

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

REFUSAL OF PLANNING PERMISSION

Applicant Citrus Healthcare Ltd
Date of Issue of this decision 15/08/2011

LBS Registered Number 10-AP-3751

Planning Permission was REFUSED for the following development:

Change of use of existing building from training centre (D1 use) with ancillary office use to residential (C3 use) including the construction of a three storey side extension to create 7 residential units (comprising 1 x 1 bedroom, 1 x 2 bedroom, 3 x 3 bedroom and 2 x 4 bedroom units) and the construction of 5 detached dwellings (comprising 5 x 4 bedroom two storey units) to rear. The development will provide vehicular access and a total of 14 on-site car parking spaces, with storage for 20 cycles and associated waste storage. The development will require the removal of 83 trees and includes full landscaping of the site and is located within the setting of the listed buildings located at 124 and 125 Grove Park, and 163-183 Camberwell Grove).

At: 123 GROVE PARK, LONDON, SE5 8LD

In accordance with application received on 23/12/2010 Your Ref. No.:

and Applicant's Drawing Nos. Plans: GRP-ST 101, GRP-ST 101a, GRP-ST 201, GRP-EB 101, GRP-EB 102, GRP-EB 103, GRP-EB 104, GRP-EB-201, GRP-EB 202, GRP-EB 301, GRP-EB 302, GRP-EB 303, GRP-H1 101, GRP-H1 301, GRP-H2 102, GRP-H2 302, GRP-H3 103, GRP-H3 303, GRP-H4 104, GRP-H4 304, GRP-H5 105, HRP-H5 305, GRP-DT 401, GRP-DT 402, GRP-DT 403, GRP-DT 404, 2538-01, 2538-02, 2538-03, 2538-04, 2538-05, 2538-06, 2538-07, 2538-08, 2538-09, 2538-10, 2538-11, 2538-12, 2538-13, 01 (sheet 1 of 2), 01 (sheet 2 of 2).

Landscape Design Statement, Planning Statement, Design and Access Statement, Bat Activity Survey, Ecology Survey Report, Renewable Energy Statement, Energy Strategy Report, Marketing Information (from Colliers International dated 25th October 2010), Historic Buildings Architects Report, Archaeological Desk-Based Assessment, Daylight and Sunlight Report, Transport Statement, Arboricultural Impact Assessment Report, Target Area Schedule.

Reasons for refusal:

- 1 The proposed development will result in the removal of an excessive amount of mature trees, in particular the grouping of trees on and near the building platforms of House 1 and House 2, which form the woodland to the rear of the site. The volume of trees removed would harm the open, green and intrinsic nature of the woodland to the rear of the site, the amenity of adjoining properties and the character of the wider Conservation Area setting. The development has also failed to demonstrate sufficient mitigation planting through appropriate landscaping. The development is therefore contrary to policies 7.19 'Biodiversity and Access to Nature' and 7.21 'Trees and woodland' of The London Plan 2011, Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity', 3.13 'Urban design', 3.16 'Conservation areas' and 3.28 'Biodiversity' of The Southwark Plan [UDP] 2007 and the 123 Grove Park SPD.

Continued overleaf...

TP(Refuse)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

REFUSAL OF PLANNING PERMISSION

LBS Reg. No. 10-AP-3751

Date of Issue of this decision 15/08/2011

- 2 The development has failed to demonstrate that the retained vegetation will be adequately protected from construction impacts, in particular from the establishment of the access road and installation of services, and furthermore from post development pressure arising from potential future overshadowing and maintenance issues. As such the development is contrary to policy 7.21 'Trees and woodland' of The London Plan 2011, Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, and saved policy 3.1 'Environmental Effects' of The Southwark Plan [UDP] 2007.
- 3 The proposal has failed to comprehensively assess the existing biodiversity of the site, and as such the full impact of the development on ecological habitats and species, and any adequate mitigation measures, is unable to be accurately assessed. The development therefore fails to sufficiently protect existing species and their habitats and as such is contrary to saved policies 3.1 'Environmental effects' and 3.28 'Biodiversity' of The Southwark Plan [UDP] 2007, strategic policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, PPG9: Biodiversity and Geological Conservation, policy 7.19 'Biodiversity and nature conservation' of the London Plan 2011, the Sustainable Design and Construction SPD and 'Work for Wildlife' Southwark Biodiversity Action Plan.
- 4 The development fails to adequately mitigate against the adverse impacts of the development in relation to education, employment during construction, open space contribution, childrens play equipment, sports development, transport strategic, archaeology, health facilities and community facilities. The development is therefore contrary to policy 8.2 'Planning Obligations' of the London Plan 2011, saved policy 2.5 Planning Obligations of the Southwark Plan 2007, Strategic Policy 14 Implementation and Delivery of the Core Strategy (2011) and Supplementary Planning Document 'Section 106 Planning Obligations' 2007.

Signed **Gary Rice**

Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to planning.enquiries@southwark.gov.uk

UPRN: 200003460258

checked by _____ TP/2154-C

REFUSAL OF PLANNING PERMISSION

LBS Registered Number: 10-AP-3751

Date of issue of this decision: 15/08/2011



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If the applicant is aggrieved by this decision of the council to refuse permission, the applicant may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If permission to develop land is refused whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Council a purchase notice requiring it to purchase the owner's interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990.
- [3] **COMPENSATION.** In certain circumstances a claim may be made against the local authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.