

DECISION NOTICE

Town and Country Planning Act 1990 (as amended)

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



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LBS Reg. No.: 20/AP/0681

Date of Issue of Decision: 29/07/2020

Applicant London Underground Ltd

Planning Permission was **GRANTED** for the following development:

Construction of tunnelled connections to the existing Northern Line platforms from a new station box for the Elephant and Castle London Underground Northern Line Station

At Elephant And Castle Underground Station Elephant And Castle London Southwark

In accordance with the valid application received on 6 March 2020 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

CONDITIONS

Permission is subject to the following Approved Plans Condition:

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

Reference no./Plan or document name/Rev.	Received on:
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Proposed Platform Level Plan 3332-ARUP-MAC-N139_0-DRG-T-0001 Plans - Proposed (Rev: Rev 003)	05.03.2020
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Proposed Overbridge Level Plan 3332-ARUP-MAC-N139_4-DRG-T-0002 Plans - Proposed (Rev: Rev 003)	05.03.2020
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Section A □ B 3332-ARUP-MAC-N139_Z-DRG-T-0002 Plans - Proposed (Rev: Rev 003)	05.03.2020
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Reason:

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

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Permission is subject to the following Time Limit:

2. The development hereby permitted shall be begun before the end of 5 years from the date of the permission.

Reason

As allowed and required under Section 91 of the Town and Country Planning Act 1990, the standard 3 year period being inappropriate in this case because the works are linked to a wider redevelopment of the town centre which has a 5 year build period (permission reference: 16/AP/4458).

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

3. Prior to commencement of construction, a site specific geotechnical design report which confirms the depth of the top of the London Clay along with the proposed tunnel extent ground water levels within the London Clay shall be submitted to and approved in writing by the Local Planning Authority. This report must detail local groundwater flow conditions within the River Terrace Deposits at the site (i.e. flow direction and gradient) and any resulting design mitigation measures to ensure that groundwater flood risk is addressed during construction and operational phases. The development shall be carried out in accordance with the details thereby approved.

Reason:

To minimise the potential for the site to contribute to changes in groundwater conditions and any subsequent flooding in accordance with section 5.3.3 of the Southwark Strategic Flood Risk Assessment (2008).

4. If through detailed design the requirement for permeation grouting into the terrace gravels and alluvium layers becomes apparent, an Archaeological Assessment shall be submitted to and approved in writing by the Council before any work in connection with this aspect of the development is commenced. The development must be carried out in accordance with the details thereby approved.

Reason: To ensure that potential impacts upon archaeology are adequately mitigated and managed, in accordance with saved policy 3.19 'Archaeology' of the Southwark Plan (2007).

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5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
a scheme for recycling / disposing of waste resulting from demolition and construction works

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), and the National Planning Policy Framework 2019.

Permission is subject to the following Special Condition(s)

6. 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 to, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2019.

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7. Before the development hereby permitted is occupied, a flood emergency and evacuation plan shall be submitted to and approved by the local planning authority (in consultation with the Council's Emergency Planning and Resilience Officer) including details of how occupants will be informed about and recommended to sign up to the Environment Agency Flood Warning Service. The flood emergency and evacuation plan shall be implemented on first occupation and carried out in accordance with the approved details.

Reason:

To ensure future occupiers are made aware of the flooding risk to this site within flood zone 3 in accordance with The National Planning Policy Framework 2018, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and saved policy 3.9 Water of the Southwark Plan 2007.

Signed: ***Simon Bevan*** Director of Planning

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INFORMATIVE NOTES TO APPLICANT RELATING TO THE PROPOSED DEVELOPMENT

The documents submitted indicate that the developer is intending to carry out works within exclusion zones of Thames Water assets. The developer is required to contact the Thames Water Developer Services department and state that they have been referred to the Asset Protection team by the Development Planning team to discuss the requirements for an asset protection study (0800 009 3921 or by email at developer.services@thameswater.co.uk, FAO Asset Protection - Major Projects). Their case will be logged and a representative from the Asset Protection team will be in contact with them. The developer should provide cross sectional details with the TW assets marked up on them.

More details on the asset protection impact study process can be found in the guidance document ""Working Near Our Assets"" (available online at <https://developers.thameswater.co.uk/developing-a-large-site/planning-your-development/working-near-or-diverting-our-pipes>). Please bear in mind that Thames Water will hold the developer and any relevant contractor/sub-contractor liable for any losses incurred or damage caused to Thames Water assets arising from construction works or subsequent use of the facility."

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IMPORTANT NOTES TO THE APPLICANT RELATING TO THE COUNCIL'S DECISION	
<u>Conditions</u>	
1.	If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
2.	<p>Further information about how to comply with planning conditions can be found at: https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12</p> <p>Please note that there is a right of appeal against a planning condition. Further information can be found at: https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal</p>
<u>Community Infrastructure Levy (CIL) Information</u>	
3.	<p>If your development has been identified as being liable for CIL you need to email Form 1: CIL Additional Information, Form 2: Assumption of Liability and Form 6: Commencement Notice to cil.s106@southwark.gov.uk as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.</p> <p>Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.</p> <p>To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance: https://www.gov.uk/guidance/community-infrastructure-levy</p> <p>All CIL Forms are available to download from Planning Portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5</p> <p>Completed forms and any CIL enquiries should be submitted to cil.s106@southwark.gov.uk</p>
<u>National Planning Policy Framework</u>	
4.	In dealing with this application we have implemented the requirements in the National

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

Appeal to the Secretary of State

5. If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
6. If you appeal you must do so 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. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
7. 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.

Purchase Notice

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

Provisions for the Benefit of the Disabled

9. Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:

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10.	<p>(i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].</p> <p>(ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].</p> <p>(iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].</p> <p>Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.</p>
<u>Other Approvals Required Prior to the Implementation of Planning Permission</u>	
11.	<p>The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.</p>
<u>Works Affecting the Public Highway</u>	
12.	<p>You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.</p>
<u>The Dulwich Estate Scheme of Management</u>	
13.	<p>Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].</p>
<u>Building Regulations</u>	
14.	<p>You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].</p>
<u>The Party Wall Etc. Act 1996.</u>	
15.	<p>You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at</p>

DECISION NOTICE

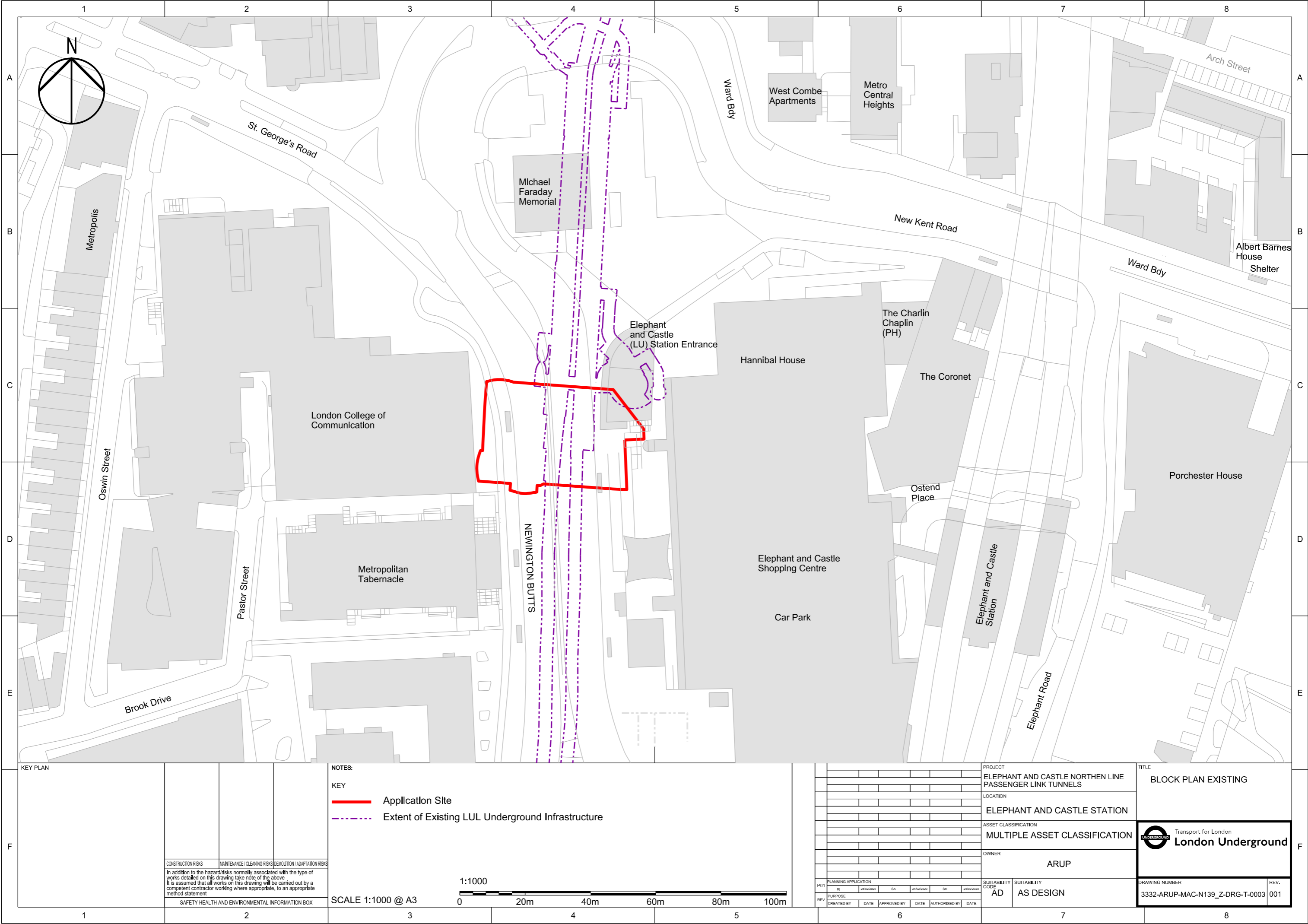
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householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].	
<u>Important:</u>	
16.	This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.



KEY PLAN

12345678

CONSTRUCTION RISKS

MAINTENANCE / CLEANING RISKS

DEMOLITION / ADAPTATION RISKS

In addition to the hazard/risks normally associated with the type of works detailed on this drawing take note of the above. It is assumed that all works on this drawing will be carried out by a competent contractor working where appropriate, to an appropriate method statement

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION BOX

NOTES:

KEY

Application Site

Extent of Existing LUL Underground Infrastructure

SCALE 1:1000 @ A3

1:1000

020m40m60m80m100m

PLANNING APPLICATION

RI

24/02/2020

SA

24/02/2020

SR

24/02/2020

P01

PURPOSE

CREATED BY

DATE

APPROVED BY

DATE

AUTHORISED BY

DATE

PROJECT

ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS

LOCATION

ELEPHANT AND CASTLE STATION

ASSET CLASSIFICATION

MULTIPLE ASSET CLASSIFICATION

OWNER

ARUP

SUITABILITY CODE

AD

SUITABILITY

AS DESIGN

TITLE

BLOCK PLAN EXISTING

UNDERGROUND

Transport for London

London Underground

DRAWING NUMBER

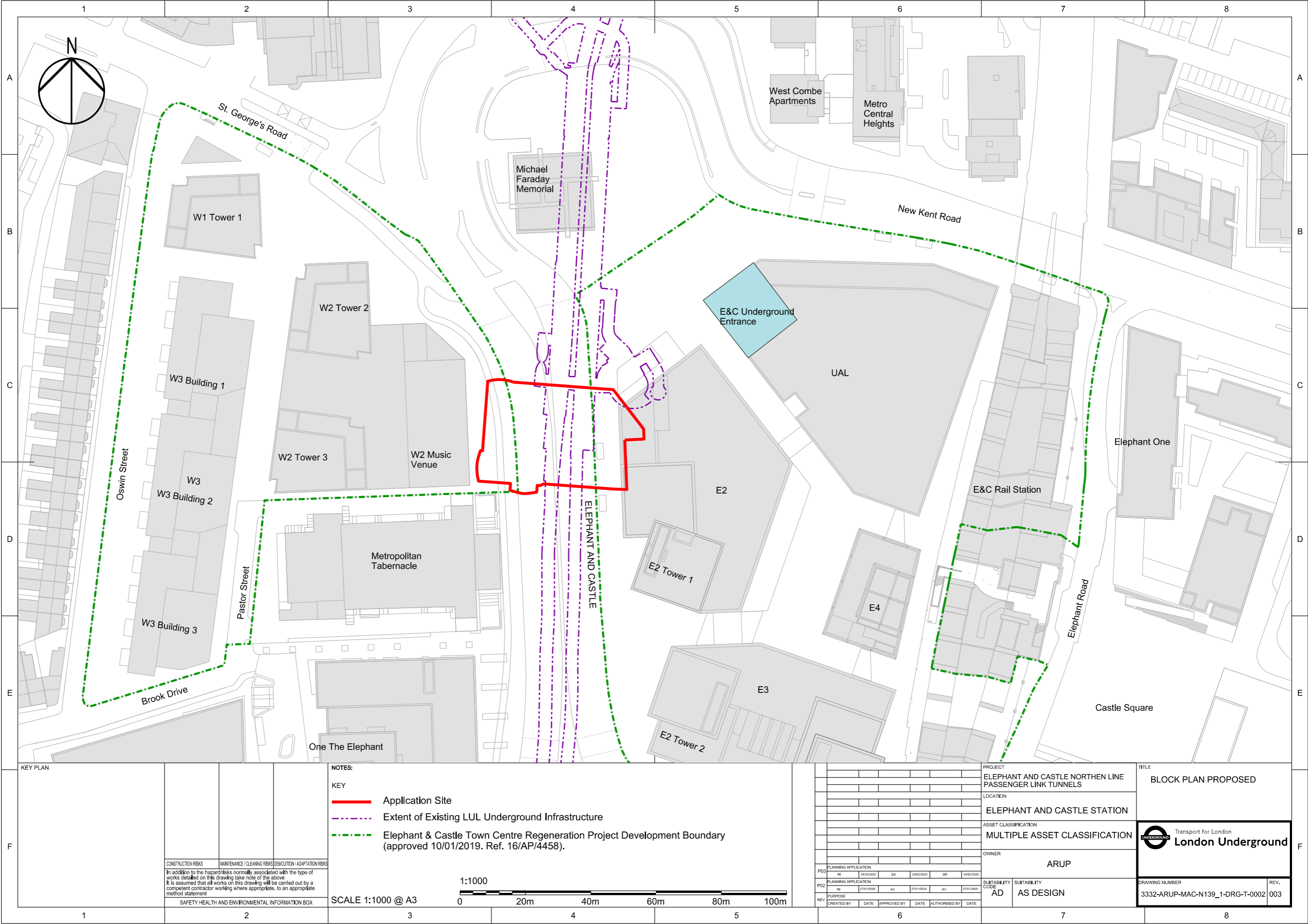
3332-ARUP-MAC-N139_Z-DRG-T-0003

REV.

001

12345678

A3



KEY PLAN			
F			

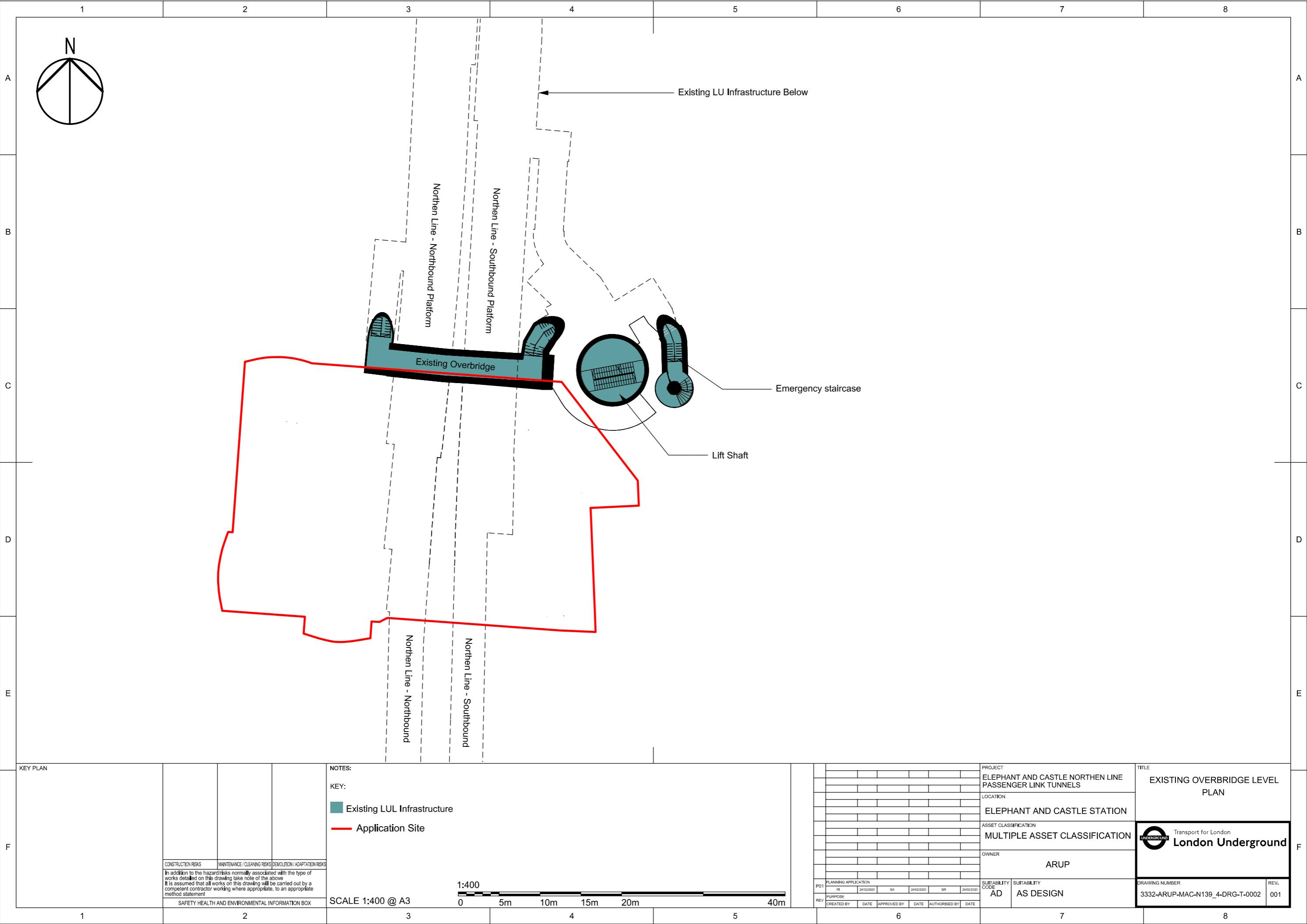
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In addition to the hazard/risks normally associated with the type of works detailed on this drawing take note of the above. It is assumed that all works on this drawing will be carried out by a competent contractor working where appropriate, to an appropriate method statement			
SAFETY HEALTH AND ENVIRONMENTAL INFORMATION BOX			
1			

NOTES:	
KEY	
	Application Site
	Extent of Existing LUL Underground Infrastructure
	Elephant & Castle Town Centre Regeneration Project Development Boundary (approved 10/01/2019. Ref. 16/AP/4458).
SCALE 1:1000 @ A3	
1:1000	
0 20m 40m 60m 80m 100m	
3	

PLANNING APPLICATION			
RI	24/02/2020	SA	24/02/2020
SR	24/02/2020	SR	24/02/2020
P03			
PLANNING APPLICATION			
RI	27/01/2020	AV	27/01/2020
AV	27/01/2020	AV	27/01/2020
P02			
PURPOSE			
CREATED BY	DATE	APPROVED BY	DATE
REV			
6			

PROJECT	
ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS	
LOCATION	
ELEPHANT AND CASTLE STATION	
ASSET CLASSIFICATION	
MULTIPLE ASSET CLASSIFICATION	
OWNER	
ARUP	
SUITABILITY CODE	SUITABILITY
AD	AS DESIGN
7	

TITLE	
BLOCK PLAN PROPOSED	
Transport for London	
London Underground	
DRAWING NUMBER	
3332-ARUP-MAC-N139_1-DRG-T-0002	
REV.	003
8	



KEY PLAN

F

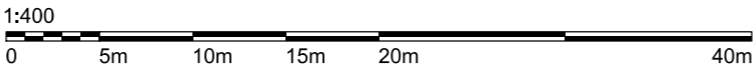
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SAFETY HEALTH AND ENVIRONMENTAL INFORMATION BOX		

NOTES:

KEY:

- Existing LUL Infrastructure
- Application Site

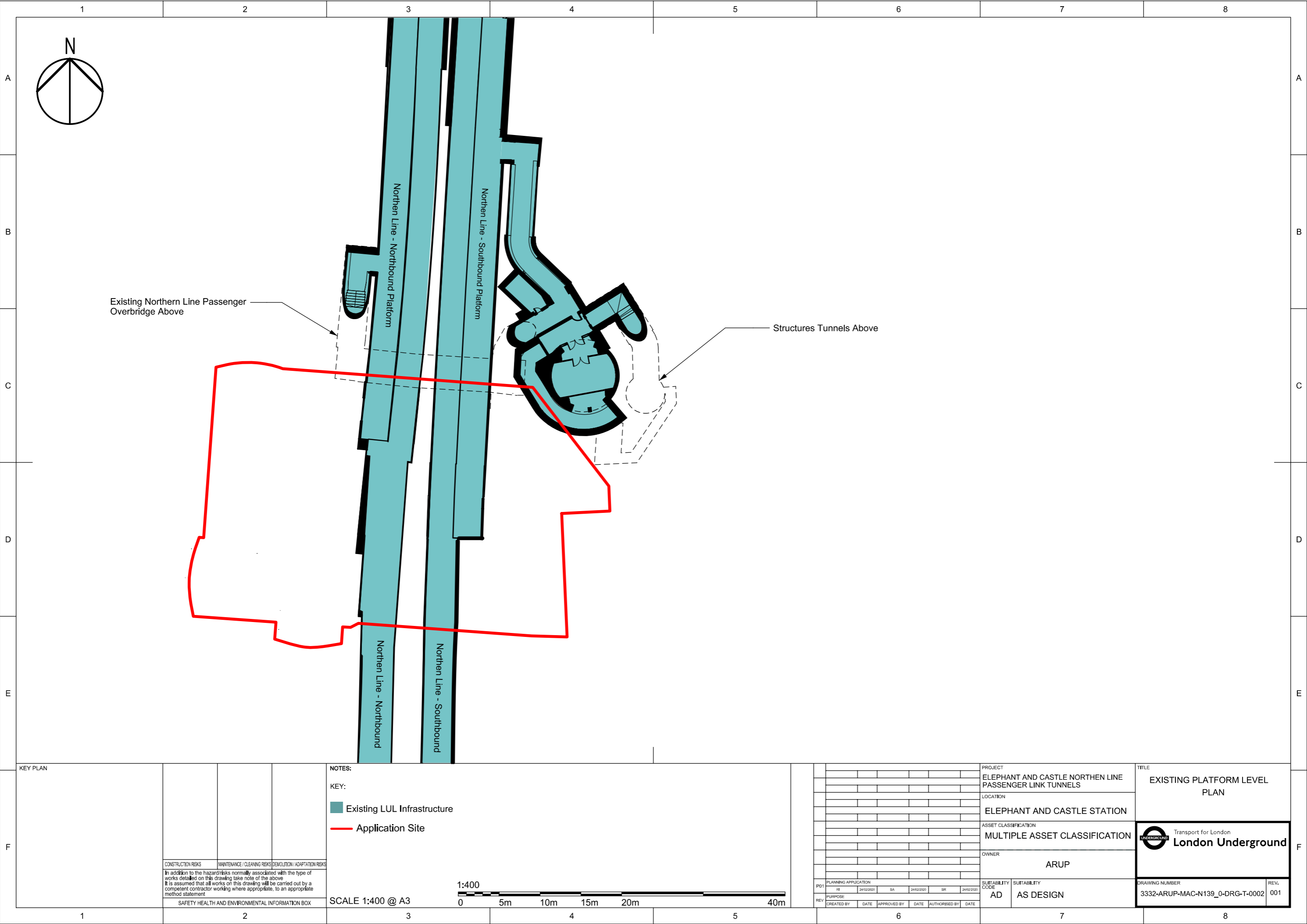
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PLANNING APPLICATION			
RE	24/02/2020	SA	24/02/2020
PURPOSE			
REV	CREATED BY	DATE	APPROVED BY
		DATE	AUTHORISED BY
		DATE	

PROJECT	
ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS	
LOCATION	
ELEPHANT AND CASTLE STATION	
ASSET CLASSIFICATION	
MULTIPLE ASSET CLASSIFICATION	
OWNER	
ARUP	
SUITABILITY CODE	SUITABILITY
AD	AS DESIGN

TITLE	
EXISTING OVERBRIDGE LEVEL PLAN	
 Transport for London London Underground	
DRAWING NUMBER	REV.
3332-ARUP-MAC-N139_4-DRG-T-0002	001



KEY PLAN

F

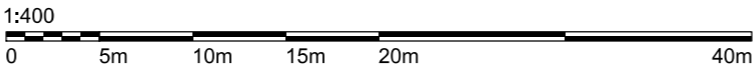
CONSTRUCTION RISKS	MAINTENANCE / CLEANING RISKS	DEMOLITION / ADAPTATION RISKS
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SAFETY HEALTH AND ENVIRONMENTAL INFORMATION BOX		

NOTES:

KEY:

- Existing LUL Infrastructure
- Application Site

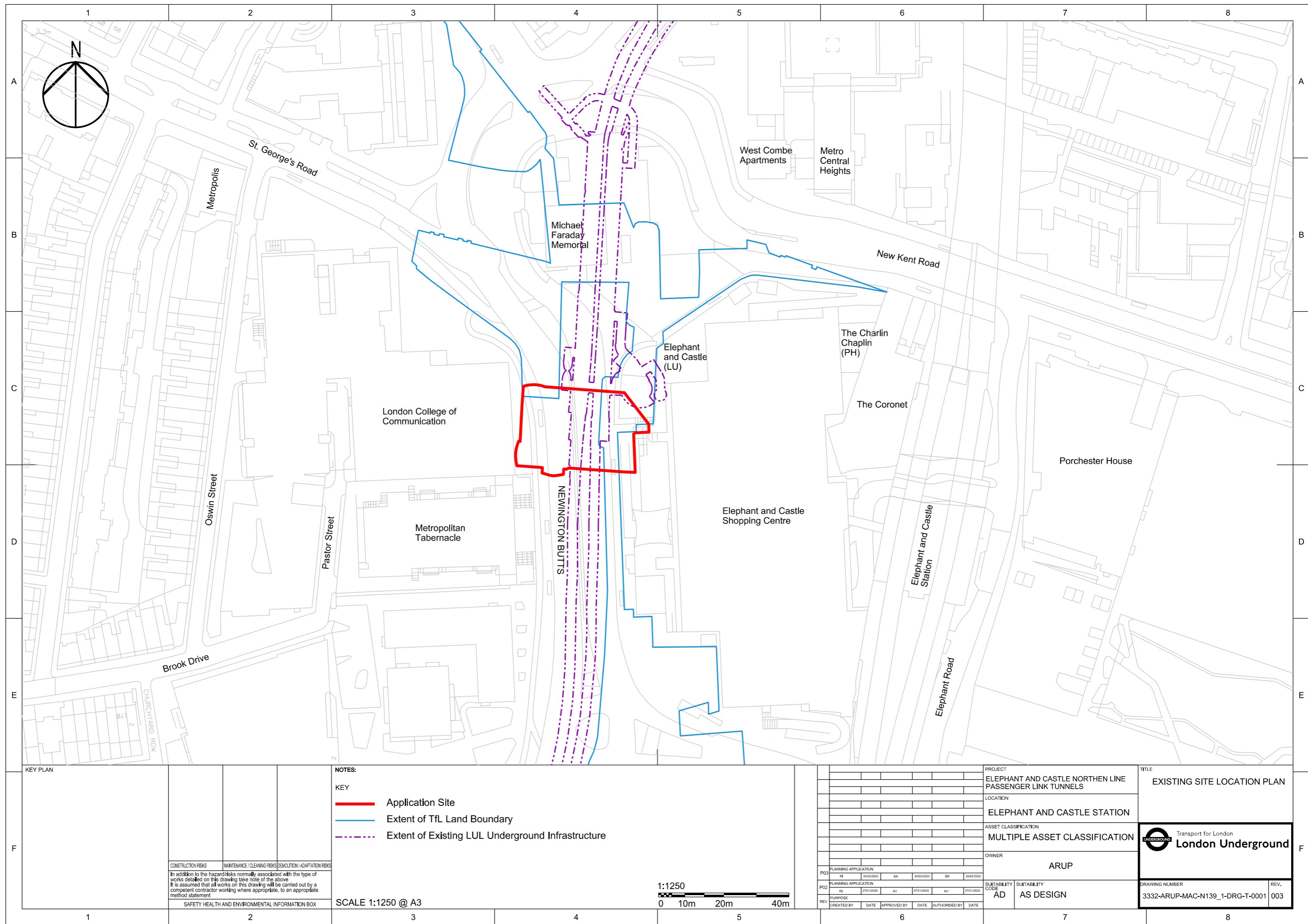
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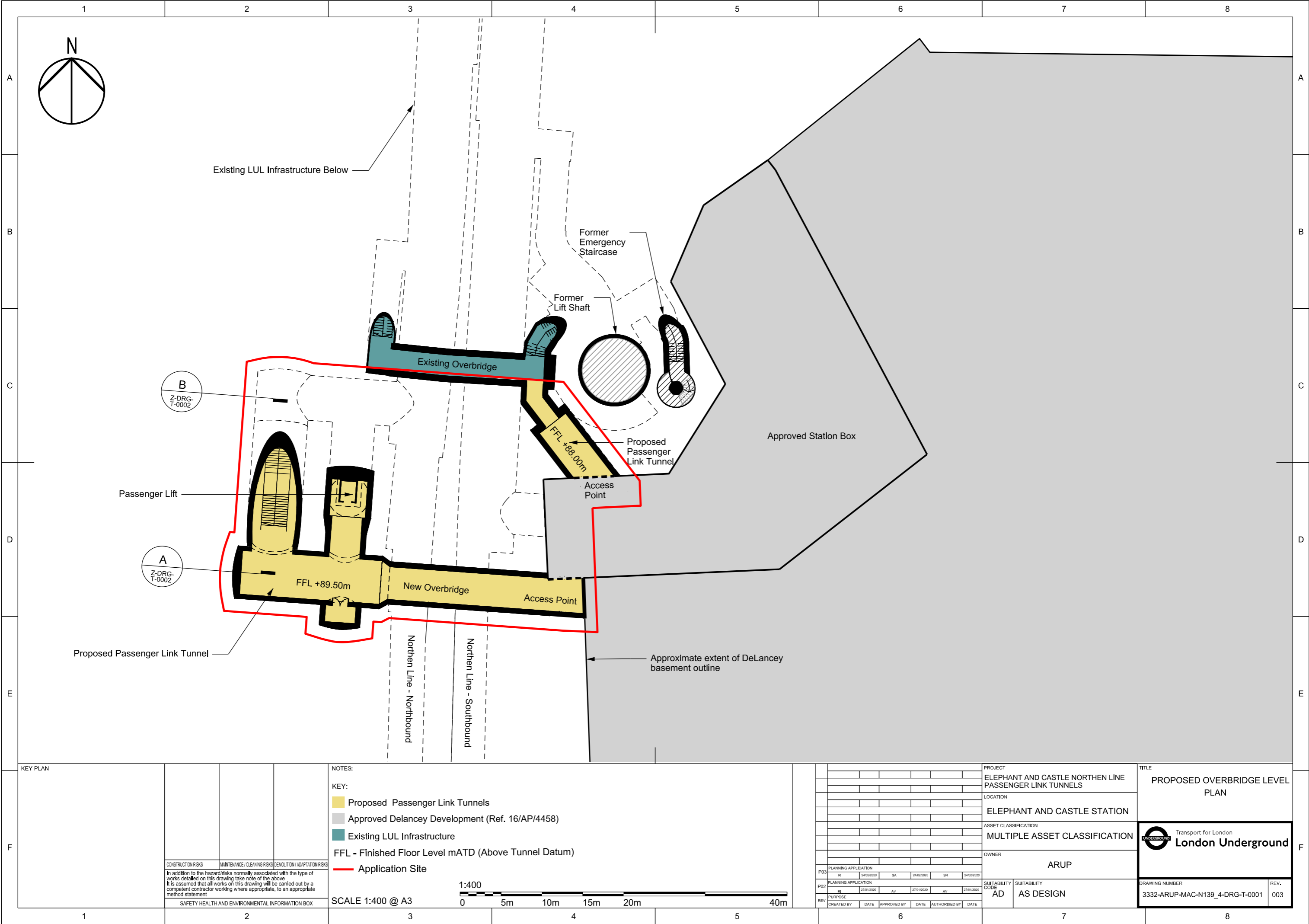


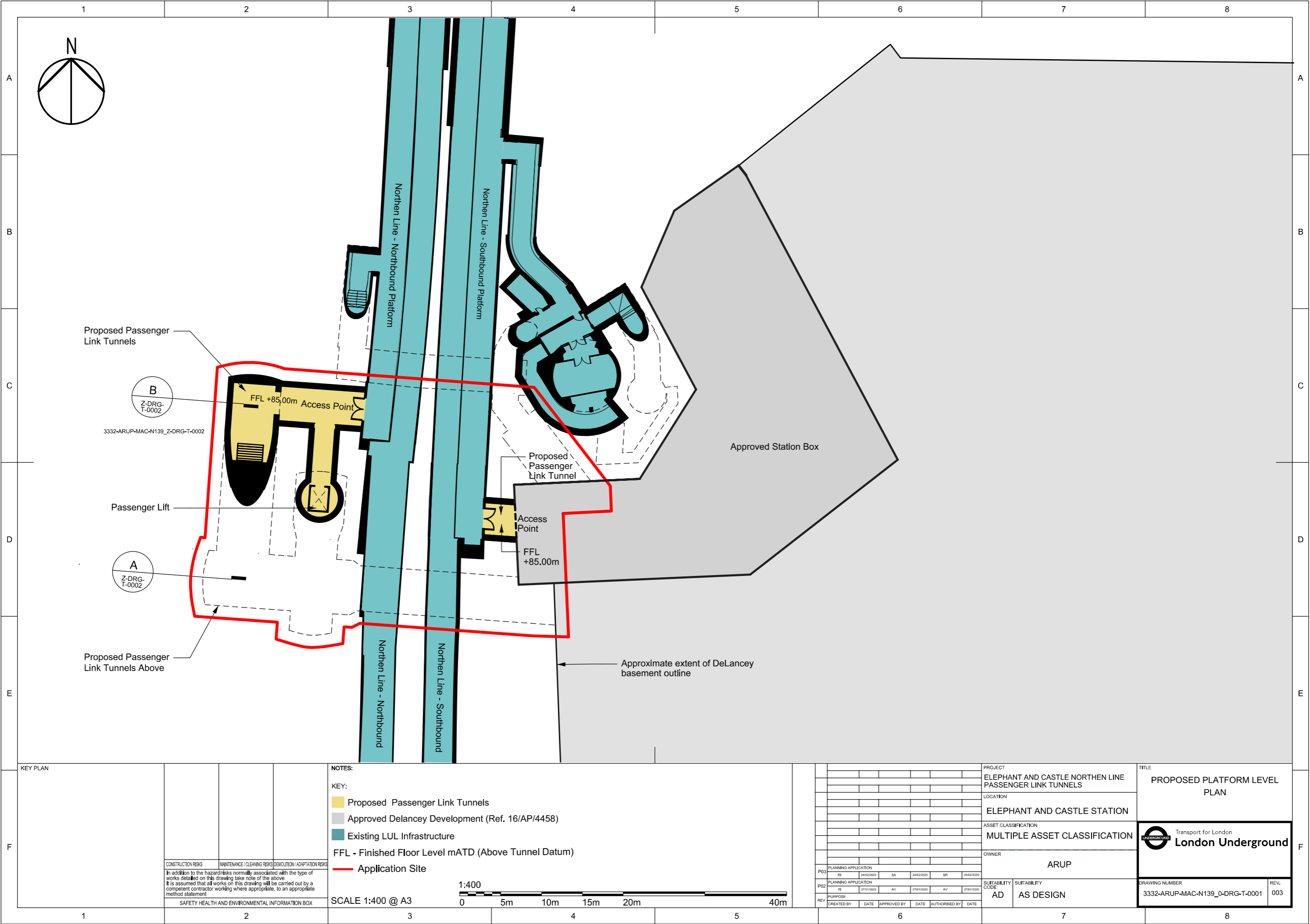
PROJECT		ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS	
LOCATION		ELEPHANT AND CASTLE STATION	
ASSET CLASSIFICATION		MULTIPLE ASSET CLASSIFICATION	
OWNER		ARUP	
SUITABILITY CODE		AD	AS DESIGN
DRAWING NUMBER: 3332-ARUP-MAC-N139_0-DRG-T-0002			
REV. 001			

PROJECT		ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS	
LOCATION		ELEPHANT AND CASTLE STATION	
ASSET CLASSIFICATION		MULTIPLE ASSET CLASSIFICATION	
OWNER		ARUP	
SUITABILITY CODE		AD	AS DESIGN
DRAWING NUMBER: 3332-ARUP-MAC-N139_0-DRG-T-0002			
REV. 001			

TITLE		EXISTING PLATFORM LEVEL PLAN	
OWNER		ARUP	
SUITABILITY CODE		AD	AS DESIGN
DRAWING NUMBER		3332-ARUP-MAC-N139_0-DRG-T-0002	
REV.		001	







KEY PLAN

F

CONSTRUCTION RISKS	MAINTENANCE / CLEANING RISKS	DEMOLITION / ADAPTATION RISKS
In addition to the hazard/risks normally associated with the type of works detailed on this drawing take note of the above. It is assumed that all works on this drawing will be carried out by a competent contractor working where appropriate, to an appropriate method statement.		
SAFETY HEALTH AND ENVIRONMENTAL INFORMATION BOX		

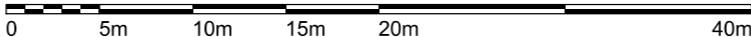
NOTES:

KEY:

- Proposed Passenger Link Tunnels
- Approved DeLancey Development (Ref. 16/AP/4458)
- Existing LUL Infrastructure
- FFL - Finished Floor Level mATD (Above Tunnel Datum)
- Application Site

SCALE 1:400 @ A3

1:400



PROJECT			
ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS			
LOCATION			
ELEPHANT AND CASTLE STATION			
ASSET CLASSIFICATION			
MULTIPLE ASSET CLASSIFICATION			
OWNER			
ARUP			
SUITABILITY CODE			
AD AS DESIGN			
DRAWING NUMBER			
3332-ARUP-MAC-N139_0-DRG-T-0001			
REV.			
CREATED BY DATE APPROVED BY DATE AUTHORISED BY DATE			

PROJECT	
ELEPHANT AND CASTLE NORTHERN LINE PASSENGER LINK TUNNELS	
LOCATION	
ELEPHANT AND CASTLE STATION	
ASSET CLASSIFICATION	
MULTIPLE ASSET CLASSIFICATION	
OWNER	
ARUP	
SUITABILITY CODE	
AD AS DESIGN	
DRAWING NUMBER	
3332-ARUP-MAC-N139_0-DRG-T-0001	
REV.	
003	

TITLE	
PROPOSED PLATFORM LEVEL PLAN	
Transport for London London Underground	
DRAWING NUMBER	
3332-ARUP-MAC-N139_0-DRG-T-0001	
REV.	
003	

