

# The Planning Inspectorate

For official use only  
(Date received)

2-Jan-2012 20:51

## PLANNING APPEAL FORM (Online Version)

London Borough of Southwark  
Received on:

19 JAN 2012

Development Management

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

APPEAL REFERENCE: **APP/A5840/A/12/2168042**

### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr J Sobell

Address 4th Floor  
3-5 Swallow Place  
London

Phone no.

Fax no.

Postcode W1B 2AF

E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above   
On paper, by post.

### B. AGENT DETAILS FOR THE APPEAL (if any)

Name Mr Barry G Kitcherside (CITRUS HEALTHCARE LTD)

Address 65 Stoneleigh Road  
OXTED  
Surrey

Your reference

Phone no. 01883730877

Fax no. 01883730877

Postcode RH8 0TP

E-mail barry@chartplan.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above   
On paper, by post.

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA London Borough of Southwark

LPA's reference number 10-APP-3751

Date of the planning application 29 Dec 2010

Date of the LPA's decision (if issued) 15 Aug 2011

## D. APPEAL SITE ADDRESS

Address 123 Grove Park  
LONDON

Postcode SE5 8LD

Grid Reference: Easting 05332470 Northing 01760978

Is the appeal site within a Green Belt? YES  NO

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES  NO

## E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site  
(in hectares)

0.58

Area of floor space of proposed development  
(in square metres)

28490

Has the description of the development changed from that stated on the application form?  
YES  NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Change of use of frontage structure from D use class to residential together with proposed extension for residential purposes. Proposed development of rear land for residential purposes. Development includes private and affordable housing. Proposed pedestrian/vehicular access car/cycle parking and landscaping.

## F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E.
  - 2 Grant planning permission for the development subject to conditions to which you object.
  - 3 Refuse approval of the matters reserved under an outline planning permission.
  - 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
  - 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- or**
- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

## G. CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

### 1. THE WRITTEN REPRESENTATIONS PROCEDURE

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES  NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES  NO

If so, please explain below or on a separate sheet.

To view the proposals in the context of the reasons promoted for refusal by the LPA located to the hinterlands of the site obstructed by the existing frontage structure

### 2. THE HEARING PROCEDURE

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES  NO

### 3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

a) How long do you estimate the inquiry will last?  
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

No. of days

b) How many witnesses do you intend to call?

No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.  
Please continue on a separate sheet if necessary.

YES  NO

## H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES  NO

\*\* See separate documents \*\*

**H. GROUNDS OF APPEAL (continued)**

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## I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only

### CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

### CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name                      Address at which the notice was served      Date the notice was served

Owner's name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

### CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

## I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant:

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name                      Address at which the notice was served      Date the notice was served

Tenant's name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Details of additional tenants

## J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.  
Please tick the boxes to show which documents you are enclosing.

- 1 A copy of the original **planning application** sent to the LPA.
- 2 A copy of the **site ownership certificate** and **agricultural holdings certificate submitted** to the LPA   
at application stage (this is usually part of the LPA's planning application form).
- 3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
- 4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
- 5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.   
Please number them clearly and list the numbers here or on a separate sheet:
- 6 Copies of all **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:
- 7 A copy of the **design and access statement** sent to the LPA (if required)

### You must send copies of the following, if appropriate:

- 8 Additional plans, drawings or documents relating to the application but **not previously seen by the LPA**.   
Please number them clearly and list the numbers here or on a separate sheet:
- 9 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. :
- 10 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission**, please enclose: 
  - (a) the relevant outline application;
  - (b) all plans sent at outline application stage;
  - (c) the original outline planning permission.
- 11 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached.
- 12 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).



## K OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

## L CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date

2 January 2012

Name (in capitals) Mr Barry G Kitcherside

On behalf of (if applicable) Mr J Sobell

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

## M. NOW SEND

- **Send a copy to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **You may wish to keep a copy of the completed form for your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

**APP/A5840/A/12/2168042**

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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*****
* The Documents Listed Below Will Follow By Post *
*****
===== GROUNDS OF APPEAL =====
** Grounds of Appeal 1

===== ESSENTIAL SUPPORTING DOCUMENTS =====
** 01. A copy of the original planning application sent to the LPA.
** 02. A copy of the site ownership certificate and agricultural holdings certificate
submitted to the LPA at application stage (these are usually part of the LPA's
planning application form).
** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure
of the LPA to give a decision, if possible please enclose a copy of the LPA's letter
in which they acknowledged the application.
** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than
10,000 scale) showing the general location of the proposed development and its
boundary. This plan should show two named roads so as to assist identifying the
location of th
** 05. Copies of all plans, drawings and documents sent to the LPA as part of the
application. The plans and drawings should show all boundaries and coloured markings
given on those sent to the LPA.
** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted
with the application to the LPA.
** 07. A copy of the design and access statement sent to the LPA (if required).
** 08. Additional plans, drawings or documents relating to the application but not
previously seen by the LPA. Acceptance of these will be at the Inspector's
discretion.
** 08i. Please provide a list of all plans and drawings (stating drawing numbers)
submitted but not previously seen by the LPA.
** 09. Any relevant correspondence with the LPA. Including any supporting information
submitted with your application in accordance with the list of local requirements.
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10-AP-3751

**McDougall, Susan**

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**From:** Barry Kitcherside [barry@chartplan.co.uk]  
**Sent:** 13 February 2012 22:00  
**To:** team3@pins.gsi.gov.uk  
**Cc:** Planning.Appeals  
**Subject:** FW: 123 Grove Park (Section 106 UU) (Appeal Ref.....APP/A5840/A/12/2168042)

**Attachments:** Unilateral Undertaking - 123 Grove Park.DOC

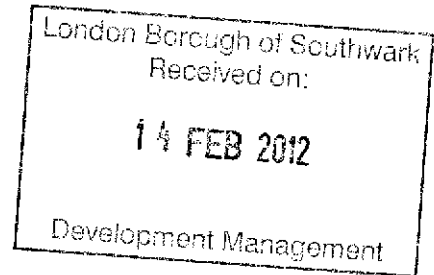


Unilateral  
Undertaking - 123 G.

I ENCLOSE UNDER COVER OF THIS E-MAIL MY CLIENTS SECTION 106 UU WHICH IDENTIFIES WITH THE PLANNING AUTHORITIES REQUIREMENTS WHICH WE FORMALLY SUBMIT AS COMMON GROUND.

KIND REGARDS  
Barry Kitcherside.

Barry Kitcherside  
Director  
Mansard Cottage  
65 Stoneleigh Road  
Limpsfield Chart  
Oxted, Surrey  
RH8 0TP  
E: barry@chartplan.co.uk  
T: +44 (0)1883 730877  
F: +44 (0)1883 730877  
M: +44 (0)7843 661 054



DATED

SCANNED ON  
14 FEB 2012  
PLANNING (IO)

**CITRUS HEALTHCARE CL LIMITED**

- to -

**THE MAYOR AND BURGESSES OF  
THE LONDON BOROUGH OF SOUTHWARK**

London Borough of Southwark  
Received on:  
14 FEB 2012  
Development Management

UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF  
THE TOWN AND COUNTRY PLANNING ACT 1990  
IN RELATION TO LAND KNOWN AS:  
**123 Grove Park London SE5 8LD**

For Officer Use  
Planning Application Reference: XX-AP-XXXX  
Legal Reference - LEG/PL/XXXXXX/XX

**THIS UNILATERAL UNDERTAKING** is made as a **DEED** the day of Two thousand and Eleven

**IN FAVOUR OF**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF SOUTHWARK** of the 160 Tooley Street, London, SE1 2TZ (hereinafter referred to as "the Council");

**AND WITH THE CONSENT OF**

**CITRUS HEALTHCARE CL LIMITED**, a Company registered in England and Wales (Company No 6019806 ) whose registered office is 3-5 Swallow Place Fourth Floor London W1B 2AF (hereinafter referred to as "the Developer")

**WHEREAS:**

- (a) The Developer wishes to construct the Development in accordance with the Planning Permission and the obligations contained herein upon the Site.
- (b) The Developer is the freehold owner of the Site as the same is registered with Title Absolute under Title Number 332684 at H.M. Land Registry.
- (c) The obligations contained in this Deed are planning obligations for the purposes of section 106 of the Town and Country Planning Act 1990.
- (d) The Council is the local planning authority by whom the obligations contained in this Deed are enforceable.
- (e) Having regard to the provisions of the development plan and the planning considerations affecting the Site the Council considers that in the interests of the proper planning of its area the Development of the Site ought only be permitted subject to the terms hereof and for that purpose the parties are willing to enter into this Deed.

**NOW THIS DEED WITNESSETH:**

- 1. Definitions and Interpretation
- 1.1 The following words and phrases shall unless the context otherwise requires bear the following meanings:

<b>"Acts"</b>	Section 27 of the Greater London Council (General Powers) Act 1969, section 16 of the Greater London Council (General Powers) Act 1974, sections 111, 120 and 123 of the Local Government Act 1972, section 2 Local Government Act 2000 and each case any statutory amendment variation substitution or re-enactment thereof together with all other powers
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enabling;

<b>"1990 Act"</b>	Town and Country Planning Act 1990;
<b>"Affordable Housing"</b>	Affordable Housing as defined in Annex B of Planning Policy Statement 3 issued in November 2006 by Communities and Local Government
<b>"Affordable Housing Provider"</b>	A provider of housing that meets the definition of Affordable Housing
<b>"Application"</b>	The Application for planning permission submitted by the Developer to the Council to carry out the Development upon the Site (LBS Registered Number 10-AP-3751);
<b>"Contributions"</b>	<p>The following contributions:</p> <p>£67,963 towards education;</p> <p>£8,369 towards construction employment;</p> <p>£645 towards construction management;</p> <p>£5,438 towards public open space;</p> <p>£2,926 towards playground equipment;</p> <p>£13,269 towards sports development;</p> <p>£8,675 towards strategic transport;</p> <p>£9,000 towards the public realm;</p> <p>£12,305 towards health facilities;</p> <p>£2,809 towards community infrastructure;</p> <p>£2,832 towards administrative costs;</p> <p>£5,000 towards an on street car club space;</p>
<b>"Council"</b>	The party of the first part hereto which shall include its statutory successors as local planning authority from time to time;
<b>"Developer"</b>	The party of the second part hereto which shall include its successors and assigns from time to

time;

**"Development"** The development at the Site, pursuant to and as detailed in the Application;

**"Dwelling"** Any flat or house constructed as part of the Development;

**"Implementation"** The carrying out of a material operation as defined in Section 56(4) of the 1990 Act in respect of the Development following the issue of the Planning Permission other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and the words "Implement" and "Implemented" shall be construed accordingly

**"the Parties"** The Council and the Developer;

**"Plan"** The plan showing the Site for the purposes of identification only edged red annexed hereto;

**"Planning Permission"** The planning permission for the Development substantially to be issued pursuant to the Application;

**"Residential Unit"** Any residential unit constructed on the Site pursuant to the Planning Permission;

**"Site"** The land known as 123 Grove Park London registered with title number 332684 and for the purpose of identification only shown edged red on the Plan annexed hereto;

1.2 Where in this Deed reference is made to a clause, paragraph, schedule or plan it is to a clause, paragraph, schedule or plan in this Deed.

1.3 Headings used in this Deed are an aid to interpretation only and do not form part of this Deed.

1.4 A reference to any statute or statutory provision shall be construed as a reference to the same as it may from time to time be amended, modified or re-enacted.

2. **Statutory Provisions**

2.1 This Deed is made pursuant to section 106 of the 1990 Act. To the extent that they fall within the terms of section 106 of the 1990 Act, the obligations contained in this Deed are planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the Council and the restrictive covenants and undertakings herein on the part of the Developer are entered into with the intent that they shall be enforceable without limit of time not only against the Developer but also against its successors in title and assigns and any person corporate or otherwise claiming through or under the Developer an interest or estate created hereafter in the Site or any part or parts thereof as if that person had also been an original covenanting party in respect of such of the covenants and undertakings which relate to the interest or estate for the time being held by that person.

2.2 To the extent only that any of the obligations contained in this Deed are not planning obligations within the meaning of the 1990 Act, they are entered into pursuant to the powers contained in the Acts.

3. **Commencement**

This Deed shall come into effect upon the date hereof but the obligations contained in clause 5 and schedule 1 of this Deed shall only come into effect upon the date the Planning Permission is Implemented.

4. **Planning Permission**

Upon completion of this Deed the Council shall grant the Planning Permission.

5. **Developer's Covenants**

5.1 The Developer covenants with the Council to observe and perform or cause to be observed and performed the obligations contained in Schedule 1 to this Deed at the times and in the manner provided therein

5.2 The Developer hereby covenants that no part of the Development shall be used or occupied unless and until the obligations contained within schedule 1 have been complied with.

6. **Registration**

6.1 The covenants on behalf of the parties hereto to be observed and performed under this Deed shall be treated as Local Land Charges and registered in the



Register of Local Land Charges for the purposes of the Local Land Charges Act 1975.

**7. Enforceability of Obligations**

7.1 The obligations contained in this Deed shall not be binding upon nor enforceable against any statutory undertaker or other person who acquires any part of the Site or interest therein for the purposes of the supply of electricity gas water drainage telecommunication services or public transport services;

7.2 No person shall be liable for any breach of the covenants restrictive or obligations contained in this Deed occurring after it has parted with its interest in the Site or the part in respect of which such breach occurs (but without prejudice to the liability of such person for any breach occurring prior to its parting with such interest).

7.3 The parties agree that any plot purchaser or tenant of a Residential Unit shall not be bound by the provisions on this Deed.

**8. Contracts (Rights of Third Parties) Act 1999**

8.1 A person who is not named in this Deed does not have any right to enforce any term of this Deed under Contract (Rights of Third Parties) Act 1999.

**9. Council's Legal Fees**

The Developer shall on the date hereof pay to the Council, by way of cheque the Council's reasonable legal costs incurred directly by them in the preparation and negotiation of this Deed.

**10. Miscellaneous**

10.1 The construction validity and performance of this Deed shall be governed by English law.

10.2 Each clause, sub-clause or schedule shall be separate distinct and severable from each other to the extent only that if any clause, sub-clause or schedule becomes or is invalid because of a change of circumstances or any other unforeseen reasons or if any one or more of such clause, sub-clause or schedule shall be held by the Courts to be void for any reason whatsoever but would be valid if severed or any wording was deleted or any time period reduced or scope of activities or area covered diminished then any modifications necessary to ensure such clause sub-clause schedule or paragraph be valid shall apply without prejudice to any other clause, sub-clause or schedule contained herein.

- 10.3 In the event of the planning obligations contained in this Deed being modified a note or memorandum thereof shall be endorsed upon this Deed.
- 10.4 Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council under private or public statutes bye-laws orders and regulations and the same may be as fully effectively exercised as if it were not a party to this Deed.
- 10.5 If the Planning Permission shall expire before the Development has begun within the meaning of Sections 91, 92 or 93 of the Town and Country Planning Act 1990 or is revoked or is otherwise withdrawn without the consent of the Developer or its successors in title or the Council or any other competent authority shall at any time after the date of this Deed grant a new planning permission (other than the Planning Permission) in respect of which a material operation (as defined in Section 56 of the 1990 Act then without prejudice to the Council's ability to enforce in respect of any breach occurring prior to such revocation or withdrawal this Deed shall cease to have effect thereupon and the Council shall forthwith remove from the Council's Register of Local land Charges any entry relating to this Deed.
- 10.6 Nothing in this Deed shall be construed as prohibiting or limiting any right to develop the Site or any part of it in accordance with a planning permission (other than the Planning Permission) granted by the Council or by the relevant Secretary of State on appeal or by reference to him after this date.

## **SCHEDULE 1**

### **Developer's Obligations**

The Developer covenants with the Council as follows:

**1. Payment of Contribution**

- 1.1 The Developer shall within 5 working days of Implementation pay to the Council the Contributions by way of CHAPS transfer into National Westminster Bank plc Account Number 27540006 Sort Code 51-50-03 at London Bridge Branch PO Box 35, 10 Southwark Street, London SE1 1TT.
- 1.2 The Developer shall not Implement nor permit Implementation until such time as the Council has received the Contributions in full.

**2. Affordable Housing**

- 2.1 Not to use or permit to be used three of the Dwellings save as Affordable Housing;
- 2.2 Prior to Implementation, to enter into a contract with an Affordable Housing Provider to transfer the said three dwellings to the Affordable Housing Provider

**3. Parking Permit Restrictions**

- 3.1 The Developer shall ensure that prior to the Occupation of a Residential Unit, the new occupier of the Residential Unit is informed by the Developer of the Council's policy that they shall not be entitled (unless they are the holder of a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Parking Permit to park a vehicle in a Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.
- 3.2 The Developer for itself and its successors in title to the Site hereby acknowledges that the provision in paragraph 2.1 above will remain permanently.
- 3.3 The Developer shall procure 24 months of car club membership for future occupiers of the Development

**IN WITNESS WHEREOF** the parties hereto have executed this deed the day and year first before written

Executed as a Deed by **CITRUS  
HEALTHCARE CL LIMITED** acting by:

Director

Director / Secretary



The Planning Inspectorate

SCANNED ON  
14 FEB 2012  
PLANNING (IO)

FM.  
TP/ 2154-C

3/19 Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Line: 0117 372 8734  
Customer Services: 0117 372 6372  
Fax No: 0117 372 8181  
e-mail: [teamp3@pins.gsi.gov.uk](mailto:teamp3@pins.gsi.gov.uk)

Appeals Administration  
London Borough of Southwark  
Appeals Administration  
Dept Chief Executives Dept  
5th Floor Hub 2  
Development Management  
PO Box 64529 London  
SE1P 5LX

Your Ref: 10-AP-3751  
Our Ref: APP/A5840/A/12/2168042/NWF  
Date: 8 February 2012

London Borough of Southwark  
Received on: \_\_\_\_\_  
- 9 FEB 2012  
Development Management

Dear Sir/Madam

**Town and Country Planning Act 1990  
Appeal by Citrus Healthcare Ltd  
Site at 123 Grove Park, London, SE5 8LD**

I have received appeal forms and documents for this site. I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

**The procedure and starting date**

The appellant has requested the written representations procedure. We have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider that the **written representations** procedure is suitable and we intend to determine this appeal by this procedure.

The date of this letter is the **starting date** for the appeal.

**Sending documents to us and looking at the appeal**

If you post your documents, please:

- send one copy of the questionnaire and its supporting documents;
- send two copies of other documents as specified below;
- put the full appeal reference number on each copy.

If you email them to the email address above please quote the full appeal reference number. Guidance on communicating with us electronically can be found in GPA Note 06, which is available from [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

You can look at this case using the Planning Casework Service



[www.pcs.planningportal.gov.uk/pcportal/casesearch.asp](http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp)

by typing in the appeal reference number and clicking on "Search for Cases".

### **Keeping to the timetable**

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with this appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. Inspectors will not accept any documents from you or discuss the appeal at the site visit. Also, Inspectors will not delay their decision to wait for any such documents. You must note the details of the following timetable because we will not send any reminders.

The following documents must be sent within this timetable.

#### **By 22 February 2012**

You must notify any person who was notified or consulted about the application in accordance with the Act or a development order and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them:-

- i) that any comments they made at application stage will be sent to me and the appellant and will be considered by the Inspector (unless they withdraw them within the 6 week deadline). If they want to make any additional comments they must submit 3 copies within 6 weeks of the starting date, **by 21 March 2012**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
- ii) when and where the appeal documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal;
- iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by written representations' either free of charge from you or on your website, or on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)); and
- v) that the decision will be published on the Planning Portal.

You must send a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies, a copy of your notification letter and a list of those notified to the appellant and me. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

#### **By 21 March 2012**

Please send me 2 copies of your statement if the appeal questionnaire does not give full details of your case. The appellant must send 2 copies of any statement to me if they need to add details to the case made in their grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments sent by interested people or organisations.

#### **By 11 April 2012**

You and the appellant must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested persons or organisations. You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

### **Site visit**

We will arrange for one of our Inspectors to visit the appeal site. If it is decided that the Inspector should be accompanied by the main parties, we will send you details of these arrangements nearer the time. If, however, an unaccompanied site visit can be made you will **not** be informed in advance and the Inspector should not be approached should you happen to observe him/her whilst he/she is conducting the site visit. If you were to do so the Inspector would of course identify him or herself but would not be able to engage in conversation with you at that time.

### **Withdrawing the appeal**

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

### **Costs**

The appellant has been directed to our advice pamphlet '*Costs awards in planning appeals*'. You should also be aware that costs may be awarded to either party.

### **Planning obligations - section 106 agreements**

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance provided in GPA Note 16, which is available from [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). A certified copy must be submitted to me no later than 9 weeks from the date of this letter.

### **Further information**

Further information about the appeals process can be found in our Good Practice Advice Notes. These notes can be accessed at: [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) or you can contact me if you want a hard copy of any of the notes. Advice on producing statements is in GPA Note 07. I recommend that you read the relevant guidance.

Yours sincerely

Nicholas Kessler