

SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended) Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)



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DECISION NOTICE

LBS Reg. No.: 21/AP/4180

Date of Issue of Decision: 04/02/2022

Applicant Elephant & Castle Properties Co Ltd

AMENDMENTS TO EXISTING PLANNING PERMISSION described as follows have been AGREED as being NON-MATERIAL:

Non-material amendment to condition 28 (acoustic assessment) pursuant to planning permission 21/AP/1104 dated 29/07/2021 for 'Minor material amendments to planning permission 20/AP/3675 (for Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys above multi-level and single basements, to provide a range of uses including residential (use class C3), retail (use Class A1-A4), office (Use Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station, means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures' to amend the trigger for submitting acoustic information in relation to tower E3 only.

At Elephant And Castle Shopping Centre, 26, 28, 30 And 32 New Kent Road And Arches 6 And 7 Elephant Road And London College Of Communications Site, Elephant And Castle London, SE1

In accordance with the valid application received on 26 November 2021 and supporting documents.

Reference no./Plan or document name/Rev.

Received
on:

from DP9 Application: covering letter

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28. a) Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, prior to commencement of any above grade works to any residential building on the east site (except for plot E3 where the details must be provided prior to the commencement of the façade works on tower E3) an acoustic assessment and detailed scheme of insulation measures (to include residential glazing, façade and ventilation specifications in addition to any treatments applied to the source) shall be submitted to the Local Planning Authority for approval. The scheme of measures shall be designed to ensure that sound from 4/5 Elephant Rd shall not exceed 27dB LAeq (5min) (11:00pm- 07:00am) in bedrooms and 32dB LAeq (5min) (11:00pm-07:00am) for living rooms (with residential windows and doors closed) in any new residential dwelling. b) Once approved, the scheme of insulation shall be installed fully in accordance with the approved details. c) On completion and before the properties are occupied, validation testing to demonstrate compliance with the approved scheme of measures and above standards in (a) shall be undertaken using an agreed sample or about 10% of the affected properties. The report from the validation testing shall be approved in writing by the Local Planning Authority prior to first occupation. d) In the event of failure of any validation test, further testing may be required by the Local Planning Authority to determine the extent of failure. Following this a scheme of additional works and mitigation measures shall be submitted to the Local Planning Authority for approval, and installed fully in accordance with the approved scheme. Further post-completion validation testing and remedial works shall be conducted until full compliance with the standard is demonstrated to the satisfaction of the Local Planning Authority. e) The approved mitigation measures shall be permanently maintained thereafter. Reason To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2021.

Signed: **Stephen Platts**

Director of Planning and Growth

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Informative Notes to Applicant Relating to the Proposed Development

1. You are advised to apply to discharge condition 28 in relation to tower E3 after the detailed design of any sound-proofing has been developed, but before the required material has been procured.

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Important Notes Relating to the Council's Decision

1. Appeals to the Secretary of State

- If you are aggrieved by this decision of the council as the local planning authority to agree to the non-material amendments to the existing planning permission referred to in this decision notice subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

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

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

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

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- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).
- 2. Other Approvals Required Prior to The Implementation Of Planning Permission.**
- The agreement to these non-material amendments 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.
- 3. IMPORTANT:**
- This decision agrees to the carrying out of the non-material amendments described to the original grant of planning permission referred to in the decision notice and must be read together with that original planning permission and is subject to the conditions imposed and the notes contained in that original decision notice unless those conditions and notes are expressly altered or superseded by this decision notice.