



Appeal Decision

Hearing held on 16 and 17 March 2022

Site visit made on 17 March 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/A5840/W/21/3275294 54-80 Ossory Road, London SE1 5AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Shurgard UK Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/0504, dated 31 January 2020, was refused by notice dated 15 February 2021.
 - The development proposed is a change of use from Use Class D1 (place of worship) to Use Class B8 (storage and distribution) and partial demolition and extension of the existing self-storage facility to provide additional Use Class B8 (storage and distribution) floorspace with car and cycle parking, refuse storage and other associated works ancillary to the development.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from Use Class D1 (place of worship) to Use Class B8 (storage and distribution) and partial demolition and extension of the existing self-storage facility to provide additional Use Class B8 (storage and distribution) floorspace with car and cycle parking, refuse storage and other associated works ancillary to the development at 54-80 Ossory Road, London SE1 5AN in accordance with the terms of the application, Ref 20/AP/0504, dated 31 January 2020, subject to the conditions in the attached Schedule 1.

Procedural Matters

2. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. While this was after the appellant's appeal statement had been submitted, subsequent documents (including the Statement of Common Ground) and the discussions at the hearing itself were made in the light of the revised Framework.
3. The Council adopted a new Southwark Local Plan ("the SLP") on 23 February 2022, replacing various development plan documents including the 2007 Saved Southwark Plan and the 2011 Southwark Core Strategy. The single reason for which the Council refused the planning application referred only to policies of the 2021 London Plan, and the adoption of the new SLP did not therefore have a significant bearing on the main issue in this appeal. The discussions at the

hearing took place in the light of the up-to-date development plan, and my decision refers to the policies of the SLP where relevant.

4. A signed and dated agreement under section 106 of the Town and Country Planning Act 1990 was submitted following the end of the hearing, a draft version having been submitted beforehand and discussed at the hearing. I return to this planning obligation below.

Main Issue

5. The main issue is whether or not the proposed development makes acceptable provisions in respect of fire safety, with particular regard to
 - i. access arrangements for fire appliances; and
 - ii. the strategy for the prevention, suppression, control or management of fire within the building.

Reasons

6. The appeal site is an area of land measuring around 0.38ha at the southern end of Ossory Road, a no-through-road on the south side of, and leading from, Old Kent Road. Most of the site is taken up with an approximately L-shaped part one-, part two- and part three-storey warehouse building, occupied and operated by the appellant as a self-storage facility. The second floor has until recently been used as a place of worship, although this use has now ceased. As well as the main building there is a narrow single-storey building, also used as part of the self-storage operation, along the southern site boundary.
7. The surrounding area contains a variety of industrial, commercial and residential uses; the area immediately to the north and west of the appeal site (between Ossory Road and Glengall Road) is predominantly industrial, while to the north-east and east is a retail park including a large Asda superstore. Immediately south are two regeneration sites where mixed-use schemes are currently being built; these are Berkeley Homes' "Malt Street" project, with up to 1,300 new homes and up to 7,000m² of commercial floorspace¹, and Hollybrook's "Bianca Road" development of 676 student rooms and 2,375m² of commercial floorspace².
8. The proposed development is the enlargement of the storage premises with an L-shaped four-storey (including mezzanine level) extension wrapping around the entire southern end and part of the eastern side of the existing building. The second-floor area previously used as a church would be returned to use as part of the storage business, and there would also be associated works including a reconfiguration of the car park and forecourt area, and new arrangements for cycle parking and refuse storage. As part of the scheme the existing single-storey storage building along the southern site boundary would also be demolished.

Relevant development plan policy

9. Policy D11 of the 2021 London Plan seeks to ensure that development is safe, secure and resilient to emergency, including fire. Policy D12 of the 2021 London Plan seeks to ensure that, in the interests of fire safety and to ensure

¹ LPA Ref: 17/AP/2773

² LPA Ref: 20/AP/0039

the safety of all building users, development should achieve the highest standards of fire safety. Specific measures sought by Part A of D12 are that development proposals should:

- identify suitably positioned unobstructed outside space for fire appliances, and for use as an evacuation assembly point;
- be designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
- be constructed in an appropriate way to minimise the risk of fire spread;
- provide suitable and convenient means of escape, and associated evacuation strategy for all building users;
- develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in; and
- provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

10. Part B of Policy D12 requires that major development proposals should be accompanied by a Fire Statement, produced by a suitably-qualified third party assessor, providing details of how the development will function in terms of:

- the building's construction, including methods, products and materials used, and details of manufacturers;
- the means of escape for all building users, including suitably-designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach;
- features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans;
- access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and their ongoing maintenance and monitoring;
- how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building; and
- ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety or protection measures.

11. The Council's evidence referred to draft Policy AAP5 of the Old Kent Road Area Action Plan ("the AAP"). The AAP is an emerging document first published in 2016; the most recent version from December 2020 was the subject of public consultation between January and May 2021. Among other things, Policy AAP5 as currently written would require all development of commercial units within Use Class E to include fire sprinklers. However, it remains uncertain what the final wording of any policy might be, and at the hearing the Council was not able to set out an indicative timetable for the adoption of the AAP. It was

therefore common ground between the parties that the AAP should only be attributed limited weight in determining this appeal. In any event, it is also worth emphasising that the proposed development in this appeal would, as a B8 use, not fall within the scope of this requirement to install sprinklers.

12. My attention was also drawn to the Mayor of London's draft guidance in respect of fire safety and fire statements ("the Guidance"). Published in two parts³, it advises on the interpretation and application of Policy D12 of the 2021 London Plan, including the preparation and content of Planning Fire Safety Strategies and Fire Statements, as well as more details on the specific points set out in parts A and B of Policy D12. At the hearing I was told that public consultation on the Guidance was underway, and expected to last until June 2022. Although it provides useful background information and elucidation on matters of fire safety, the Guidance is an advisory document of draft status. Given the realistic possibility of further significant changes before the guidance is adopted, I consider that it should carry very limited weight in my determination of this appeal.
13. The main parties agreed that Policies D11 and, in particular, D12 of the 2021 London Plan are the most relevant development plan policies for determining the appeal; based on all the evidence before me I agree.

Access for fire appliances

14. The submitted drawings show a "fire tender zone", with a single illustrative fire appliance, within the first 20m of the site from its entrance on Ossory Road. The Council expressed concern about the proposed access arrangements for two principal reasons; firstly, that the area was not solely dedicated to a fire appliance and so would be likely to be obstructed by other vehicles. Secondly, it was concerned that providing space for a single fire appliance would not be sufficient in the event of an incident at the appeal site, given the proposed size and use of the building – I was referred to examples of other fires at self-storage premises, including ones in Croydon (December 2018) and Tameside (February 2021) which each had six fire appliances in attendance.
15. At the hearing I was told something of the procedure which would be followed if the fire brigade were called to the appeal site. There would be a pre-determined initial attendance of three appliances. The first appliance would approach (and enter) the site so that firefighters could begin tackling any fire using an onboard water supply; the personnel of the second and subsequent appliances would meanwhile connect hoses and pumps to hydrants to ensure a sustained water supply for ongoing firefighting.
16. The firefighting access point would be within 18m of three new dry riser inlets which would be installed as part of the proposed development; the dry risers would provide water for firefighting to all floors of the building. As well as being close to the new dry riser inlets, the fire tender zone would also be next to a relocated secure box (known by the brand name "Gerda box") which contains premises plans and other relevant information for the fire brigade. Based on my observations on the site visit I agree with the appellants' suggestion that the proposed fire tender zone would be capable of accommodating the first two appliances attending the site, while the third and any subsequent appliances

³ "London Plan Guidance - Fire Safety Policy D12(A) , Pre-Consultation Draft March 2021" and "London Plan - Guidance Sheet – Policy D12(B)" (undated).

would remain outside the site boundary. Given what I was told about the fire brigade's operational procedures, this seems to me to be an acceptable arrangement.

17. There was some discussion at the hearing about whether the fire tender area would be likely to be obstructed by other vehicles using the site. I heard from the appellant that there are normally around four staff working on the site, and that typically there might be four or five vehicle movements per hour. It was therefore put to me that the self-storage operations are not a use which generates high volumes of traffic, and that there is very little likelihood of the car park or the fire tender zone becoming congested. This appeared to be borne out by my observations on the site visit (and on an informal visit to the area I carried out two days previously) when during the late morning and early afternoon there were only between three and six vehicles using the car park at any one time. Nevertheless, it is self-evident that in order to serve its intended purpose the designated area for fire appliances should not be obstructed. I saw that there are already "no parking" markings on that part of the site, and at the hearing the possibility of using a condition to secure access arrangements, including the use of protective chevron markings to clearly indicate the fire tender area, was discussed.
18. Taking into account all the evidence before me, including the discussions at the hearing and what I saw on site, and subject to the imposition of a condition to ensure that the fire tender area is clearly reserved and protected for its intended purpose, I consider that the access arrangements for fire appliances would be acceptable.

Fire strategy

19. The evidence submitted by the appellant in support of the planning application provides key information in respect of fire safety measures for the proposed development, although this is spread across three principal documents ("Fire Strategy"⁴, "Technical Note – Firefighting Access"⁵, and "Technical Note – External Fire Spread"⁶) rather than a single Fire Statement as sought by Policy D12. The Council's particular concerns with the proposal were the possibility of fire spreading from the proposed extension to the new residential buildings currently being constructed on outside the appeal site's southern boundary; provision for access and evacuation (including fire appliance access already addressed above); and the provision of fire detection and suppression systems.
20. In determining this appeal it is of course not my role to duplicate other regulatory regimes. However, both the written evidence submitted and the discussion at the hearing at times necessarily addressed matters covered by the building regulations⁷. Of course, the breadth and depth of fire safety evidence which was put before me for this appeal is not the same as that which would be submitted at building control application stage. Nevertheless, I have had regard to the evidence and arguments put forward in respect of the building regulations to the extent to which they are material to the planning matters in this appeal.

⁴ Threesixty Architecture, Reference 18160GA-200426-PL-OR01DA, dated 26 April 2020

⁵ MLM Group, Reference 623425-MLM-ZZ-XX-RP-YF-0002, dated 24 August 2020

⁶ MLM Group, Reference 623425-MLM-ZZ-XX-RP-YF-0005, dated 17 September 2020 (superseding earlier version dated 1 September 2020)

⁷ The Building Regulations 2010 – Fire Safety: Approved Document B, Volume 2: Buildings other than dwellings

21. The entire building (existing and the proposed extension) would be divided into thirteen compartments with at least a 1-hour fire rating. The smallest of these would have a floor area of around 96m², while the largest would be around 957m²; all compartments would be well within the 2,000m² limit permitted by the building regulations. I also heard that the new extension would be designed to have at least a 90-minute fire rating; this would include its roof, compartment floors, and separation from the existing building.
22. The southern elevation of the proposed extension would sit approximately 2.5m from the site boundary, and a minimum of around 4.4m from the adjacent "Bianca Road" buildings now being built. In response to the Council's concerns, the measures intended to prevent the spread of any fire from the appeal site to adjoining buildings were discussed in some depth at the hearing. Relevant advice in the Building Research Establishment publication *External fire spread: building separation and boundary distances* ("BR187"), which among other things describes methods for calculating adequate space separation between buildings so that any possible ignition of an adjacent building is sufficiently delayed so as to allow the Fire Service to arrive on site and take preventative action (and on which the appellant's "External fire spread" technical note in part relied) was also explained to me.
23. BR187 provides a method for calculating the maximum acceptable unprotected area in an external wall – that is, any part of the wall which has less than the intended fire resistance, and including windows, doors and other openings – in order to ensure that the risk of fire spread to adjacent buildings is kept to an acceptably low level. For the smallest separation distance between the southern façade of the extension and the site boundary, the BR187 methodology requires that no more than 20% of the elevation should be unprotected. In fact, no doors, windows or other openings are proposed on the southern elevation, and that wall would (in the terms of the building regulations and BR187) be 100% protected.
24. The development would include the provision of two new firefighting stairwells with protected lobbies; one with two hour fire protection at the south east corner of the proposed extension, and one with one hour protection on the eastern side serving both the existing building and the extension. The new dry risers would have outlets at each level of the fire lobbies, from where hoses could be run through the building. All parts of the building would be within 45m hose laying distance of the dry riser outlets. The fire lobbies and staircases would also have automatic smoke ventilation systems fitted.
25. The matter of detecting fire was not initially covered in the appellant's planning application submissions. Nevertheless, at the hearing I was told that the building has a detection system which complies with BS5839 Part 1. In the event of an automatic detection, an alarm is sounded and the control panel alerts the building's management to the incident; if there is no manual response from staff within 90 seconds of the first alert the fire brigade is notified of the incident. When the alarm is sounded manually, as by someone activating a "break glass" panel, the fire brigade is notified immediately. I saw on the site visit that there are heat and smoke detectors throughout the building; this system would be expanded to cover the proposed extension.
26. The Council considered that, as well as detection systems, the proposed development should include a sprinkler system to suppress fire. I note also the

advice of the London Fire Brigade to the Council that, although it could not insist on it, it recommended businesses install sprinklers. While sprinklers had been discounted by the appellant for various reasons, I agree with the Council that the possible unreliability of some sprinkler systems does not, at least as it was briefly put in the appellant's statement, necessarily weigh against installing such a system. However, I found the other arguments advanced to be more compelling.

27. It was explained to me at the hearing that there are certain materials (including, for example, hazardous waste, explosives, batteries, fireworks, and fuel such as diesel and petrol) which a customer cannot, under the terms and conditions of their agreement with the appellant, store on the site. However, there are also various other goods and materials (such as flammable liquids and fats) which can be stored legitimately, but for which water would not be effective at controlling fire. I also heard that the way goods are stored (for example, as loose bulk material, palletised or on racks) can alter the effectiveness of a sprinkler system. Furthermore, there is a need for free space of 1m between a sprinkler and stored goods, and in the proposed extension (and some of the existing building) where ceiling heights in parts are as low as around 2.4m, sprinklers would not be a practicable solution in any case.
28. I acknowledge that, as the Council put to me, other storage buildings, including that being built at Croydon by the appellant to replace the one damaged in the December 2018 fire, are being built with sprinkler systems. However, while I do not know the full circumstances of developments elsewhere, a new build scheme is likely to have many different considerations to those where an existing building is being extended – including, for example, ceiling heights, and the possibility of separating different types of storage areas. Given the potential limitations of sprinklers in the particular circumstances of this case, I consider that such a system would be preferable rather than an essential feature.
29. The fire safety information provided by the appellant addressed the physical means intended to reduce the risk of fire, to provide safe access for firefighters, and to provide egress for the building's users. However, it did not provide information about training or management measures which would address and support fire safety, nor was an evacuation management plan or strategy submitted. These matters were discussed at the hearing, where among other things I was told that entry to the building was strictly controlled by individual access codes, and that staff were instructed to pay particular attention to the needs of those customers who may need help, for example by allocating storage spaces close to the main entrance and office for customers with reduced mobility. I was also able to see evacuation routes and emergency lighting systems at the site visit.
30. In order for the development to be acceptable in planning terms, it is necessary for this information to be submitted and approved as part of the consideration of the scheme as a whole. However, while the absence of such information is a significant omission, on the basis of the evidence before me and the discussions at the hearing it is one which on this occasion I consider could be satisfactorily addressed by suitably worded conditions.

Findings on main issue

31. I consider that there are numerous factors which mean that the proposed development would represent a significant improvement in fire safety terms over the current situation on the site. These include the enhanced provision of emergency exit stairs with refuges for disabled people, the provision of new fire access stairs and ventilated firefighting lobbies, and the proposed dry riser provision and consequent improved firefighter access throughout the building. It would also provide acceptable access for at least one fire appliance onto the site, and in all likelihood two.
32. Although I note that the Council does not agree, I consider that the removal of the existing building at the southern site boundary (which I understand to have no or very limited fire protection to its walls and roof) would, when considered alongside the 90-minute fire rating of the proposed extension, represent a considerable reduction in fire risk to the residential buildings being constructed on the neighbouring sites. The proposed development would comply with, and in the case of the southern façade comfortably exceed, the provisions of the building regulations in respect of fire safety. While I acknowledge the Council's concern about the lack of sprinklers, for the reasons I have set out in the preceding paragraphs I consider that such a system would be desirable rather than strictly necessary to make the proposal acceptable in planning terms.
33. Some additional information is necessary to make the development acceptable and to comply with the requirements of the development plan; as explained in paragraph 30 above I consider that in this instance this can be addressed by conditions requiring the submission and approval of further details. Subject to these and the other conditions set out below, I conclude that the proposed development would make acceptable provisions in respect of fire safety. It would therefore comply with the requirements of Policies D11 and D12 of the 2021 London Plan, the details of which I have set out in paragraphs 9 and 10 above.

Planning Obligation

34. The submitted s106 agreement makes various provisions in respect of the proposed development. It is dated 29 March 2022, and is signed and executed as a deed. The Framework sets out policy tests for planning obligations; they must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in Regulation 122 of the CIL Regulations⁸.
35. The s106 agreement commits that the development will be constructed and operated in accordance with the submitted Energy Statement, that provision will be made for connecting the development to a future district heating network, and that estimated and actual energy performance data will be submitted in accordance with the Greater London Assembly's "Be Seen" energy monitoring guidance. All three of these provisions are in accordance with the requirements of Policy CI2 of the 2021 London Plan, as well as (in respect of the Energy Statement and district heating) Policy P70 of the SLP.

⁸ Community Infrastructure Levy Regulations 2010 (as amended)

36. The affordable workspace obligation secures a financial contribution of £614,163 towards the provision of affordable workspaces within the borough. The financial contribution would be in lieu of the direct provision of affordable workspace on site, in accordance with the requirements of Policy P31 of the SLP and guidance in the Council's 2020 *Section 106 Planning Obligations and Community Infrastructure Levy (CIL)* Supplementary Planning Document ("the s106/CIL SPD").
37. The archaeology obligation secures a financial contribution of £3,289 towards archaeological research, investigation and protection in the vicinity of the appeal site. This obligation is in accordance with the requirements of Policy P23 of the SLP and the guidance in the s106/CIL SPD.
38. The Carbon Green Fund obligation secures a financial contribution of £57,000 towards carbon mitigation measures within the borough. This obligation complies with the requirements of Policy SI2 of the 2021 London Plan and Policy P70 of the SLP, which set targets for reductions in carbon dioxide emissions and which provide for contributions to off-site mitigation where schemes cannot meet their full carbon reduction targets on-site.
39. The local procurement obligation commits the development to use "reasonable endeavours" to secure a proportion of goods and services from local businesses, while the employment and skills obligation secures a commitment to produce an employment and skills plan aimed at ensuring local people have access to training and employment opportunities arising from the scheme. It also secures a financial contribution towards other local employment and training initiatives in the event of targets not being met. The local procurement and employment and skills obligations are in accordance with the provisions of Policy P28 of the SLP, which seeks to improve access to employment and training for local residents, and to commercial supply chains for local businesses, as well as guidance in the s106/CIL SPD.
40. The planning obligation provides for the submission of a Demolition Environmental Management Plan and a Construction Environmental Management Plan, and the approval of these plans by the Council before (respectively) demolition or construction work can begin. The management plans would make provisions in respect of various matters including site operating hours, control of noise, traffic management, waste management and suchlike. They would be required to mitigate the impacts of the development, in the interests of highway safety and to protect the occupiers and users of the surrounding area from unacceptable disturbance.
41. Finally, the planning obligation provides for the payment of an administration cost of £13,491.04. The Council has explained that this has been calculated at 2% of the cost of the other contributions secured by the s106 agreement, and reflects the fact that the obligations require evidence to be submitted and checked. In this case, the administration cost would be proportionate, reasonable, and would reflect the actual cost of monitoring and administering the s106 agreement, in line with the advice in the Planning Practice Guidance ("the PPG")⁹.
42. Based on the evidence before me, including the discussions at the hearing, I am satisfied that all of the provisions set out in the obligation are necessary to

⁹ Paragraph 036 Reference ID: 23b-036-20190901

make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. All therefore meet the statutory tests.

Conditions

43. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance, as well as comments made at the hearing, where the suggested conditions were discussed in detail. While there remained a small number of points of disagreement between the main parties on some of the suggested conditions at the end of the hearing, the Council and appellant subsequently agreed a number of suggested amendments and additional conditions. The conditions to be attached to the permission therefore also reflect these post-hearing discussions between the two main parties. Conditions 3 to 10 are pre-commencement conditions; accordingly, I note that the appellant has indicated their agreement to these conditions being imposed.
44. In addition to the standard time limit for commencement (1), in the interests of certainty a condition specifying the approved plans and documents (2) is necessary.
45. For the reasons I have set out under the main issue above, conditions requiring the submission of a supplementary fire strategy (3) and details of the management of access for emergency vehicles (4) to the satisfaction of the London Fire Brigade (5) are necessary in the interests of the safety of users of the appeal site and occupiers of surrounding buildings, and to comply with Policy D12 of the 2021 London Plan.
46. Conditions in respect of a programme of archaeological fieldwork (6) and the design of foundations (7) are necessary in the interests of the investigation, cataloguing and protection of archaeological remains and the preservation of heritage, and to comply with Policy HC1 of the 2021 London Plan and Policy P23 of the SLP. Conditions in respect of site investigations (8) and any subsequent discovery of contamination (23) are necessary to ensure the investigation and mitigation of risks arising from land contamination and to comply with Policy P64 of the SLP. A condition requiring a Construction Logistics Plan (9) is necessary to ensure that construction works do not have an adverse impact on the local transport network or air quality and to comply with Policies T1, T4, T7 and SL1 of the 2021 London Plan, while a condition requiring a Construction Environmental Management Plan (10) is required to protect nearby occupiers and users from a loss of amenity arising from pollution, unacceptable noise disturbance or other nuisance, and to comply with Policy P56 of the SLP.
47. The submission and approval of details of proposed green/brown roofs (11), bat roosting features (12) and universal nesting bricks for swifts (13) are necessary in the interests of creating habitats and other valuable areas for biodiversity, and to comply with Policies G5, G6 and G62 of the 2021 London Plan, and Policies SP6, P59 and P60 of the SLP.
48. Conditions requiring the submission and approval of details of hard and soft landscaping (14), section detail drawings (15) and a schedule and samples of materials (16), and preventing the installation of telecommunications equipment (24), roof structures (25) and other "appurtenances" (26) are

necessary to ensure that the development has a high quality of design and makes a positive contribution to the character and appearance of the local area, and to comply with Policies P13 and P14 of the SLP.

49. Conditions 14 and 25 also serve to protect the amenity of the area and to avoid nuisance to the users and occupiers of neighbouring properties, as do conditions in respect of refuse storage (22), sound levels (28), and external lighting and illumination (29 and 30). All of these conditions are necessary to comply with Policy P56 of the SLP.
50. A condition in respect of the provision of cycle parking (17) is necessary to encourage and support use of transport other than the private car, and to comply with Policies P53, SP6 and T5 of the SLP. A condition requiring the assessment of the development's environmental performance and the submission of verification in this respect (18) is necessary in the interests of sustainable development and the efficient use of resources, and to comply with Policies SP6 and P69 of the SLP.
51. A condition in respect of a flood warning and evacuation plan (19) is necessary in the interests of the safety of the site's users, and to comply with Policy P68 of the SLP. The submission and approval of a lighting and security surveillance and equipment strategy (20) and "Secured by Design" certification (21) are also necessary in the interests of safety, and to comply with Policy P16 of the SLP (as well as the Council's duties under the Crime and Disorder Act 1998). Finally, a condition in respect of the use of the site is necessary in view of the site's designation as "Strategic Protected Industrial Land", and to comply with Policy P29 of the SLP in this respect.

Conclusion

52. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector

Appearances

FOR THE LOCAL PLANNING AUTHORITY:

Alicia Chaumard	Southwark Council
Tim Cutts	Southwark Council
Wing Lau	Southwark Council
Colin Wilson	Southwark Council

FOR THE APPELLANT:

Douglas Allan	Threesixty Architecture
Alun Evans	ROK Planning
Anthony Fusi	Threesixty Architecture
Daniella Marrocco	ROK Planning
Geoffrey Palmer	Sweco UK Ltd
Fanny Rosmanaty	Shurgard Ltd

Documents submitted at the hearing

- Updated draft section 106 agreement
- CIL Compliance Statement
- Schedule of suggested conditions (updated to refer to 2022 Southwark Local Plan)

Documents submitted after the hearing

- Completed section 106 agreement
- Amended and additional suggested conditions

Schedule 1 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 2 – Schedule of Approved Drawings and Documents.
- 3) No development shall take place until a supplementary Fire Statement prepared by a suitably qualified third-party assessor has been submitted to and approved in writing by the Local Planning Authority.

The Statement shall detail how the development proposal will function in terms of:

- i. The building's construction: methods, products and materials used;
- ii. Details of the means of escape for all building users: stair cores, escape for building users who are disabled or require level access (including a fire evacuation lift within each building core, emergency lighting strategy, level and emergency access specifications) and including how each complies with the relevant requirements, together with their associated management plan approach.
- iii. Passive and active fire safety measures;
- iv. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting and fire evacuation lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these; and
- v. How provision will be made within the site to enable fire appliances to gain access to the building; and
- vi. The future development of the asset and any potential future modifications to the asset.

The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development.

- 4) No development shall take place until details of the access and arrangement for fire appliances on site and how this will be managed and safeguarded at all times are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development.
- 5) Before any work hereby authorised begins, a written undertaking that access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B (or relevant equivalent standard at the time of application to discharge this condition) and adequate water supplies for firefighting purposes should be submitted to and approved in writing by the Local planning Authority.

- 6) Before any development (excluding demolition to ground level only), hereby authorised, begins, the applicant shall:
 - A. Secure the implementation of a programme of archaeological evaluation (initial investigative trial trenching) in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the Local Planning Authority;
 - B. Submit a report on the results of these evaluation works to the Local Planning Authority for approval in writing. No further demolition or development shall take place until that written approval is received, which will either allow the development to be carried out without further evaluation, or will require:
 - C. The implementation of a further programme of archaeological work, known as archaeological mitigation. Archaeological mitigation can involve a range of possible options, including: preservation of archaeological remains by record (archaeological excavation and removal); and/or in situ (preservation on the site by design or by the implementation of an approved preservation regime); or further options to investigate, monitor (watching brief), model or sample archaeological deposits. This further programme of archaeological work shall be in accordance with a second (Stage C) written scheme of investigation (WSI) for archaeological mitigation, which shall be submitted to the Local Planning Authority for approval in writing.
- 7) Before any work hereby authorised begins, excluding demolition to ground level only and site preparation, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.
- 8)
 - i. Prior to the development works, other than demolition works, an intrusive site investigation and associated risk assessment shall be completed to fully characterise the nature and extent of any contamination of soils and ground water on the site.
 - ii. In the event that contamination is found that presents a risk to future users or controlled waters (within underlying sands and chalk geology) or the wider environment, 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 by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The approved remediation/mitigation strategy shall be implemented as part of the development.
 - iii. Following the completion of the works and measures identified in the approved remediation strategy, a verification report shall be submitted to and approved in writing by the Local Planning Authority providing evidence that all works required by the remediation strategy have been completed and that the site is

suitable and safe for the developed uses controlled waters and in respect of the wider environment.

- iv. In the event that potential contamination is found at any time during development works that was not previously identified, then a scheme of investigation and risk assessment, and a remediation strategy (if not already covered following paragraph iii.) above) shall be submitted to the Local Planning Authority for approval in writing, in accordance with paragraphs i. to iii. above.
- 9) Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall identify all efficiency and sustainability measures that will be taken during construction of this development. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.
- 10) No development shall take place, including any works of demolition, until a written construction environmental management plan (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:
- i. A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
 - ii. Site perimeter continuous automated noise, dust and vibration monitoring;
 - iii. 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.;
 - iv. 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.)
 - v. A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
 - vi. Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations;
 - vii. A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meet the standard as stipulated by the Mayor of London.
 - viii. To follow current best construction practice, including the following:

- Southwark Council's Technical Guide for Demolition & Construction at <http://www.southwark.gov.uk/construction>
- Section 61 of Control of Pollution Act 1974;
- The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition';
- The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites';
- BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise';
- BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites';
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration;
- BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting'.

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.

- 11) Before any relevant above grade work hereby authorised begins, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) 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/brown) 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(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 12) Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 6 bat tubes, bricks or boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or boxes 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 bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

- 13) Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 6 Swift nesting bricks shall be provided and the details shall include the exact location, specification and design of the bricks. The bricks shall be installed within 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, shall be maintained as such thereafter.

- 14) Before any above grade work hereby authorised begins (excluding demolition), 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 other 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)'.

- 15) Before any above grade work hereby authorised begins (excluding demolition), section detail-drawings at a scale of 1:5 together with 1:50 scale context drawings through all relevant parts of the proposal to be constructed in the carrying out of this permission, shall be submitted to and approved in writing by the Local Planning Authority. These shall include (but not be limited to):

- i. Facades (reveals etc.), including:
- ii. Junctions of exposed structural elements (columns, beams and floors);
- iii. Head, cills and jambs of openings;
- iv. Parapets and roof edges;
- v. Entrances (including any access sashes, security gates, entrance portals and awnings);
- vi. Cycle store and service bay shutters;
- vii. Typical openings;
- viii. Plant screening/ enclosure;
- ix. Shopfront of the commercial unit;

- x. Signage zones; and
- xi. Gates and fencing to all external spaces;

The development shall not be carried out other than in accordance with any such approval given.

- 16) Before any above grade work hereby authorised begins (excluding demolition):

- i. A materials schedule providing the specification of:
 - a) Brick;
 - b) Panels; and
 - c) Any other externally facing material used on site, including boundary treatment details;to be used in the development hereby approved shall be submitted to and approved in writing by the LPA;
- ii. Sample panels of facing materials and surface finishes for the items listed in part i. of this condition, each to be at least 1 square metre in surface area, shall be presented on site (or an alternative location agreed with the Local Planning Authority) to and thereafter approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with any such approval given in relation to parts i. and ii. above.

- 17) Before any above grade work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose, and the development shall not be carried out otherwise in accordance with any such approval given.

- 18) Prior to any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Within six months of the first occupation of the commercial use within the development hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards have been met.

- 19) A stand-alone Flood Warning and Emergency Evacuation Plan should be submitted to Southwark's Emergency Planning department for their approval prior in writing to occupation of the site. The plan should state how users will be made aware that they can sign up to the Environment Agency Flood Warning services, and of the plan. It should also provide details of how occupants should respond in the event that they receive a flood warning, or become aware of a flood.

- 20)
 - i. Prior to first occupation of the development hereby consented, a Final External Lighting and Security Surveillance Equipment Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide details of:
 - All external lighting [including design, power and position of luminaires, and light intensity colours];
 - The effect the lighting will have on all external areas including areas beyond the boundary of the development site;
 - The dim-down and turn-off times of the lighting; and
 - The security surveillance equipment to be installed on the building and within all external areas at all levels of the building.
 - ii. Prior to first use of the external lighting scheme approved under part i. of this condition, an External Lighting Validation Report shall be submitted to the Local Planning Authority for approval in writing.
 - iii. The development shall not be carried out other than in accordance with the approved Final External Lighting and Security Surveillance Equipment Strategy.
- 21) Prior to the first occupation of the units hereby approved, confirmation that Secured by Design certification for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- 22) Before the first occupation of any part of the development hereby approved, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers. The refuse storage facilities shall thereafter be retained, and the space used for no other purpose.
- 23) 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.
- 24) Notwithstanding the provisions of Parts 24 and 25 The Town and Country Planning (General Permitted Development)(England) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no external telecommunications equipment or structures shall be placed on the roof or any other part of the building hereby permitted, unless otherwise approved by the Local Planning Authority.
- 25) No roof plant, equipment or other structures, other than as shown on the drawings hereby approved or discharged under an 'approval of details' application pursuant to this Decision Notice, shall be placed on the roof or be permitted to project above the roofline of any part of the building as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosures of any building hereby permitted.

- 26) With the exception of rainwater pipes, no meter boxes, flues, vents or pipes other than as shown on the drawings hereby approved or discharged under an 'approval of details' application pursuant to this permission, shall be fixed or installed on the elevations of the building, unless otherwise approved by the Local Planning Authority.
- 27) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders), the Class B8 use hereby permitted shall only be for Class B8 with ancillary B1(a) uses as indicated in the submitted plans.
- 28) 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, including residences to be constructed on land to the south. 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
- 29) Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020). Details of any external lighting (including: design; power and position of luminaries; light intensity contours) of all affected external areas (including areas beyond the boundary of the development) shall be submitted to and approved by the Local Planning Authority in writing before any such lighting is installed. The development shall not be carried out otherwise than in accordance with any such approval given. Prior to the external lighting being commissioned for use, a validation report shall be submitted to the Local Planning Authority for approval in writing.
- 30) The self-illuminated lighting fixtures on any facade of the development that face towards residential accommodation shall not exceed a surface brightness of 350 candelas/m² from 21.00 - 07.00hrs.

Schedule 2 – Schedule of Approved Drawings and Documents

- 18160GA_D-1A Location Plan as Proposed
- 18160GA_D_20A-A3 Site Plan as Proposed
- 18160GA_D_3C Ground Floor Plan as Proposed
- 18160GA_D_4A Mezzanine Floor Plan as Proposed
- 18160GA_D_5A First Floor Plan as Proposed
- 18160GA_D_6A Second Floor Plan as Proposed
- 18160GA_D_7A Third Floor Plan as Proposed
- 18160GA_D_8A Roof Plan as Proposed
- 18160GA_D_9C Elevations as Proposed
- 18160GA_D_10 Section 1 as Proposed
- 18160GA_D_11 Section 2 as Proposed
- 18160GA_D_12B Bicycle Parking as Proposed
- 18160GA_D_13 Access Plan as Proposed
- 18160GA_Area Schedule Rev C
- 18160GA_28_001B_Proposed Fire Strategy Ground Floor Plan
- 18160GA_28_002B_Proposed Fire Strategy Mezzanine Floor Plan
- 18160GA_28_003B_Proposed Fire Strategy First Floor Plan
- 18160GA_28_004B_Proposed Fire Strategy Second Floor Plan
- 18160GA_28_005B_Proposed Fire Strategy Third Floor Plan
- Design and Access Statement Rev C
- Planning Statement
- Application Form
- Covering Letter
- Sustainability Statement
- Transport Statement
- Energy Statement
- Noise Assessment
- Flood Risk Assessment
- Preliminary Ecological Assessment and Preliminary Roost Assessment
- Geo-Environmental Desk Study
- Archaeological Desk Based Assessment

- 198340-001 Swept Path Analysis (Rev A)
- Car Parking Tracking
- Delivery Vehicle Tracking
- Fire Tender Tracking
- Refuse Vehicle Tracking
- Daylight and Sunlight Study (Neighbouring Properties)
- Drainage Impact Assessment
- Technical Note – External Fire Spread (MLM Group, dated 17 September 2020)
- Technical Note – Firefighting Access (MLM Group, dated 24 August 2020)
- Fire Strategy (Threesixty Architecture, dated 26 April 2020)