum distance of two metres from the railway boundary. The use of soakaways are not permitted by RfL and therefore is unacceptable as they could have a detrimental effect on RfL Infrastructure. The drainage system should be designed to take this into account.

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### Important Notes Relating to the Council's Decision

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#### 1. Conditions

- If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
- Further information about how to comply with planning conditions can be found at:  
[https://www.planningportal.co.uk/info/200126/applications/60/consent\\_types/12](https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12)
- Please note that there is a right of appeal against a planning condition. Further information can be found at:  
[https://www.planningportal.co.uk/info/200207/appeals/108/types\\_of\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal)

#### 2. Community Infrastructure Levy (CIL) Information

- If your development has been identified as being liable for CIL you need to email [Form 1: CIL Additional Information](#), [Form 2: Assumption of Liability](#) and [Form 6: Commencement Notice](#) to [cil.s106@southwark.gov.uk](mailto:cil.s106@southwark.gov.uk) as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.
- **Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.**
- To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance:



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<https://www.gov.uk/guidance/community-infrastructure-levy>

- All CIL Forms are available to download from Planning Portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

- Completed forms and any CIL enquiries should be submitted to [cil.s106@southwark.gov.uk](mailto:cil.s106@southwark.gov.uk)

### 3. National Planning Policy Framework

- In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### 4. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, OR within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have

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granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal.
- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

### 5. Purchase Notice

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990

### 6. Provisions for the Benefit of the Disabled

- Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
  - i. Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
  - ii. Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
  - iii. Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].

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- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.

### **7. Other Approvals Required Prior to the Implementation of this Permission.**

- The granting of approval of a reserved matter or outstanding matter does not relieve developers of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities (including the London Borough of Southwark) entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property. In this connection applicants are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

### **8. Works Affecting the Public Highway**

- You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

### **9. The Dulwich Estate Scheme of Management**

- Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].

### **10. Building Regulations.**

- You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].

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### **11. The Party Wall Etc. Act 1996.**

- You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

### **12. Important**

- This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.