

Planning Sub-Committee A

Wednesday 18 July 2012

7.00 pm

Room G02a, 160 Tooley Street, London, SE1 2QH

Membership

Councillor Victoria Mills (Chair)
Councillor Adele Morris (Vice-Chair)
Councillor Barrie Hargrove
Councillor Eliza Mann
Councillor David Noakes
Councillor the Right Revd Emmanuel
Oyewole
Councillor Michael Situ

Reserves

Councillor Denise Capstick
Councillor James Barber
Councillor Nick Dolezal
Councillor Helen Morrissey
Councillor Andy Simmons

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Tim Murtagh, Constitutional Officer, on 020 7525 7187 or email:
tim.murtagh@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Acting Chief Executive

Date: 10 July 2012



Planning Sub-Committee A

Wednesday 18 July 2012
7.00 pm
Conference Room G02a, 160 Tooley Street, London, SE1 2QH

Order of Business

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1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	4 - 6
	To approve as a correct record the Minutes of the meeting held on 12 June 2012.	
7.	DEVELOPMENT MANAGEMENT ITEMS	7 - 13
	7.1. 301 - 303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON, SE1 1DB	14 - 48

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Date: 10 July 2012

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Tim Murtagh, Constitutional Officer, Tel: 020 7525 7187 or email: tim.murtagh@southwark.gov.uk
Website: www.southwark.gov.uk

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If you are a resident of the borough and have paid someone to look after your children or an elderly or disabled dependant, so that you can attend this meeting, you may claim an allowance from the council. Please collect a claim form from the Constitutional Officer at the meeting.

DEPUTATIONS

Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

**For a large print copy of this pack,
please telephone 020 7525 7187.**

PLANNING SUB-COMMITTEE

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.

(b) The applicant or applicant's agent.

(c) One representative for any supporters (who live within 100 metres of the development site).

(d) Ward councillor (spokesperson) from where the proposal is located.

(e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

The arrangements at the meeting may be varied at the discretion of the chair.

Contacts: The Head of Development Manager
Planning Section, Regeneration Dept
Tel: 020 7525 5437; or

Planning Sub-Committee Clerk, Constitutional Team
Communities Law & Governance
Tel: 020 7525 7420



PLANNING SUB-COMMITTEE A

MINUTES of the Planning Sub-Committee A held on Tuesday 12 June 2012 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Victoria Mills (Chair)
 Councillor Adele Morris (Vice-Chair)
 Councillor Eliza Mann
 Councillor the Right Revd Emmanuel Oyewole
 Councillor Michael Situ

OFFICER SUPPORT: Gary Rice, Head of Development Management
 Michele Sterry, Senior Planning Officer
 Norman Brockie, Design and Conservation Officer
 Rachel Mckoy, Planning Lawyer
 Beverley Olamijulo, Constitutional Officer

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillor David Noakes.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

A member made the following declaration in relation to the following agenda item:

5.1 Octavia House, 235 – 241 Union Street, London SE1 0LR

Councillor Adele Morris, personal and non prejudicial, she had predetermined application 11-AP-3506 at a previous hearing, (community council planning meeting) where the application was refused. Councillor Morris agreed not to take part in the debate or decision of the planning application.

CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as voting members.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 5.1 – development management item

5. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports and draft decision notices unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

6. OCTAVIA HOUSE, 235 - 241 UNION STREET, LONDON SE1 0LR

At this juncture, Councillor Adele Morris left the meeting.

Planning application reference number 11-AP-3506

Report: See pages 9 – 39 and the addendum report pages 1 – 3

PROPOSAL

Renewal of planning permission reference: 09-AP-0489 dated 2nd July 2009 for: (Redevelopment of the site to create a part four, part six part seven and part nine storey building containing nine residential units and 2440sqm of commercial floor space. (286sqm retail (Class A1) and 2154sqm office (Class B1)).

The sub committee heard an officer's introduction to the report and members asked questions of the officer.

Members heard representations from the applicant's agent.

There were no objectors present at the meeting.

There were no local supporters who lived within 100 metres of the development site or ward members who wished to make representations at the meeting.

Members debated the application and asked questions of the officers.

The motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning application 11-AP-3506 be granted subject to changes as set out in the addendum report as follows:

- That condition 20 as stated in the committee report be deleted.
- A new condition 20 as stated in the addendum report as follows: "That no development shall take place until a Delivery and Servicing Plan detailing how the site is to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall be occupied in accordance with the recommendations of the Delivery and Servicing Plan."
- That condition 13 be amended to include the submission of further details of the cycle drawings by the applicant to the local planning authority.
- That a further condition be added with regards to cycle storage facilities for both residential and commercial uses. This should include detailed drawings of the internal dimensions of the proposed lift and cycle rack details that should be submitted by the applicant to the local planning authority.

The meeting ended at 7.31 pm

CHAIR:

DATED:

Agenda Item 7

Item No. 7.	Classification: Open	Date: 18 July 2012	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Director of Corporate Strategy	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community impact statement

14. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour

of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

21. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

22. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
23. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team 160 Tooley Street London SE1 2QH	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 160 Tooley Street, London SE1 2QH	The named case Officer as listed or Gary Rice 020 7525 5437

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Kenny Uzodike, Assistant Constitutional Officer Suzan Yildiz, Senior Planning Lawyer	
Version	Final	
Dated	7 July 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 July 2012

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Wednesday 18 July 2012

Appl. Type	Full Planning Permission	Reg. No.	12-AP-1230
Site	301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON, SE1 1DB	TP No.	TP/1140-301 & 1254-
		Ward	Chaucer
		Officer	Michèle Sterry

Recommendation GRANT PERMISSION

Item 7.1

Proposal

The demolition of the existing building and the erection of a predominantly part 5/part 6 storey building with three storey rear element comprising of 222.5 sqm of commercial floor space, flexible A1 retail/A2 financial and professional services at ground floor level and B1 office space at basement level; provision of 4 x 2 bedroom apartments with balconies above; along with a two bedroom, three storey house with basement and associated cycle parking facing Trinity Street.

Appl. Type	Full Planning Permission	Reg. No.	12-AP-0042
Site	UNION WORKS, 60 PARK STREET & 16 NEW GLOBE WALK, LONDON, SE1 9EA	TP No.	TP/725-20
		Ward	Cathedrals
		Officer	Fennel Mason

Recommendation GRANT PERMISSION

Item 7.2

Proposal

Change of use of part ground floor approved for use as office (B1 use) under application 06-AP-1882 to restaurant (A3 use), with the installation of louvred grills at pavement level on the Bear Gardens elevation

Appl. Type	S.73 Vary/remove conds/minor alterations	Reg. No.	12-AP-0542
Site	NEWSPAPER HOUSE, 40 RUSHWORTH STREET LONDON, SE1 0RB	TP No.	TP/1231-65
		Ward	Cathedrals
		Officer	Ronan O'Connor

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT

Item 7.3

Proposal

Addition of a new condition listing revised drawing numbers and variation of Condition 5 of planning permission 08-AP-0351 [dated 03/10/2008][Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment]. The revisions proposed include amendments to balconies on the King's Bench elevation, amendments to layout of B1 floorspace at ground and first floor level, revised access and cycle parking arrangements at ground floor level, revised layouts of the residential units at second, third and fourth floor levels, including provision of a bridge link at 2nd floor level, addition of Solar PV panels at roof level, removal of the lowered courtyard in the office space, revised screening of the access decks and removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space. Also proposed are changes to all elevations.

Appl. Type	Full Planning Permission	Reg. No.	11-AP-2382
Site	110 WYNDHAM ROAD, LONDON, SE5 0UB	TP No.	TP/2013-108
		Ward	Camberwell Green
		Officer	Fennel Mason

Recommendation GRANT PERMISSION

Item 7.4

Proposal

Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.

Appl. Type	Full Planning Permission	Reg. No.	12-AP-1573
Site	OLD COLLEGE LAWN TENNIS AND CROQUET CLUB, 10 GALLERY ROAD, LONDON, SE21 7AB	TP No.	TP/2083-E
		Ward	Village
		Officer	Victoria Lewis

Recommendation GRANT PERMISSION

Item 7.5

Proposal

Relocation of 4 floodlighting posts around tennis courts 4 and 5 and use of floodlighting for courts 1-5 between the hours of 08:00 to 21:30 Monday to Saturday and for courts 1, 2 and 3 between the hours of 08:00 to 20:30 on Sunday.

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A

on Wednesday 18 July 2012

Appl. Type Full Planning Permission
Site THE ELMS, FOREST HILL ROAD, LONDON, SE22 0SH

Reg. No. 12-AP-0294
TP No. TP/2614-U
Ward Peckham Rye
Officer Ronan O'Connor

Recommendation GRANT PERMISSION

Proposal

Change of use of ground floor from residential (Class C3) to a nursery/creche (Class D1)

Item 7.6

Ordnance Survey

Date 6/7/2012



Item No.	Classification:	Date:	Meeting Name:
7.1	OPEN	18 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/1230 for: Full Planning Permission Address: 301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON, SE1 1DB Proposal: The demolition of the existing building and the erection of a predominantly part 5/part 6 storey building with three storey rear element comprising of 222.5 sqm of commercial floor space, flexible A1 retail/A2 financial and professional services at ground floor level and B1 office space at basement level; provision of 4 x 2 bedroom apartments with balconies above; along with a two bedroom, three storey house with basement and associated cycle parking facing Trinity Street.		
Ward(s) or groups affected:	Chaucer		
From:	Head of Development Management		
Application Start Date 17 April 2012		Application Expiry Date 12 June 2012	

RECOMMENDATION

- 1 Grant planning permission subject to a unilateral undertaking to exempt future occupiers from obtaining parking permits and the conditions set out in the recommendation.

BACKGROUND INFORMATION

Site location and description

- 2 The site is a part three, part one storey building located on the corner of Trinity street and Borough High Street. The application property is now vacant but comprised of a former carpet shop on the ground floor with vacant offices on the first and second floors. To the north east is a six storey commercial property at 291 and 299 Borough High Street, to the south east is a three-storey commercial property at 5 Trinity Street and to the north east, at the rear, is a residential development in Hulme Place comprising of 2, two storey houses, and a part four, part five, part six storey building comprising of flats and a live-work unit.
- 3 The building is not listed nor in a conservation area, however the site falls just outside both the Borough High Street Conservation Area and Trinity Church Square Conservation Area, and is opposite listed buildings at 2-12 Trinity Street.
- 4 The application site is within the Central Activity Zone, an Archaeological Priority Zone, an Air Quality Management Area and part of site is within the Bankside and Borough Town Centre and Action Area

Details of proposal

- 5 The proposal is for the demolition of the existing building on the site and the erection of a new part three, part five and part six storey building. The building is of a contemporary design whose facades are articulated by large recessed/chamfered openings and dressed in a facing-brick to match its context. The building also has large areas of glass, including the shop front facing Borough High Street and the fifth floor element.

The proposal in land use terms comprises three distinct elements.

Commercial:

- 6 The commercial aspect is located at ground and basement levels. The basement comprises of 131 square metres of office (class B1) floorspace, and the entrance to the offices is from Borough High Street. The ground floor comprises of 91.5 of retail/financial and professional (classes A1/A2) floorspace and is accessed from the shop front on Borough High Street.
- 7 The refuse area and cycle storage area is accessed from Trinity Street.
- 8 **Residential, flats:** the residential flats proposed comprise of 3, two bedroom units on the first, second and third floors and a two bedroom duplex unit on the fourth and fifth floor level. The room sizes are as follows:-
- 9 First floor flat (unit 1), four person two bedroom unit, overall size 90.6 square metres
Kitchen/living/dining area - 41 square metres
Bedroom 1 - 13 square metres
Bedroom 2 - 12.5 square metres
- 10 Second floor flat (unit 2), four person, two bedroom unit, overall size 90.6 square metres
Kitchen/living/dining area - 41 square metres
Bedroom 1 - 13 square metres
Bedroom 2 - 12.5 square metres
- 11 Third floor flat (unit 3), four person, two bedroom unit, overall size 90.6 square metres
Kitchen/living/dining area - 41 square metres
Bedroom 1 - 13 square metres
Bedroom 2 - 12.5 square metres
- 12 Duplex on fourth and fifth floors, 4 person, two bedroom unit, overall size 125 square metres
- 13 Kitchen/living/dining area - 42 square metres
Bedroom 1 - 20.5 square metres
Bedroom 2 - 20 square metres
- 14 In the case of the flats, the open plan kitchen, dining and living room faces both Borough High Street and Trinity Street with the private bedrooms and bathrooms facing the quieter Trinity Street. The duplex unit has both bedrooms and living rooms facing Borough High Street and Trinity Street.
- 15 **Residential, terraced house:** the terraced house is proposed to the east of the six storey block facing Trinity Street and spreading over three floors. The basement contains a dining/kitchen area of 24.9 square metres, there is also a small terrace area to the rear. The ground floor contains a living room of 21 square metres and a

small balcony. The first floor contains a bedroom of 10 square metres and bathroom, with the second floor comprising of a bedroom of 13 square metres and a bathroom. The overall unit size is 116, square metres and it is a four person, two bed roomed house. The first and second floors have a balcony overlooking Trinity Street.

- 16 Differences between the approved/refused proposal and the current proposal
- the fifth floor has been reduced at the rear by 2.3 metres and the side.
 - the parapet wall at fourth floor level has been omitted to reduce its height
 - the layout of the flat units and the house, have been amended to give the units 10 square metres of outdoor amenity space.

Planning history

- 17 Planning permission was granted on the 21 January 2000 (99-AP-1895) for the change of use of g/floor from offices to retail use. Installation of new shop front with a new entrance.
- 18 Planning permission was granted on the 23 August 2007 for the demolition of the existing building and redevelopment of the site to provide a 6 storey building with basement fronting Borough High Street comprising offices (Class B1) on part of the ground floor and basement and retail (class A1) or financial services office (class A2) in the remaining basement and ground floor areas, provision of 4, two bedroom flats above with balconies onto Trinity Street and a roof terrace for the top flat, along with a 2-bedroom three storey house with basement and balconies to the rear fronting Trinity Street (07-AP-0424).
- 19 An application (10-AP-1724) for the renewal of planning permission 07-AP-0424 for: Demolition of the existing building and redevelopment of the site to provide a 6 storey building with basement fronting Borough High Street comprising offices (Class B1), retail (Class A1) and financial services office (Class A2) at basement, ground and first floor areas, provision of 4 x 2 bedroom flats above with balconies onto Trinity Street and a roof terrace for the top flat and the erection of a three storey, a 2 bedroom house with additional basement and balconies to the rear fronting Trinity Street was refused on the 29 December 2011 for the following reasons:-
- 20 (1) The proposal due to the dominance and obtrusiveness of the six storey element would create an undue sense of enclosure to the property at 1 Hulme Close SE1 and to a lesser extent on 2 Hulme Close SE1 to the rear of the development site, significantly impacting on their residential amenity, contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and 'Strategic Policy 13 – High environmental standards' of the Core Strategy 2011.
- 21 (2) The proposal provides inadequate outside amenity area to the detriment of future occupiers' amenities. The proposal is therefore contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, the Residential Design Standards SPD 201, and 'Strategic Policy 5 - Providing new homes' of the Core Strategy 2011.

Planning history of adjoining sites

- 22 5-13 Trinity Street - enforcement case in respect to a possible unauthorised air conditioning plant in 2000, found to be lawful as unit replaced a previous unit and was 'like for like'.
- 23 Hulme Place - Planning permission 1.4.1999 for the erection of two houses, part 4, part 5, part 6 storey building comprising of 1, one bed, 6, two bed, 3, three bed and 3, four bed flats and a live-work unit. (99-AP-0277).

- 24 299 Borough High Street - Planning permission dated 9 December 1999 (99-AP-1478) for the extension of existing hot food outlet

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 25 The main issues to be considered in respect of this application are:
- 26 a) the principle of the development in terms of land use and conformity with strategic policies.
- 27 b) impact on adjoining residential occupiers and impact on the amenity of future occupiers
- 28 c) impact on traffic and parking
- 29 d) impact on the appearance and character of the Borough High Street and Trinity Church Square Conservation Area and nearby listed buildings

Planning policy

Proposals Map Designations 2012

- 30 Central Activity Zone
Archaeological Priority Zone
Air Quality Management Area
Part of site in Town Centre and Action Area

Core Strategy 2011

- 31 Strategic Policy 1 – Sustainable development
Strategic Policy 2 – Sustainable transport
Strategic Policy 5 – Providing new homes
Strategic Policy 10 -Jobs and businesses
Strategic Policy 12 – Design and conservation
Strategic Policy 13 – High environmental standards

Southwark Plan 2007 (July) - saved policies

- 32 1.4 Employment sites outside the Preferred Office Locations and Preferred Industrial Locations
1.7 Development within town and local centres
2.5 Planning obligations
3.2 Protection of Amenity
3.4 Energy Efficiency
3.7 Waste Reduction
3.11 Efficient Use of Land
3.12 Quality in Design
3.13 Urban Design
3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites
3.19 Archaeology

- 4.1 Density of Residential Development
- 4.2 Quality of Residential Development
- 4.3 Mix of Dwellings
- 5.2 Transport Impacts
- 5.3 Walking and Cycling

- 33 Residential Design Standards SPD 2011
Sustainable Design and Construction SPD 2009

London Plan 2011

- 34 Policy 3.3 Increasing Housing Supply
Policy 3.8 Housing Choice
Policy 5.12 Flood Risk Management
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing Out Crime
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 7.15 Reducing Noise And Enhancing Soundscapes
Policy 8.2 Planning obligations

National Planning Policy Framework (NPPF)

- 35 The NPPF came into effect on 27 March 2012 and is a material planning consideration. The most relevant sections for consideration are:-
- 36 The Core Planning Principles
Section 2 Ensuring the vitality of town centres
Section 6 'Delivering a wide choice of high quality homes'
Section 7 'Requiring good design' and
Section 12 'Conserving and enhancing the historic environment'.

Principle of development

- 37 The property is partially located within a Town Centre and therefore saved policy 1.7 will apply. The applicant is seeking both retail and professional and financial services (Use Class A2) uses at ground floor. Office use (Use Class B1) is to be provided in the basement.
- 38 Saved policy 1.7 states

Policy 1.7 Development within town and local centres

- 39 "Most new developments for retail and other town centre uses should be accommodated within the existing town centres and local centres...
- 40 "Within the centres, the LPA will permit developments providing a range of uses, including retail and services, leisure, entertainment and community, civic, cultural and tourism, residential and employment (Class B1) uses, where the following criteria are met:
- i. The scale and nature of the proposal is appropriate to the character and function of the centre and the catchment area it

seeks to serve; and

- ii. The proposal will not harm the vitality and viability of the centre; and
- iii. A mix of uses is provided where appropriate; and
- iv. Any floorspace currently in A Class use should be retained or replaced, unless the proposed use provides a direct service to the general public and the proposal would not harm the retail vitality and viability of the centre (where the proposal site is located within a protected shopping frontage, the proposal should comply with Policy 1.9); and
- v. The proposal would not materially harm the amenities of surrounding occupiers; and
- vi. Where developments which are likely to attract a lot of people are proposed, the site should be highly accessible by sustainable modes of transport; and
- vii. The road network has sufficient capacity to take any additional servicing traffic generated by the proposal without causing adverse effects on the environment, traffic circulation, or air quality; and
- viii. The development addresses the street, provides an active frontage on pedestrian routes and would not erode the visual continuity of a shopping frontage; and
- ix. The proposal provides amenities for users of the site such as public toilets, where appropriate."

41 It is considered that this proposal meets all the above criteria. The proposal provides a mix of uses which are suitable in town centres and either re-provides the existing Class A1 floorspace or provides A2 floorspace at ground floor within the new proposal.

42 The site is located within a town or local centre, in which case in accordance with policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses.

43 **The Saved Southwark Policy 1.4 Employment sites outside the Preferred Office Locations and Preferred Industrial Locations**

44 This policy states that on sites which have an established B Class Use and which meet any of the following criteria:

- i. The site fronts onto or has direct access to a classified road; or
(ii having been deleted by the Core Strategy 2011)
- iii. The site is within the Central Activities Zone; or
- iv. The site is within a Strategic Cultural Area.

45 Development will be permitted provided that the proposal would not result in a net loss of floorspace in Class B use. An exception to this may be made to this where:

46 a) The applicant can demonstrate that convincing attempts to dispose of the premises, either for continued B Class use, or for mixed uses involving B Class, including redevelopment, over a period of 24 months, have been unsuccessful; or

47 b) The site or buildings would be unsuitable for re-use or redevelopment for B Class use or mixed uses including B Class use, having regard to physical or environmental constraints; or

c) The site is located within a town or local centre, in which case in accordance with

- 48 policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floorspace is proposed, the additional floor space may be used for suitable mixed or residential use.

49 The current building provides 191 square metres of office (Class B1) floorspace on the upper floors and 131 square metres re-provision is proposed, therefore there is a shortfall of 60 square metres of office (Class B1 floorspace). No marketing evidence has been submitted with this application. However, in the previous application it was argued that the existing floorspace was not fit for purpose having been vacant and not up to current expected standards in respect to information technology. This proposal does re-provide some commercial floorspace which will be modern and practical and would appeal more to a prospective occupier than the current commercial floorspace. Therefore, it is considered on balance, that the proposal is acceptable, it will bring back into economic use this site, and provide good quality commercial floorspace which will be attractive to prospective commercial users.

In terms of the provision of residential accommodation on the site, Part c of Saved Policy 1.4 (above) makes clear that where there is an increase in floorspace proposed - as is the case here - that the additional floorspace may be used for suitable mixed or residential use. Therefore the residential component is considered to be acceptable in land use terms.

- 50 The Core Strategy 2011 in respect to the Borough area, seeks a better mix of shops and services to meet local people's needs as well as the needs of office workers and tourists. While the proposal is to retain a Class A use within the building, a dual retail/professional and financial services office (classes A1 and A2) are proposed. This is considered to help provide the desired mix of shops and services in the area.

In respect to density issues, the Core Strategy 2011 gives a density range of between 650 and 1100 habitable rooms per hectare. This proposal has a density of 800 habitable rooms to the hectare and therefore complies with the Council's density standards.

- 51 The National Planning Policy Framework 2011 seeks to ensure sustainable development is approved, unless significant and demonstrable harm can be shown. In relation to Section 2 'Ensuring the vitality of town centres', establishes the need to ensure that town centres are viable and have vitality. The guidance seeks the provision of retail, leisure and office uses. The guidance also states that residential should be seen as playing an important role in the vitality of town centres and to encourage residential development on appropriate sites. It is considered that in land use terms the proposal meets these considerations by providing retail, office and residential uses within this town centre location.

Environmental impact assessment

- 52 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

Impact on amenity for existing adjoining residents.

- 53 To the rear of the site is a residential development in Hulme Place and residents have raised objections on the grounds of loss of amenity, including loss of privacy, additional noise, wind, loss of light and outlook.

Privacy Issues

- 54 Habitable rooms for the flats have been designed to face onto Trinity Street, with the living rooms/kitchens towards the Borough High Street end of the street. The rear house has no habitable room windows above ground floor level at the rear. There are no commercial windows overlooking at the rear. Therefore there is not considered to be any significant overlooking of Hulme Place and privacy issues would also be minimal on Trinity Street. The bathroom windows above ground floor level can be obscured and fixed shut.
- 55 Section 2.8 'Privacy and security' of the Residential Design Standards 2008 suggest that there should be a minimum distance of 21 metres at the rear of the building. While this development does not meet this requirement, the development has been designed with no windows on the rear elevation, except at basement and ground floor levels. Therefore there is no direct overlooking of the residential development to the rear in Hulme Place. The Secure by Design Officer from the Metropolitan Police has raised no objections to issues of security in respect to this application.

Sunlight, Daylight and Sense of Enclosure Issues

- 56 Sunlight and daylight reports have been submitted by the applicant, they were prepared in relation to the previously approved scheme; the current scheme has been reduced in bulk. It was considered that the proposal would not demonstrably harm adjoining residents in term of loss of daylight and sunlight. The report shows that there are 4 windows which fail to achieve the Building Research Establishment (BRE) Guidance with regard to the reduction in daylight, but these windows have moderate Vertical Sky Component (VSC) scores in the first instance and therefore any reduction appears more significant. Furthermore, when considering the glazed roof panels of the nearest property to the rear, all but one, have a VSC in excess of 30%. To demonstrate further that there will no adverse effect upon daylight, the consultant has undertaken an assessment of internal illuminance or average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. The guide states that where a predominately daylight appearance is required, the ADF should be at least 5% or more if there is no supplementary electric lighting or 2% or more if there is. In respect of kitchens, living rooms and bedrooms there are additional recommendations of 2%, 1.5% and 1% respectively.
- 57 The analysis shows that the internal illuminance or ADF will be 10.45% in the property to the rear. This is more than double the BRE Guidance where no supplemental lighting is required.
- 58 Additional work was also undertaken by the applicants following the receipt of sunlight and daylight report that was commissioned by the owner of 1 Hulme Place. The additional report states that the applicants' expert on sunlight and daylight has '...

carried out further technical analysis to address the additional concerns raised in respect of the affect upon 1 Hulme Place, in particular to the conservatory, and assessed all glazed elements including the glazed ceiling panels for the original scheme.

- 59 A computer 3d model was constructed using digital mapping with a reference plan and results attached. For the sake of clarity, the obscured nature of the ceiling panels to the conservatory had their transmittance of skylight factored by 0.2.
- 60 With regard to daylight, the BRE Guidance states that there will be an adverse affect to daylight if the vertical sky component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.
- 61 In respect of sunlight, the BRE Guidance is written in the assumption that sunlight is only received through vertical glazing. Patently sunlight will also be received through the glazed ceiling panels of the neighbour's conservatory. The results demonstrate that there is no adverse effect upon sunlight and that the conservatory will receive sunlight in excess of the minimum BRE Guidance.
- 62 In conclusion, the original proposals accords with the BRE guidelines, and this revised proposal reduces the effect further. The proposals therefore can be seen to meet the criteria set down in the BRE guideline document entitled "Site Layout planning for daylight and sunlight: A guide to good practice" in respect of the effect upon daylight and sunlight.
- 63 However, it is also important to consider the sense of enclosure that the development will create upon neighbours. The renewal of the previous application was refused due to the impact on 1 Hulme Place. The previous proposal was considered to create a sense of enclosure to 1 and possibly 2 Hulme Place. However, careful consideration has been given to this issue by the applicant's architect. The fifth floor has been reduced, with the fourth floor balustrade being deleted to reduce the height of that element. The adjoining building at 291-299 Borough High Street has a six storey element, and the taller element of this proposal will adjoin that; previously it protruded further rearward towards Hulme Place. With these revisions it is now considered that, on balance, the proposal will not cause an undue sense of enclosure and the amenity of the nearest adjoining occupiers will be protected. The residents of the flats at St Michaels Court in Hulme Place also consider that the proposal will impact on their amenity. However, the impact would be less given the distance between their flats and the application property - of around 14 metres from the six storey element - and they are situated further to the east limiting the impact upon them
- 64 Within Strategic Policy 13 of the Core Strategy - High environmental standards, point 8 on page 108, states that 'Setting high standards and supporting measures for reducing air, land, water, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work...'. It is considered that this proposal would avoid undue amenity impacts for the adjoining occupiers of this development, and having regard to the advice in the NPPF, any impacts that may occur are not significant as to warrant refusal.

Noise issues and Air Quality

- 65 The residential development to the rear of the site in Hulme Place has a relatively large open area which was designed for car parking but is more often used for outdoor amenity space. An objector demonstrated that any noise created does bounce off the walls of the development, increasing the disturbance caused. However, in relation to this development the only opening apertures would be at basement and ground floor level of the two bedroom house. There are outdoor

spaces at this level but they are extremely restricted and it is not considered that the opening windows of one unit would lead to noise levels that would cause significant disturbance to residents to the rear. In respect to the use of the property for residential use rather than commercial, it is true that the property will be in use in the evenings when the commercial use may not have been, but it is not considered the scheme will create any significant noise issues as all the habitable rooms windows in the flats overlook Trinity Street and Borough High Street, only leaving the dining area and living room windows of the house at basement and ground floor level, behind a wall, that will be adjacent to Hulme Place.

Means of Escape due to Fire

- 66 The Building Control Section consider means of escape during the course of construction of new development. However, in principle, they consider that the development of the site would not cause concern in this respect.

Amenity for future occupiers of the site

- 67 In respect to the proposed mix of commercial uses on the site (A1/A2/B1) all are uses that should happily exist next to residential uses. Therefore there is no objection to this element of the proposal.
- 68 In respect to new houses, under the residential design standards SPD (2011) there should be a minimum of 50 square metres of private garden space with at least a length of 10 metres, as stated in section 3.1 New houses (Detached, semi-detached and terrace). This proposal does not meet this requirement. A small terrace is provided at basement level and ground floor level providing 10 square metres of outdoor space. However, Newington Gardens is approximately 200 metres away, a park and recreation ground. It is considered that, on balance, this is acceptable given the site constraints and the fact that the site is located in the Central Activity Zone (CAZ) where houses often have very little outdoor amenity area.
- 69 In respect to flats, section 3.2 of the Residential Design Standards 2011 states that development should provide 50 square metres of communal amenity space and where possible 10 square metres of private amenity space. The amenity space for the flats is provided by balconies on the Trinity Street elevation and Borough High Street elevation. However, no communal space can be provided, but again there is open space nearby. Residents will have access to balconies on both the busy Borough High Street frontage but also the quieter Trinity Street elevation and again given this CAZ location it is considered, on balance, to be acceptable and the previous grounds of refusal have been overcome.
- 70 In respect to air quality, this is an important policy issue within the Core Strategy 2011. The applicant has supplied an air quality report and the Council's Environmental Protection Team have confirmed that the contents of that report are acceptable. The accommodation is ventilated away from the roads and includes a filter pack to ensure clean air within the properties. A condition is proposed that restricts noise from any plant, including ventilation systems to safeguard the amenities of adjoining occupiers.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 71 The application site is within an area of mixed uses and adjoins residential and commercial properties. It is not considered that these uses will impact on the future users of this development.

Traffic issues

- 72 This section of Borough High Street is maintained by Southwark Council as local highway authority. The Transport for London Road Network (TLRN) maintained by TfL lays a little way to the north (at the junction with Great Dover Street). Nevertheless, given their responsibility for traffic signals on all parts of the road network across greater London, TfL have commented on the proximity of this site to the signal controlled junction at Borough High Street and Trinity Street. Disruption of the signal during construction or servicing may have a wider impact. Transport for London (TfL) have therefore requested that conditions be imposed to secure a Construction Method Statement and a Delivery and Servicing Plan to ensure the construction work and deliveries do not impact on the junction.
- 73 The Council's Transport Group have no objections in principle but they have queried the provision of the recycling and refuse area which is combined for both commercial and residential. This is not ideal and it is proposed to recommend a condition requiring further details of this provision to be submitted. The cycle storage has been amended and is in two separate areas on the ground floor for the residential and the commercial uses. The doors also no longer open out onto the public highway. Four cycle spaces are provided for the commercial element, and five spaces for the residential occupiers. These are considered acceptable.

Car Parking

- 74 The site is located in a high PTAL within a Controlled Parking Zone and located in the Central Activity Zone therefore a car free development would be expected. The applicant has not proposed any off street parking which is deemed as acceptable.
- 75 There is a risk that the development may increase the demand for on-street parking places. The demand is already high in this area and so the imposition of additional demand would be to the detriment of the amenity of existing residents. Therefore, a Section 106 Unilateral Undertaking will be provided to prevent future occupiers from obtaining on street parking permits in order to control further demand for parking in the area. Any update on the Unilateral Undertaking will be provided in an addendum report.
- 76 The Transport Group have also requested membership of a car club for three years, but as the proposal is only for five new units it is not considered that this would be reasonable for a relatively minor scheme.
- 77 Objectors have raised issues about increased use of their driveway for the dropping off of visitors of the future development, however, the residential access to the proposal is from Trinity Street, not at the rear.
- 78 A Construction Management Plan is also required prior to any demolition or construction works and is a condition within the recommendation.

Design issues

- 79 Local residents and the Georgian Society have requested that the existing building is retained and converted. The applicants had carefully considered the potential conversion of the property but considered that redevelopment would provide a higher quality proposal that was more sustainable, provided commercial floorspace that was flexible and fitted modern day requirements, and complied with building regulations

- 80 The existing building at 301-303 Borough High Street and the return on 1-3 Trinity Street was largely re-built following bomb-damage; the only potentially original fabric on the elevations is the first-floor onto Borough High Street, with four tall recess-arched windows with six-over-six sashes. All other elements on the elevations have been re-built, and this did not include replacing the third-floor which has resulted in somewhat stunted proportions. The shopfront is modern and of low quality, and it is considered that the second floor onto Borough High Street is proportionally inaccurate [relative to historic images and the buildings opposite at No.305] and relatively neutral in its contribution. The facade onto Trinity Street is re-built to a very confused and inappropriate composition that lacks any relationship to the Borough High Street facade; this facade is of negligible/low architectural quality in officers' opinion. Internally the spine wall between the two original houses remains (except at ground-level, which is gutted) as the only original feature; the age of the stairs is indeterminate. The property has flat roofs, not the historic roof profile, and is not immediately adjacent to the Conservation Area, which starts at the junction with Swan Street.
- 81 It is considered that the only elements of this building to be of architectural/historic interest are the arched windows to the first floor of the BHS frontage. For this building to be re-instated to its original/previous 'gateway' stature into Trinity Street will require the demolition of all the other post-war re-building and the creation of a pastiche as found on the largely re-built opposite corner, No.305 BHS. No.305 does also benefit from being attached to the original terrace of listed buildings at 2-12 (evens) which date to 1827 and indicate the aesthetic that presumably was also on the NE side of Trinity Street as well as the application site. No.s 5-13 Trinity Street are a neutral/low-quality architectural low-rise development, adjacent to which a pastiche re-build on the application site would be quite inappropriate. Accordingly it is considered that the existing building on the site does not have enough heritage significance to merit its retention in any way, a point on which officers disagree with the consultation response from the Georgian Group.
- 82 Accepting the replacement of the existing building, we would expect a strong contemporary building to be appropriate on this prominent corner site, of a scale that is not over-bearing to the opposite No.305 but that is responsive to/stepping-up to the adjacent No.s 291-299. The adjacent block at 291-299 Borough High Street has a parapet and full attic-storey higher than the proposal; the opposite corner, 305 Borough High Street is slightly lower at three-storey and attic, so the proposal forms a logical transition within the streetscape. On Trinity Street the 'independent' three-storey house links the five/six-storey proposed bulk to the existing two-storey and attic offices adjacent. The massing of the proposal is articulated by: setting-back the penthouse; setting-back the glazed link to 299 Borough High Street, and; 'floating' the main block above the wrap-around glazed commercial frontage. The bold recessing of the windows/balconies and large areas of glazing also reduce/modulate the perceived solidity/bulk of the building.
- 83 The detail design of the proposal is simple and subtle but still attains a richness and boldness. Crucial to this will be the materials and crispness of detailing which should be conditioned; in particular the buff brick should have a degree of texture and colour-variety to add interest and relate to the heritage properties on the opposite side of Trinity Street. Signage/advertising to the commercial units would need to be carefully considered so as not to impact on the crisp detailing of the proposal.

Impact on character and setting of a listed building and/or conservation area

- 84 The setting of the listed buildings opposite, at No.s 2-12 (evens) Trinity Street must also be considered by this proposal, as well as the more distant setting of the Trinity

Church Square Conservation Area. While the proposal is a physically and aesthetically bold contemporary architectural statement, there is a subtlety in its design and articulation that should reduce its perceived prominence within the townscape. As noted above, the quality of the brickwork will be a key factor in its response to context and thereby its impact on the setting of the heritage assets. A sample-panel of the brickwork and mortar/pointing will be required on-site for conditioned approval to ensure its acceptability.

- 85 The impact on the character and appearance of the Trinity Church Square and Borough High Street conservation areas which are to the east and north respectively, would be preserved as the site sits between both and has integrated suitably through bulk, scale, massing and design onto the principal road frontage, creating an in keeping and sensitive development for the area. Primarily the impact on the setting of the listed buildings opposite is considered to be preserved.

Impact on trees

- 86 No trees will be affected by the proposal.

87 Planning obligations (S.106 undertaking or agreement)

- 88 A section 106 Unilateral Undertaking will be required to change the Traffic Management Order to prevent future occupiers from obtaining parking permits.

89 Mayoral CIL payment

- 90 This development would be liable for the Mayoral Community Infrastructure Levy (CIL) based on £35 per square metres of new floorspace. The chargeable floor space is 855 square metres and the overall charge would be £29,908.

Sustainable development implications

- 91 A report has been submitted with the application which concludes that the use of air source heat pumps would achieve nearly 20% reduction of the site's Co2 emissions. Other measures include thermal efficient fabric, whole house ventilation with heat recovery, low energy lighting and smart meters. The report also confirms that the dwellings will achieve Code for Sustainable Homes Level 4, but it will also need to meet the BREEAM 'excellent' rating for the commercial element. These issues can be conditioned.

Other matters

Flood Risk Assessment

- 92 The site in question is partly within Flood Zone 2 and partly within Flood Zone 3. The most flood risk sensitive part of the development is the new house with some living space in a basement. This part of the development falls within Flood Zone 2, and includes internal access to higher levels within the building.

- 93 The Flood Risk Assessment is regarded as acceptable to the Environment Agency.

Construction and foundation issues

- 94 The construction hours of the development, if it is granted, could be conditioned but generally working on Saturday mornings is permitted under the considerate contractor scheme. Issues regarding foundation works and movement are a Building Control

matter.

Consultation

95 Residents have raised the issue that they were not consulted on the previous application. However, the Council's records show that the letters were despatched to Hulme Place, as well as other neighbours.

96 **Conclusion**

97 The principle of a mixed use scheme for this site is acceptable in land use terms. Whilst some of the previous office space will not be retained the proposal will provide new modern accommodation that meets today's needs in terms of business use. The proposed ground floor unit will provide an active frontage through re-provision of an A Class use. The proposal provides a high quality building that complements the adjoining modern buildings while respecting the setting of the adjacent conservation area and listed buildings.

98 Careful consideration has been given to the impact of the proposal on the amenities of adjoining residents, particularly in Hulme Place. It is considered that this revised proposal overcomes previous concerns in respect to creating an undue sense of enclosure. Conditions are recommended to overcome issues in relation to noise and privacy.

99 In respect to the National Planning Policy Framework, the policies on new development all carry a clear expectation that development should be supported, unless the benefits are clearly outweighed by the harm caused to other interests, such as heritage, amenity or living standards.

100 The benefits to be achieved through the grant of planning permission, in terms of the provision of new homes and modern commercial floorspace, are not considered to be outweighed by any impacts, as these impacts are not significant. The proposal is considered to deliver sustainable development having regard to the NPPF.

101 Therefore, permission is recommended subject to the unilateral undertaking preventing future occupiers from obtaining parking permits and the conditions set out in the recommendation.

Community impact statement

102 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

103 a) The impact on local people is set out above.

104 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as potential for increase in noise and overlooking.

105 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are conditions in respect of noise from plant and obscured glazing.

Consultations

- 106 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.
- 107 Consultation replies
- 108 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 109 Objections have been received in respect of loss of privacy/overlooking, Daylight/Sunlight Impacts, Noise disturbance (particularly from the roof terrace), Overbearing impact/scale/design of the development, Loss of existing building , Reduced air circulation/loss of air quality, Water drainage and land stability and Residential and retail uses being in 24 hr use

Human rights implications

- 110 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 111 This application has the legitimate aim of providing new commercial and residential floorspace. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1140-301 & 1254-1 Application file: 12/AP/1230 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5453 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Michele Sterry, Planning Team Leader	
Version	Final	
Dated	3 July 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Director of Planning	Yes	Yes
Strategic Director, Environment and Leisure	Yes	Yes
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken

Site notice date: 30.4.2012

Press notice date: 26.4.2012

Case officer site visit date: 30.4.2012

Neighbour consultation letters sent:1.5.2012

Internal services consulted:

Archaeology Officer
Environmental Protection Team
Transport Planning Team
Waste Management

Statutory and non-statutory organisations consulted:

Metropolitan Police
Transport for London
Environment Agency

Neighbours and local groups consulted:

299 BOROUGH HIGH STREET LONDON SE1 1JG
12 TRINITY STREET LONDON SE1 1DB
6 TRINITY STREET LONDON SE1 1DB
8 TRINITY STREET LONDON SE1 1DB
20 TRINITY STREET LONDON SE1 1DB
2 TRINITY STREET LONDON SE1 1DB
1 and 2 Hulme Place SE1
1 to 110 Redman House Lant Street SE1
307 BOROUGH HIGH STREET LONDON SE1 1JH
FLATS 1- 12 ST MICHAELS COURT 3 HULME PLACE LONDON SE1 1HY
AVON HOUSE 275-287 BOROUGH HIGH STREET LONDON SE1 1JE
1-3 TRINITY STREET LONDON SE1 1DB
FLAT 7 202 GREAT SUFFOLK STREET LONDON SE1 1NY
33 SWAN STREET LONDON SE1 1DF
FLAT 1 6 TRINITY STREET LONDON SE1 1DB
FLAT 2 6 TRINITY STREET LONDON SE1 1DB
6A TRINITY CHURCH SQUARE LONDON SE1 4HU
THIRD FLOOR FLAT 8 TRINITY STREET LONDON SE1 1DB
FLAT 3 6 TRINITY STREET LONDON SE1 1DB
SECOND FLOOR FLAT 8 TRINITY STREET LONDON SE1 1DB
7C TRINITY CHURCH SQUARE LONDON SE1 4HU
7D TRINITY CHURCH SQUARE LONDON SE1 4HU
7A TRINITY CHURCH SQUARE LONDON SE1 4HU
7B TRINITY CHURCH SQUARE LONDON SE1 4HU
GROUND FLOOR FLAT 67 TRINITY CHURCH SQUARE LONDON SE1 4HT
4A TRINITY CHURCH SQUARE LONDON SE1 4HU
1 TRINITY CHURCH SQUARE LONDON SE1 4HU
BASEMENT FLAT 67 TRINITY CHURCH SQUARE LONDON SE1 4HT
FIRST FLOOR AND SECOND FLOOR 14-16 TRINITY STREET LONDON SE1 1DB
CROWN COURT SWAN STREET LONDON SE1 1DF
GROUND FLOOR 14-16 TRINITY STREET LONDON SE1 1DB
12B TRINITY STREET LONDON SE1 1DB
FLAT 8 ST MICHAELS COURT 3 HULME PLACE LONDON SE1 1HY
FLAT 10 ST MICHAELS COURT 3 HULME PLACE LONDON SE1 1HY
FLAT 4 ST MICHAELS COURT 3 HULME PLACE LONDON SE1 1HY
FLAT 5 ST MICHAELS COURT 3 HULME PLACE LONDON SE1 1HY
BASEMENT AND GROUND FLOOR 305-307 BOROUGH HIGH STREET LONDON SE1 1JH

FIRST FLOOR SECOND FLOOR AND THIRD FLOOR 289-299 BOROUGH HIGH STREET LONDON SE1 1JG
GROUND FLOOR 293-295 BOROUGH HIGH STREET LONDON SE1 1JG
66 TRINITY CHURCH SQUARE LONDON SE1 4HT
4 TRINITY CHURCH SQUARE LONDON SE1 4HU
64 TRINITY CHURCH SQUARE LONDON SE1 4HT
65 TRINITY CHURCH SQUARE LONDON SE1 4HT
FLAT A 67 TRINITY CHURCH SQUARE LONDON SE1 4HT
FLAT B 67 TRINITY CHURCH SQUARE LONDON SE1 4HT
6 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 10 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 11 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 8 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 9 202 GREAT SUFFOLK STREET LONDON SE1 1NY
BRITANNIA HOUSE 7 TRINITY STREET LONDON SE1 1DB
22 TRINITY STREET LONDON SE1 4HS
ALL UNITS DAVID BOMBERG HOUSE 282-302 BOROUGH HIGH STREET LONDON SE1 1JJ
301-303 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT 8 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 9 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 6 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 7 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 3 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 4 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 1 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 2 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 2 5 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 3 5 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT C 67 TRINITY CHURCH SQUARE LONDON SE1 4HT
FLAT 1 5 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 6 5 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 5 2 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 4 5 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 5 5 TRINITY CHURCH SQUARE LONDON SE1 4HU
FLAT 2 204 GREAT SUFFOLK STREET LONDON SE1 1NY
FIRST FLOOR FLAT 2 TRINITY STREET LONDON SE1 1DB
FLAT 12 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 1 204 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 1 29 SWAN STREET LONDON SE1 1DF
FLAT 4 29 SWAN STREET LONDON SE1 1DF
302 BOROUGH HIGH STREET LONDON SE1 1JJ
FIRST FLOOR FLAT 4 TRINITY STREET LONDON SE1 1DB
FLAT 3 305 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT 4 305 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT 1 305 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT 2 305 BOROUGH HIGH STREET LONDON SE1 1JH
BASEMENT AND GROUND FLOOR 4 TRINITY STREET LONDON SE1 1DB
SECOND FLOOR AND THIRD FLOOR FLAT 2 TRINITY STREET LONDON SE1 1DB
SECOND FLOOR FLAT 4 TRINITY STREET LONDON SE1 1DB
FOURTH FLOOR 291-299 BOROUGH HIGH STREET LONDON SE1 1JG
FIFTH FLOOR 291-299 BOROUGH HIGH STREET LONDON SE1 1JG
3 TRINITY CHURCH SQUARE LONDON SE1 4HU
297 BOROUGH HIGH STREET LONDON SE1 1JG
RUSE 280 BOROUGH HIGH STREET LONDON SE1 1JS
FLAT 5 GLOUCESTER COURT SWAN STREET LONDON SE1 1DQ
FLAT 6 GLOUCESTER COURT SWAN STREET LONDON SE1 1DQ
8A TRINITY STREET LONDON SE1 1DB
FLAT 4 18 TRINITY STREET LONDON SE1 1DB
12A TRINITY STREET LONDON SE1 1DB
FLAT 3 GLOUCESTER COURT SWAN STREET LONDON SE1 1DQ
FLAT 4 GLOUCESTER COURT SWAN STREET LONDON SE1 1DQ
FLAT 1 GLOUCESTER COURT SWAN STREET LONDON SE1 1DQ
FLAT 2 GLOUCESTER COURT SWAN STREET LONDON SE1 1DQ
FLAT 1 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT D 307 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT 4 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 5 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 2 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 3 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 3 29 SWAN STREET LONDON SE1 1DF
LIVING ACCOMMODATION RUSE 280 BOROUGH HIGH STREET LONDON SE1 1JS
FLAT 13 202 GREAT SUFFOLK STREET LONDON SE1 1NY
FLAT 2 29 SWAN STREET LONDON SE1 1DF
FLAT B 307 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT C 307 BOROUGH HIGH STREET LONDON SE1 1JH
FLAT A 307 BOROUGH HIGH STREET LONDON SE1 1JH
27C SWAN STREET LONDON SE1 1BY
27D SWAN STREET LONDON SE1 1BY
27A SWAN STREET LONDON SE1 1BY
27B SWAN STREET LONDON SE1 1BY

FLAT 2 18 TRINITY STREET LONDON SE1 1DB
FLAT 3 18 TRINITY STREET LONDON SE1 1DB
27E SWAN STREET LONDON SE1 1BY
FLAT 1 18 TRINITY STREET LONDON SE1 1DB
23 SWAN STREET LONDON SE1 1BY
25 SWAN STREET LONDON SE1 1BY
FLAT 6 202 GREAT SUFFOLK STREET LONDON SE1 1NY
21 SWAN STREET LONDON SE1 1BY
5 TRINITY STREET LONDON SE1 1DB
50 SWAN STREET LONDON SE1 1DF
10 TRINITY STREET LONDON SE1 1DB

Consultation responses received

Internal services

Transport -

The property has a Ptal of 6 and is within a controlled parking Zone.

Cycle Parking Standards

For this development of 5 two-bedroom units there is a minimum requirement for storage with capacity for 5 cycles.

Table 15.3 in the Southwark Plan, states that for A and B1 developments the secure parking standard for cycles is 1 space per 250m² (minimum of 2 spaces).

For this development of 225m² of A1 use there is a minimum requirement for storage with capacity for 2 cycles.

For reasons of security and convenience, residential and commercial cycle storage must be clearly segregated.

Policy 5.6 (Car Parking)

This proposed development is located in an area with a TfL PTAL rating of 6, reflecting the area's excellent level of access to all forms of public transport and is within a CPZ. Developments in areas with this PTAL rating are recommended to be car free in order to promote more sustainable transport choices, reduce congestion and pollution within Southwark, as per Strategic Policies 18 and 19.

The proposal site is situated in a CPZ. Therefore, in order to prevent possible overspill parking from the development, the applicant should be informed that a planning condition will be imposed preventing any occupiers of this development being eligible for on-street parking permits. In order that the Traffic Order can be changed, a sum of £2,750 must be secured from the applicant for the costs associated with amending the TO, either through a S106 agreement or unilateral undertaking.

Policy 5.8 (Other Parking)

We would look for the applicant to provide a contribution covering 3 years membership to Zipcar car club for each eligible adult in the residential element. Car club bays are measures aimed at mitigating against an under provision of parking or a method to deter private parking and car ownership. Two car club bays are available in the local area, one on Great Suffolk Street and one on Trinity Street).

For more information in relation to the costs of membership the applicant should contact: GDavis@zipcar.co.uk, 0203 004 7860

Refuse and Recycling Storage

Before finalising the refuse and recycling stores, it is recommended that the applicant takes account of the Council produced document entitled *Waste Management guidance notes for residential developments* which is aimed at providing developers with the requirements for waste storage at new sites. The applicant should justify the provision of refuse and recycling storage based on the standard formula contained.

Residential and commercial waste storage must be kept separately. The waste storage should be held in dedicated stores rather than with the cycle stands.

Service Parking and Access

As existing.

Construction Management Plans

Should the construction of a development create an impact on the highway network, a Construction Management Plan is required prior to any demolition or construction works on site. Detailed information on producing these plans can be found at:

www.tfl.gov.uk/microsites/freight/initiatives_and_projects.aspx

This development is not expected to have a significant negative impact on the highway network.

Archaeology -

The applicants have supplied a desk-based assessment which provides an adequate archaeological background to the development. It is likely that the proposed development site stands within the developed area of Roman Southwark and it is also apparent, according to map evidence, that the area was redeveloped during the post-medieval period and has remained occupied since. It is also possible that, during the first half of the medieval period, prior to the Black Death, Southwark may have expanded as a settlement along its main road and reached the site of 301-303 Borough High Street, however archaeological evidence for this part of Southwark indicates that it is most likely that this area remained in agricultural use.

As the desk-based assessment states the basement present on site is likely to have truncated archaeological deposits, however it has not reached natural deposits, as identified on surrounding sites so therefore there is a potential for archaeological deposits to survive below the present basement. The extent and nature of this potential needs to be explored with an archaeological evaluation. The present basement may not have impacted upon all archaeological deposits within the footprint of the current building therefore there is a potential for isolated areas of archaeology to survive at higher levels.

In line with the recommendations of the desk-based assessment I would agree that an archaeological evaluation should be undertaken following the demolition of the buildings presently on site. Archaeology potentially survives below the current basement level and within areas of the footprint of the present building which have not reached this depth. Towards these ends any demolition of the basement area should be accompanied by a programme of archaeological observation and recording with the objective of identifying and securing the preservation of any deposits which are likely to survive above the present basement level so that any such material can be evaluated at a later date. The results of the archaeological evaluation will indicate the extent of any further mitigation works. If it is proposed to undertake any ground investigation works whilst the present building is still standing then these should also be subject to a programme of archaeological observation and recording.

It is recommended conditions are applied to any consent:

Statutory and non-statutory organisations

Transport for London - Request a Construction Method Statement is prepared, and a Delivery and Servicing Plan. The use of freight operators and construction companies who are members of FORS is recommended

Metropolitan Police - Request that a condition be imposed to secure details of lighting

Environment Agency - No objection.

Neighbours and local groups consulted:**Re-consultation:**

Neighbours and local groups

14, 42, 57, 61, 62E, Flat 3 34 Trinity Church Square

12B, 4 A Trinity Street

Flats 1, 4, 7 St Michael's Court Hulme Place, unspecified flat in St Michael's Court, Hulme Place

University of Westminster

Hulme Place Management Ltd one behalf of all residents of Hulme Place

1 Hulme Place

3, 13, 27, 32 Merrick Square

3 Shaftesbury House Trinity Street

Trinity Newington Residents' Association

The Georgian Society

No consultation with residents in respect to the original application. Blatant disregard shown by developers in submitting what essentially seems to be a slight revision of the previously rejected application without any consultation with neighbouring property owners.

The impact of the development on Hulme Place, nor the impact on the surrounding environment is not shown in the application. The plans do not accurately represent the footprint of Hulme Place. None of the drawings, or information presented to the Council presents the full rear elevation of the development, nor shows its relation to Hulme Place.

The revision to the development by setting the 5th floor back by 2 metres does not significantly reduce the volume, massing, and impact on the properties in Hulme Place. Replacing a one storey and three storey building with a three storey and 5/6 storey building is not acceptable.

Loss of character of the area from the influx of rich professionals who have little time to contribute to the local community.

Design Issues

The proposed development is out of keeping with the adjacent and surrounding buildings of Trinity Street. The elevations show large window openings with balconies which are out of scale with the present street; it is a clumsy, inelegant piece of design.

Proposal will destroy views into the Trinity Conservation Area as one approaches from Borough High Street or Great Suffolk Street.

Impact on the character of the area and the style of properties. The scale is not in keeping with neighbouring properties and would detract from the overall appearance of the conservation area.

The applicant has not consulted residents of Hulme Place of this proposal.

This is against national and local planning guidelines, which state that developments should consider the surrounding context and involve the local community in the planning process.

The design seriously impacts on Hulme Place. Hulme Place was built 10 years ago

and is of a staggered design to undoubtedly compliment the stepped down design of the application premises and to ensure Hulme Place Buildings do not dominate other structures or were too obtrusive. The buildings have a focal point of the corner space which is now proposed for the development. Large number of units have ground floor conservatories part of the original specification, so structures are closer to the boundary than appears on the documents submitted by the developer. Proposal will dominate Hulme Place in the vertical plane and horizontal and lateral planes. Proposal will create a sense of enclosure and Hulme Place will be 'walled in'.

Not considered in compliance with national and local planning guidelines.

Access to light

Impact on the windows of Flat 4 Hulme Place of which there are only three and the glass conservatory.

The proposal will impact on light to all properties in Hulme Place. This development will mean the sky is not visible and will seriously compromise access to daylight.

Air Quality

There is restricted airflow which results in pollution, with limited air flow also for cooling and it is therefore difficult to cool Hulme Place down. These factors will be exacerbated by the proposal.

Nuisance and Noise

Already an issue in Hulme Place but noise waves can dissipate through the current gap above the one storey in Trinity Street. As well as noise being trapped the development buildings themselves will generate further noise above those generated from the existing commercial building and the upper floors of which have not been utilised for several years. Noise from occupants 24/7 plus equipment will have consequent adverse impact on Hulme Place, from both noise and lights within the building. The building has been used for commercial purposes in the past and has only been used during working hours and not 24-7.

No indication of where building structures would be placed ie heating and cooling systems and how these might impact on Hulme Place. The planning statement refers to 'the whole house ventilation intake is located in the void behind the building'. Which would seem to be set to provide noise and other related problems for Hulme Place. Diagrams show solar panels, which may also affect the design and be intrusive to Hulme Place. There is no indication of fire escapes, but if facing Hulme Place these could impact on privacy and risks to security.

Hulme Place is already hemmed in by an office block in Trinity Street and the School of Osteopathy on Borough High Street which means even low noise levels are amplified and bounced around the building. On a previous visit, a Planning Officer noted that our building is enclosed.

Privacy

Proposal will overlook windows and conservatories in Hulme Place.

The design and access statement shows windows overlooking Hulme Place. The development also includes a terrace which will increase potential noise problems and loss of privacy.

Overdevelopment – SP5 of the core strategy recommends a density of 650 habitable rooms per hectare, in the CAZ.

Traffic

Hulme Place suffers from workers, residents and visitors to the buildings at 291-303 Borough High Street dropping off or trying to park in the driveway of Hulme Place. This is the only way into Hulme Place and it has to be kept clear for vehicular and fire access.

The driveway for Britannia House, to the rear of Hulme Place is also likely to be misused, as above. Both these driveways are likely to experience more problems from vehicles bringing visitors and residents to the proposed development.

Demolition, Foundations and Working Hours

Concerns that there is no indication of how long the work will take on the development; also the working hours including Saturday mornings, which will be disruptive to residents. Concerns that the basement work will be deeper than the current basement and may further disrupt existing movement problems. No indication how it will affect water drainage and land stability.

Compliance with Planning Policies and Guidance

We are supportive of innovative design that takes account of the needs of the neighbourhood. The proposed development at One Trinity Street is not in this category. The proposal does not meet national or local planning guidelines on assessment of air quality, daylight and sunlight, noise impact, parking provision, and consultation with the local community.

The Department for Communities and Local Government Planning Policy Statement 1; Delivering Sustainable Development makes it clear that designs which are inappropriate to their context should not be accepted. Applicants are expected to demonstrate that their proposed development has emerged from a full assessment of the site's circumstances, characteristics and surroundings. This includes the social context and is reinforced in Southwark Council's planning policies and guidance.

Planning guidelines state that where a proposed elevation is in close proximity to another building, the drawings should show the relationship between the two buildings, Also how the proposed development relates to existing site levels and adjacent development and to show encroachment onto adjoining land is to be avoided. Also that development of the application should include consultation with the local community and that the design and access statement should indicate how the findings of any consultation have been taken into account for the proposed development and how this has affected the proposal.

The above guidelines have not been followed with respect to the impact of the proposed development on Hulme Place and its residents.

Loss of a Georgian Building

The current building is in good repair and matches the building on the opposite side of Trinity Street and make an elegant entrance into the conservation area (both these buildings should be listed) and we would recommend conversion rather than replacement.

North Southwark is having its character ripped from it by demolishing original buildings and hideous infill developments of 'Luxury' living accommodation. Another resident considers it is a largely intact Georgian house.

There would be a loss of one of the very few surviving (pre-1900) heritage assets in the immediate vicinity. Once very common in this area of London, the building which is thought to date from the mid-1840's is now extremely rare.

Suggest reinstating a fourth floor to the existing building.

Owner of One Hulme Place St Michaels Court also objects on grounds that the proposal is overbearing and virtually the same as the previous development that was refused. That the lighting report submitted previously showed the lounge was already at minimum light requirements and further loss takes the lounge below this level. The developers have failed in the original application are just making a cosmetic change without taking into consideration the impact on St Michaels Court, they are assuming that the planning is a foregone conclusion by advertising on their website the new development details and the fact approval has already been obtained.

The Georgian Society

Objects on the following grounds:-

1-3 Trinity Street

The building represents a good example of an early 19th century terraced house, converted at ground floor level to accommodate a shop-front; the shop front comprises 20th century brick and plate glass of little architectural interest.

It understood that the building suffered bomb damage and that much of the interior required post-war rebuilding, though the applicants have provided no further information regarding what, if any, historic fabric remains beyond the Borough High Street/Trinity Street façades. The fabric that can be seen from the street is clearly of an architectural quality that contributes to the nearby conservation area, creating a gateway of suitable character to the Georgian streets beyond - on a section of Borough High Street where many other historic buildings have been lost.

The building has six-over-six traditional timber sash windows on both the Borough High Street and Trinity Street elevations; the latter assist in reading the building internally, demonstrating where the original stair would have been/is. The Borough High Street façade has a colonnade of four recessed arches, a defining feature of the Trinity Church Square Conservation Area. Finally, the building has a historic roof profile.

Whatever the extent of post-war rebuilding on this site, the location was considered sensitive enough at the time to require traditional building techniques and architectural detailing in order to preserve the character of the local streetscene, and what would later become the Trinity Church Square Conservation Area.

Proposals

It is proposed to demolish 1-3 Trinity Street to accommodate a new mixed use development.

The Group objects to the demolition of 1-3 Trinity Street, in principle, for the following reasons.

The building is of an architectural quality and typology that has been significantly reduced along this part of Borough High Street, consequently, the building is left as 'sign-post' within the post-war townscape to the Georgian and Victorian streets to the south east of Borough High Street. The architectural elements of the building contribute to this effect, i.e. the recessed arches form part of a unified street design also found within the surrounding conservation area. For this reason the building should be attributed considerable significance as a non-designated heritage asset and retained as such.

PPS 5 introduced the need to consider buildings without statutory protection as heritage assets worthy of retention and this emphasis remains in the NPPF, which States that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' (Para.135)

English Heritage's PPS 5 Planning Practice Guide, which remains valid, goes to state that:

'Some non-designated assets, such as buildings of good local character or sites of archaeological interest, are of heritage significance but not at a level that would pass the threshold for national designation. Such assets can, singularly and collectively, make an important, positive contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration' (Para. 83)

In light of the building's location, forming a gateway to the surrounding conservation area, and its architectural quality The Group considers the building's proposed demolition to be of a greater scale of harm and loss than it may otherwise be. Consequently, it is surprising that the heritage merits of this building did not form part of the 'reasons for refusal' of application 10/AP/1724, however, it is The Group's position that the application could have been refused, legitimately, on these grounds.

The Group is concerned that in the current economic climate granting planning permission for the demolition of 1-3 Trinity Street will result in the loss of a heritage asset where there is little guarantee that the proposed development will be built-out. Since receiving planning permission in 2007, before the economic down turn, the site has remained unaltered. The NPPF states that:

'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.' (Para.136)

Recommendation

The Georgian Group **objects** to the demolition of 1-3 Trinity Street, in principle, and recommends that application 12-AP-1230 be refused on the grounds that it will result in the loss of a significant heritage asset of architectural merit, adjacent to a conservation area, without any guarantee that the proposed public benefits of its replacement can be brought forward.

RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	M.E.(Trinity) Ltd	Reg. Number	12/AP/1230
Application Type	Full Planning Permission	Case	TP/1140-301 & 1254-
Recommendation	Grant permission	Number	1

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

The demolition of the existing building and the erection of a predominantly part 5/part 6 storey building with three storey rear element comprising of 222.5 sqm of commercial floor space, flexible A1 retail/A2 financial and professional services at ground floor level and B1 office space at basement level; provision of 4 x 2 bedroom apartments with balconies above; along with a two bedroom, three storey house with basement and associated cycle parking facing Trinity Street.

At: 301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON, SE1 1DB

**In accordance with application received on 17/04/2012
and revisions/amendments received on 27/06/2012**

and Applicant's Drawing Nos. AE-013-103, AL013-OOL, AL-013-OOS, AL-013-00B rev 002, AE-013-00B, AE-013-00G, AE-013-001, AE-013-002, AE-013-00R, AE-013-101, AE-013-102, AL-013-00B rev 002, AL-013-00G rev 002, AL-013-001 rev 001, AL-013-002 rev 001, AL-013-003 Rev 001, AL-013-004 rev 001, AL-013-005 rev 001, AL-01300R rev 001, AL-013-101 rev 002, AL-013-102 rev 002, AL-013-103 rev 002, AL-013-104 rev 001, AL-013-105 rev 001, AL-013-106 rev 001, AL-013-107 rev 002
Design and Access Statement, Planning Statement, Daylight and Sunlight reports dated 9 February 2007 and 21.3.2011, Noise Surveys and Assessment reference RP02-07541 dated 28 March 2012, Museum of London Archaeology report dated November 2006, Flood Risk Assessment reference CC/mq/0016, Combined Energy and Sustainability Statement dated April 2012

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Strategic policies of the Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 10 Jobs and Businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

b] Saved policies of the Southwark Plan 2007

Policy 1.4 (Employment Sites outside Preferred Office and Industrial Locations) advises that for all developments located outside POLs and PILs which have an established B Class Use, subject to certain criteria, development will be permitted provided there is no net loss of floorspace in Class B, subject to a number of exceptions.

Policy 1.7 (Development within Town and Local Centres) seeks to ensure that most new development for retail and other town centre uses are accommodated within existing town and local centres. Within the centres, developments providing a range of uses will be permitted providing a defined set of criteria is met.

Policy 2.5 (Planning Obligations) seeks to ensure that any adverse effect arising from a development is taken into account and mitigated, and contributions towards infrastructure and the environment to support the development are secured, where relevant, in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 4.1 (Density of residential development) states that residential development will be expected to comply with a range of density criteria taking into account the quality and impact of any non residential uses, and in relation to efficient use of land, having regard to factors such as location and public transport accessibility levels, facilitating a continuous supply of housing in London, but subject to high quality housing being provided and balanced against the need for other uses which also contribute to the quality of life.

Policy 4.2 (Quality of residential accommodation) states that planning permission will be granted for residential accommodation provided that they achieve good quality living conditions; and include high standards of accessibility, including seeking to ensure that all new housing is built to Lifetime Homes Standards; privacy and outlook; natural sunlight and daylight; ventilation; space including suitable outdoor/green space; safety and security; protection from pollution, including noise and light pollution.

Policy 4.3 (Mix of dwellings) seeks to ensure that all major new-build development and conversions should provide for a mix of dwellings sizes and types to cater for the range of housing needs of the area.

Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area

Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

Policy 7.4 (Bankside and Borough Action Area) sets out policies to support this unique place in London as a thriving location for a wide range of activities, where culture, history, business, residential communities and a diverse built environment co-exist.

c] Policies of the London Plan 2011

Policy 3.3 Increasing Housing Supply; Policy 4.2 Offices; Policy 7.1 Building London's neighbourhoods and communities; Policy 7.4 Local character and Policy 7.6 Architecture

d] National Planning Policy Framework [NPPF] 2012

The proposal is considered to be acceptable in land use terms, notwithstanding that some Class B1 office floorspace will not be retained, given the re-provision of upgraded office floorspace and the upgraded A Class floorspace at ground floor to provide an active frontage. Particular regard was had to the potential impact on neighbours' amenities that could result from the proposed development, however given the revisions now made to the scheme and with the conditions included, these impacts are not considered to be significant as to warrant refusal. The scheme was considered to provide a high quality contemporary building which will preserve the setting of adjacent listed buildings and the Trinity Church Square Conservation Area and more distant Borough High Street Conservation Area. Consideration was also given to the benefits to the area of the new commercial floorspace and additional housing that would follow from the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: AL-013-00B rev 002, AL-013-00G rev 002, AL-013-001 rev 001, AL-013-002 rev 001, AL-013-003 Rev 001, AL-013-004 rev 001, AL-013-005 rev 001, AL-01300R rev 001, AL-013-101 rev 002, AL-013-102 rev 002, AL-013-103 rev 002, AL-013-104 rev 001, AL-013-105 rev 001, AL-013-106 rev 001, AL-013-107 rev 002,

Reason:

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

- 3 Prior to works commencing, material sample-panels of the proposed brickwork/mortar/pointing to a scale of at least 1m high x 2m wide, including both edge-details to the splayed window-recesses, to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The NPPF 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 4 a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The phase 1 site investigation (desk study, site categorisation;

sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, A detailed remediation strategy 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 shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

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 offsite 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).

- 5 Prior to the commencement of works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason:

To ensure that end users of the premises do not suffer a loss of amenity by reason of pollution in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan 2007 and strategy policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 6 The development shall not commence until details of a Construction Management Strategy has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and TV reception emanating from the site and will include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan 2007 and strategy policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 7 All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise

reduction for buildings-Code of Practice' to attain the following internal noise levels at all times:

Criterion	Typical situations	Design range $L_{Aeq, T}$
Good resting conditions	Living rooms	30 dB (day: T =16 hours 07:00 – 23:00)
Good sleeping conditions	Bedrooms	30 dB (night: T = 8 hours 23:00 – 07:00) L_{Amax} 45 dB (night 23:00 – 07:00)

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 8 Dwelling houses, flats and rooms for residential purposes sharing a party element with a commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The minimum airborne sound insulation of the party element shall be $D_{nT'w}$ of 60 dB. The approved scheme is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 9 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises – a positive indication that complaints are unlikely. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with the above noise limits, and retained as such thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 10 Notwithstanding the details shown on plan no. AL - 013 - 00G, prior to commencement of development details shall be submitted of separate commercial and residential refuse and recycling storage arrangements to the local planning authority and approved in writing. The approved details shall be provided and available for use by the occupiers of the premises before any occupation of the premises is commenced and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved policies 3.2 'Protection of Amenity' and 3.7 'Waste Reduction' of The Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 11 The cycle storage facilities shown on submitted application drawing No. AL-013-00G, shall be provided before the occupation of the buildings and thereafter the cycle storage facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

Reason:

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with saved policy 5.3 'Walking and cycling' of The Southwark Plan 2007 and strategic policy 2 'Sustainable Transport' of the Core Strategy 2011.

- 12 The development hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The certificate shall demonstrate that the dwellings will attain a minimum standard of level 4 in accordance with the code. The development shall be carried out only in accordance with the details the subject of the

certificate and before any dwelling is occupied, a post-construction review shall have been carried out by a licensed assessor and submitted to the Local Planning Authority for final approval which shall confirm that the dwelling meets the required standard.

Reason

To ensure the proposal would not significantly impact on sustainability and complies with saved policies 3.1 'Environmental Effects', 3.4 'Energy Efficiency' and 3.9 'Water' of the Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

- 13 The development hereby permitted shall not be commenced until a BREEAM Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the development will attain a minimum standard of Excellent BREEAM rating. The development shall be carried out only in accordance with the details the subject of the assessment and before the building is occupied, a post-construction review shall have been carried out by a licensed assessor and submitted to the Local Planning Authority for final approval which shall confirm that the building meets the above standard.

Reason:

To ensure the proposal would not significantly impact on sustainability and complies with saved policies 3.1 'Environmental Effects', 3.4 'Energy Efficiency' and 3.9 'Water' of the Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

- 14 Prior to commencement of above grade works details of the Sedum roof to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority and shall thereafter be constructed in accordance with the approval details prior to the first occupation of the scheme, and retained as such thereafter.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, in compliance with saved policies 3.13 'Urban Design' and 3.28 'Biodiversity' of the Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

- 15 Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment of external areas surrounding the building shall be submitted to and approved in writing by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance saved policies 3.2 'Protection of Amenity' and 3.14 'Designing Out Crime' of The Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 16 No development shall take place until a Delivery and Servicing Plan detailing how the site is to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall be occupied in accordance with the recommendations of the Delivery and Servicing Plan.

Reason:

In order that the safe operation of the transport network is maintained and to ensure compliance with saved policy 5.2 'Transport Impacts' of the Southwark plan 2007 and strategic policy 2 'Sustainable Transport' of the Core Strategy 2011.

17

Archaeological Evaluation

Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the applicants supply the necessary archaeological information to ensure suitable mitigation measures and/or foundation design proposals be presented in accordance with saved policy 3.18 'Archaeology' of the Southwark Plan [UDP] 2007 and strategic policy 12 'Design and Conservation' of the Core Strategy 2011.

18

Archaeological Mitigation

Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with saved policy 3.18 'Archaeology' of the Southwark Plan [UDP] 2007 and strategic policy 12 'Design and Conservation' of the Core Strategy 2011.with policy 3.19 of the Southwark Plan 2007.

19

Archaeological Reporting

Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with saved policy 3.18 'Archaeology' of the Southwark Plan [UDP] 2007 and strategic policy 12 'Design and Conservation' of the Core Strategy 2011.policy 3.19 of the Southwark Plan (July 2007).

20

Before any work hereby authorised begins, 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.

Reason: In order that details of the foundations, ground works and all below ground impacts of the proposed development are detailed and accord with the programme of archaeological mitigation works to ensure the preservation of archaeological remains by record and in situ in accordance with saved policy 3.18 'Archaeology' of the Southwark Plan [UDP] 2007 and strategic policy 12 'Design and Conservation' of the Core Strategy 2011.

21 The windows on the rear and rear flank elevations of the building, above ground floor level, shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises in Hulme Place from undue overlooking in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and the strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

Informatives

- 1 You are advised to consult the Borough Crime Prevention Design Advisor to ensure that the development complies with 'Secured by Design' standards. Please contact Mark Biggs, Southwark Police Station, and 323 Borough High Street, London, SE1 1JL (telephone: 020 7232 6714).
- 2 The applicant be advised that Transport for London would recommend that you use freight operators and construction companies who are members of FORS: <http://www.tfl.gov.uk/microsites/fors/>
- 3 This application granted is subject to the Mayoral Community Infrastructure Levy. The Liability Notice issued by Southwark Council will state the chargeable floor space and current rate. The relevant parties will need to submit an Assumption of Liability Notice and a Commencement Notice to Southwark Council prior to Commencement. There are a number of legal requirements for the relevant parties to adhere to. For more information on this see the DCLG website at <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

Agenda Item 7.2

Ordnance Survey

Date 6/7/2012

Bridge



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Item No.	Classification:	Date:	Meeting Name:
7.2	OPEN	18 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/0042 for: Full Planning Permission Address: UNION WORKS, 60 PARK STREET & 16 NEW GLOBE WALK, LONDON, SE1 9EA Proposal: Change of use of part ground floor approved for use as office (B1 use) under application 06-AP-1882 to restaurant (A3 use), with the installation of louvred grills at pavement level on the Bear Gardens elevation.		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 26 January 2012		Application Expiry Date 22 March 2012	

RECOMMENDATION

- 1 To grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The subject site is located to close to Park Street between New Globe Walk and Bear Gardens. The historic building facing Park Street is a listed building, with the newly constructed six storey building located behind.
- 3 The subject site is located within the Bear Gardens Conservation Area, Central Activity Zone, Archaeological Priority Zone, Bankside and Borough Action Area, Bankside and Borough District Town Centre and the London Bridge Cultural Area.

Details of proposal

- 4 Planning permission is sought for the change of use of part ground floor approved for use as office (B1 use) under application 06-AP-1882 to restaurant (A3 use), with the installation of louvred grills at pavement level on the Bear Gardens elevation.
- 5 There will be an internal refuse and recycling storage area associated with the proposed use.
- 6 The application seeks to operate between the hours of 11:00am to 23:00pm Monday to Friday and 11:00am to 00:00am (midnight) on Saturdays. The applicant has not sought Sunday opening hours although this is considered below.

Planning history

- 7 Planning permission (06-AP-1882) and Listed Building consent (06-AP-1883) were

granted on 21 December 2006 for the part demolition of the existing buildings and the erection of a part two, part six storey building for use as offices and retail/restaurant at ground and first floor level and 25 residential units above.

- 8 Planning permission (11-AP-0977) was refused on 6 June 2011 for the change of use of part ground floor approved for use as office (B1) under application 06-AP-1882 to restaurant (A3) use. The application was refused on the following grounds:

1) The proposed development, in particular the impacts arising from odour, cooking fume heat and noise disturbance and hours of operation, would materially harm the amenity of neighbouring occupiers. The development would therefore be contrary to saved policy 3.2 'Protection of amenity' of The Southwark Plan, strategic policy 13 'High Environmental Standards' of the Core Strategy, and PPG24: Planning and Noise.

2) The proposal has failed to demonstrate that the development would provide suitable servicing for the site, its proposed use and collection of waste and as such the development would be harmful to the functioning of the transportation network. As such, the development is contrary to saved policies 5.2 'Transport impacts' and 5.3 'Walking and cycling' of The Southwark Plan [UDP] 2007, and Strategic Policy 2 'Sustainable transport' of the Core Strategy 2011.

- 9 Planning permission (10-AP-3753) was approved in March 2011 for alterations to the office space (B1 use) at ground floor level (approved under permission 06-AP-1882) to install the main doors facing New Globe Walk and a secondary access door facing the courtyard off Bear Gardens.
- 10 There is other planning history associated with this site, however none is considered directly relevant to this application.

Planning history of adjoining sites

- 11 Planning application (10-AP-1706) and associated Listed Building Consent (10-AP-1707) were granted in May 2011 at Borough and Bankside Community Council for the formation of a new entrance door at ground floor level within the brickwork portion of the New Globe Walk elevation of the original listed building to provide pedestrian access to the building at ground floor level. This entrance door related to the unit which is subject to this application.
- 12 Planning permission (12-AP-0059) and associated Listed Building Consent (12-AP-0060) were both refused in May 2012 associated with the adjoining site (within the listed building) for a change of use of part ground and part first floors approved for use as restaurant (A3 use) under application 06-AP-1882 to residential (C3 use), to create 1 x 3 bedroom and 1 x 4 bedroom duplex units over ground and first floors, each with an area of outdoor amenity space at first floor level.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.

- b) the impact on the amenity of neighbouring occupiers.
- c) the impact on the function of the transportation network.
- d) the impact on the visual amenity of the streetscape including the appearance and character of the Bear Gardens Conservation Area and setting of listed buildings.

Planning policy

14 Core Strategy 2011

Strategic Policy 1 – Sustainable development
 Strategic Policy 2 – Sustainable transport
 Strategic Policy 3 – Shopping, leisure and entertainment
 Strategic Policy 10 Jobs and Businesses
 Strategic Policy 12 – Design and conservation
 Strategic Policy 13 – High environmental standards

15 Southwark Plan 2007 (July) - saved policies

1.4 'Employment sites outside the Preferred Office Locations and Preferred Industrial Locations'
 1.7 'Development within town and local centres'
 3.2 'Protection of amenity'
 3.12 'Quality in design'
 3.15 'Conservation of the Historic Environment'
 3.16 'Conservation areas'
 3.18 'Setting of listed buildings, conservation areas and world heritage sites'
 5.2 'Transport impacts'

16 London Plan 2011

None considered to be directly relevant.

17 National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012 and is a material planning consideration, of particular relevance are the core planning principles, and parts 1 and 2 which concern the building of a strong competitive economy and the vitality of town centres.

Principle of development

- 18 In accordance with saved policy 1.4 'Employment sites outside the Preferred Office Locations and Preferred Industrial Locations' of The Southwark Plan [UDP] 2007, developments should not result in the loss of any existing floorspace currently in office (B1) use. An exception may be made where; the applicant can demonstrate convincing attempts to dispose of the premises; the site is unsuitable for redevelopment as B class floorspace; or the site is located within a town or local centre, in which case in accordance with policy 1.7 'Development within town and local centres' suitable Class A or other town centre uses will be permitted in place of Class B uses.
- 19 Whilst the site has never been occupied and no evidence has been provided to show that the premises has been marketed, given that the site is located within a town centre, part C of saved policy 1.4 'Employment sites outside the Preferred Office Locations and Preferred Industrial Locations' and saved policy 1.7 'Development

within town and local centres' allows for suitable Class A or other town centre uses, in place of B Class uses.

- 20 It is considered that the proposed restaurant (A3 use) is a suitable town centre use, and the loss of existing office floorspace would therefore meet saved policies 1.4 'Employment sites outside the Preferred Office Locations and Preferred Industrial Locations' and 1.7 'Development within town and local centres' of The Southwark Plan [UDP] 2007.
- 21 Overall, for these reasons, it is considered that the proposed change of use is acceptable in principle.

Environmental impact assessment

- 22 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required.

Amenity

- 23 The proposed development will have a potential impact on the amenities of adjoining occupiers arising from noise, odour and general disturbance, which is considered below.
- 24 The applicant had previously proposed (under 11-AP-0977) that the restaurant will have its extraction and ventilation positioned above the ground floor windows (below the first floor windows) facing the courtyard area on Bear Gardens), with some technical information supporting this. The applicant failed to demonstrate sufficiently to the Council that the extraction and ventilation would not have a material harm on the amenity of neighbouring occupiers.
- 25 The applicant has done further work on this aspect of the scheme and have now amended the position of the extraction, now located at pavement level to the rear of the site (facing the courtyard on Bear Gardens). The application is also accompanied by an Outline Performance Specification.
- 26 The Environmental Protection Team have assessed the proposed application.
- 27 With regard to noise, the original planning permission for Office (B1 use) may not have included sound insulation between the ground floor and first floor residential elements sufficient to cater for a restaurant kitchen and pubic restaurant activity.
- 28 Should permission be granted it is proposed to include a condition ensuring that the residential occupiers above are protected from noise transmission.
- 29 In terms of the hours of operation, the applicant has proposed that the restaurant use is undertaken between the hours of 11:00am to 23:00pm Monday to Friday and Saturday 11:00am to 00:00pm (midnight).
- 30 They have not sought opening hours on Sundays. These hours are slightly reduced

from those proposed under the previous application.

- 31 Whilst the slightly reduced hours of operation are an improvement, it is still considered that given the close proximity of neighbouring residential hours that there would be a loss of residential amenity from the late hours of operation.
- 32 It is noted that the applicant has not sought hours of operation on Sundays, however it is considered that Sunday operation is suitable in this location, provided that the operational hours are suitable. As such, it is proposed to include Sunday trading as per the hours provided below.
- 33 However, should the application be otherwise considered acceptable, the hours of operation could be restricted by way of condition. As such, it is considered that the hours of operation should be restricted to 11:00am to 22:30pm Sunday to Thursday and Friday and Saturday 11:00am to 23:00pm.
- 34 These hours of operation would ensure the viable use of the premises whilst sufficiently protecting the amenity of neighbouring occupiers.
- 35 It is further noted that the hours of operation of the approved restaurant unit within the listed building element (approved within the original permission 06-AP-1882) were not restricted by hours of operation. However, it is considered that this application unit is located in a more sensitive location and immediately adjoining residential use, whereas the authorised restaurant use is bounded by three roads and has no residential immediately above.
- 36 There are also concerns raised by neighbouring occupiers relating to the use of the courtyard area for smoking. Realistically smoking and noise impacts from the use of this area are unable to be controlled aside from restricting the hours of use of this area. The restricted hours of use outlined above should restrict these impacts.
- 37 With regard to the proposed ventilation and odour extraction, the system from the restaurant coupled with the extract from the kitchen range area is connected to horizontal discharge through louvers at pavement level on the east side of the building onto Bear Gardens.
- 38 The Environmental Protection Team have viewed the amended scheme and are now satisfied, subject to the imposition of conditions, that the development would not generate any material harm to the amenities of any neighbouring occupier.
- 39 Furthermore, concern has been raised by neighbouring occupiers regarding noise and disturbance from servicing of the site, including refuse collection. To ensure that there is no undue impact arising in this regard, it is proposed to impose a condition restricting the hours of servicing and refuse collection.
- 40 Overall, for these reasons it is considered that the amended development now sufficiently protects the amenity of neighbouring occupiers, subject to the imposition of suitable conditions. As such, the previous reason for refusal has been overcome. The development now meets saved policies 3.2 'Protection of amenity' of The Southwark Plan and strategic policy 13 'High Environmental Standards' of the Core Strategy.

Traffic issues

- 41 The previous application did not provide details of servicing of the site, including associated with refuse collection. As such it was considered that there was potential to impact on the functioning of the transportation network, and the amenity of adjoining occupiers. The current application has been accompanied with further information on

these issues.

- 42 This proposed development is located in an area with a TfL PTAL rating of 6, reflecting the area's excellent level of access to all forms of public transport. Developments in areas with this PTAL rating are required to be car free in order to promote more sustainable transport choices, reduce congestion and pollution within Southwark. This application is proposed as car free and, as such, is in accordance with Southwark Plan saved policy 5.6 'Car parking'.
- 43 The applicant states that two disabled designated bays are located on New Globe Walk outside of the development however there is no method of restricting the use of these bays purely for this development. Given site constraints we would not expect disabled parking bays to be located off street.
- 44 With regard to servicing and refuse vehicle access, the applicant has now provided a Delivery and Servicing Plan detailing information such points of delivery, which is to be undertaken within the courtyard area located off Bear Gardens. Deliveries and waste collection will be restricted to between the hours of 08:00am to 17:00pm to prevent an impact to residential amenity, as further discussed above.
- 45 The Southwark Plan states that for A class developments the secure parking standard for cycles is 1 space per 250m² (minimum of 2 spaces). For this development of 302m² of A3 use there is a minimum requirement for storage with capacity for 2 cycles.
- 46 The main application which granted the overall planning permission (06-AP-1882) included cycle storage to be provided associated with the office use, this is approved within the courtyard area. The applicant has not changed this arrangement, which is considered acceptable.
- 47 Overall, the Transportation Team have assessed the development and consider that the development has sufficiently overcome the previous reason for refusal, and now support the application. The development is therefore considered to meet saved policy 5.2 'Transport impacts' of The Southwark Plan [UDP] 2007 and Strategic Policy 2 'Sustainable transport' of the Core Strategy 2011.

Design issues

- 48 The proposed development, as mentioned would require the installation of extraction vents at pavement level. These would take the form of metal louvres set within a recess across the base of three large windows.
- 49 Whilst reservations have been raised from a design viewpoint at the introduction of the louvres; given their relatively modest size and position at the foot of the windows, on balance they are considered to be acceptable.

Impact on character and setting of a listed building and/or conservation area

- 50 Whilst there have been some reservations, as mentioned above, regarding the appearance of the proposed metal louvres. Given their relatively modest size and also their position at the foot of the windows, they are considered to preserve the setting of the listed building and the Bear Gardens Conservation Area.

Waste

- 51 The proposed development would provide a refuse and recycling storage area within the unit, to the Bear Gardens end. This would not have direct access to the road, and

access would be obtained through an existing door facing the courtyard on the Bear Gardens elevation.

52 This refuse storage area would contain 4 x 240L and 1 x 180L bins providing a total of 1140L of storage which would be in excess of minimum requirements and would therefore meet the likely needs of future occupiers.

53 However, should consent be granted, a condition would be recommended to require the applicant to provide a Refuse Management Strategy to the Council for approval in writing. This would ensure that the storage and collection of refuse would be adequate and would not harm the amenities of neighbouring occupiers.

Sustainable development implications

54 The site is located within a sustainable location well served by public transport.

Other matters

55 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL is a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

56 Given that the unit has not been used for 6 of the last 12 months, the application would trigger CIL payment. The floorspace is 302m² in area and therefore the CIL would be £10,570.

Conclusion on planning issues

57 Overall, for the reasons explored further above, it is considered that the amended development has overcome the previous reasons for refusal and would therefore not generate material harm to the amenities of neighbouring occupiers, or harm to the functioning of the transportation network. The development meets the relevant saved policies of The Southwark Plan and Core Strategy, subject to the imposition of conditions, and should be granted on this basis.

Community impact statement

58 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

Consultations

59 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

60 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

61 A total of 9 letters of objection have been received from the following:

- Flat 3, 6 and 29, at 20 New Globe Walk
- Flats 5, 11, 15, 16, 17 and 18 Bear Pit Apartments, 14 New Globe Walk

62 Objections to the development have been summarised as following:

There will be significant disturbance from the restaurant use, including odours from the kitchen, noise from bottle recycling, delivery, music, people leaving the premises, and traffic congestion.

The hours of operation are late, and combined with refuse and recycling collection early in the mornings there is no respite to residents. Even with planning conditions to restrict hours this would not be enforceable.

There is objection to the use of the cobbled area for al fresco dining due to noise and disturbance such as smoking.

Objection to the ventilation and the louvres at ground level, and the odours will result in an unpleasant smell affecting the amenity of neighbours, and extraction is noisy.

The servicing of the site will be difficult with large lorries trying to access the site via the narrow street, and a danger to pedestrians.

There are already a large number of bars and restaurants within the area which cause a further loss of amenity to neighbouring residents.

The marketing information is insufficient to show that there is not the demand for office space, including a lack of 'to rent' boards at the premises. The premises does not appear to have been marketed as early as 2008 and there is doubt that the premises were ever intended to be used as an office.

Human rights implications

63 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

64 This application has the legitimate aim of providing a restaurant use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/725-20 Application file: 12/AP/0042 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5470 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Fennel Mason, Planning Officer	
Version	Final	
Dated	2 July 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Director of Planning	yes	yes
Strategic Director Environment and Leisure	no	no
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken**Site notice date:**

08 February 2012

Press notice date:

09 February 2012

Case officer site visit date:

08 February 2012

Neighbour consultation letters sent:

09 February 2012

Internal services consulted:

Transportation Team
Environmental Protection
Design and Conservation

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

Refer to consultee list in Acolaid

Re-consultation:

None

Consultation responses received

Internal services

Transportation Team - no objection

Environmental Protection - no objection subject to further information

Design and Conservation - comments incorporated into the report

Statutory and non-statutory organisations

N/A

Neighbours and local groups

A total of 9 letters of objection have been received from the following:

- Flat 3, 6 and 29, at 20 New Globe Walk
- Flats 5, 11, 15, 16, 17 and 18 Bear Pit Apartments, 14 New Globe Walk

Objections to the development have been summarised as following:

There will be significant disturbance from the restaurant use, including odours from the kitchen, noise from bottle recycling, delivery, music, people leaving the premises, and traffic congestion.

The hours of operation are late, and combined with refuse and recycling collection early in the mornings there is no respite to residents. Even with planning conditions to restrict hours this would not be enforceable.

There is objection to the use of the cobbled area for al fresco dining due to noise and disturbance such as smoking.

Objection to the ventilation and the louvres at ground level, and the odours will result in an unpleasant smell affecting the amenity of neighbours, and extraction is noisy.

The servicing of the site will be difficult with large lorries trying to access the site via the narrow street, and a danger to pedestrians.

There are already a large number of bars and restaurants within the area which cause a further loss of amenity to neighbouring residents.

The marketing information is insufficient to show that there is not the demand for office space, including a lack of 'to rent' boards at the premises. The premises does not appear to have been marketed as early as 2008 and there is doubt that the premises were ever intended to be used as an office.

**RECOMMENDATION
LDD MONITORING FORM REQUIRED**

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Patrica Davidson	Reg. Number	12/AP/0042
Application Type	Full Planning Permission	Case Number	TP/725-20
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of part ground floor approved for use as office (B1 use) under application 06-AP-1882 to restaurant (A3 use), with the installation of louvred grills at pavement level on the Bear Gardens elevation

At: UNION WORKS, 60 PARK STREET & 16 NEW GLOBE WALK, LONDON, SE1 9EA

In accordance with application received on 09/01/2012

and Applicant's Drawing Nos. Site Plan, CU100, CU101, CU102, CU103, CU104A, CU105

Design and Access Statement

Servicing Strategy

Ventilation Design (including letter dated 5 March 2012)

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Strategic policies of the Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 10 Jobs and Businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

b] Saved policies of the Southwark Plan 2007

Policy 1.4 (Employment Sites outside Preferred Office and Industrial Locations) advises that for all developments located outside POLs and PILs which have an established B Class Use, subject to certain criteria, development will be permitted provided there is no net loss of floorspace in Class B, subject to a number of exceptions.

Policy 1.7 (Development within Town and Local Centres) seeks to ensure that most new development for retail and other town centre uses are accommodated within existing town and local centres. Within the centres, developments providing a range of uses will be permitted providing a defined set of criteria is met.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

Policy 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials.

Policy 3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

c] National Planning Policy Framework [NPPF] 2012

Particular regard was had to the potential impact on the amenities of neighbouring occupiers and the functioning of the transportation network but due to the nature of the scheme and the mitigation that will be achieved through the imposition of conditions it was considered that these matters would not be such as to warrant refusal of planning permission. Consideration was also given to the benefits to the area of the proposed restaurant use that would follow from the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: CU104A, CU105

Reason:

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

- 3 The metal louvres used in the carrying out of this permission shall match those elsewhere on the building.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with saved policy 3.12 'Quality in design' of the Southwark Plan 2007 and strategic policy 12 'Design and Conservation' of the Core Strategy 2011.

- 4 The use hereby permitted for restaurant purposes shall not be carried on outside of the hours 11:00am to 22:30pm Sundays to Thursdays and Friday and Saturday 11:00am to 23:00pm.

Reason:

To ensure the protection of the amenity of neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and strategy policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 The kitchen fume extract shall be installed with the smoke and odour arrestment installations and the flue routed to the rear of the premises with minimum of changes in direction terminating to the louvered box at low level with fan assisted emission flow efflux velocity of 30 litres / second, as set out in Wildrice letter and supporting document, photographs and plans, and shall be retained as such thereafter.

Reason:

To ensure the protection of the amenity of neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and strategy policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 6 Any deliveries, unloading and loading shall only be between the following hours: Monday to Saturday - 08:00 - 17:00, Sundays/ Bank Holidays - not at all.

Reason

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan and strategic policies 2 'Sustainable Transport' and 13 'High Environmental Standards' of the Core Strategy 2011.

- 7 The use hereby approved shall ensure that there is sufficient acoustic insulation between floors to ensure that the residential premises located immediately above attain the following internal noise levels:

Bedrooms- 30dB LAeq,T* and 45dB LAfmax

Living rooms- 35dB LAeq, T*

*T- Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23:00.

This level of attenuation shall be retained for the life of the permission.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 8 The use shall not commence until details of a Refuse Management Plan (including details of collection) has been submitted to, and approved in writing by the Local Planning Authority. The use shall thereafter operate in strict accordance with the approved Refuse Management Plan.

Reason:

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Policies 3.2 'Protection of Amenity' and 3.7 'Waste reduction' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

Informative

This application granted is subject to the Mayoral Community Infrastructure Levy. The Liability Notice issued by Southwark Council will state the chargeable floor space and current rate. The relevant parties will need to submit an Assumption of Liability Notice and a Commencement Notice to Southwark Council prior to Commencement. There are a number of legal requirements for the relevant parties to adhere to for more see <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>



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Item No.	Classification:	Date:	Meeting Name:
7.3	OPEN	18 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12-AP-0542 for: S.73 Vary/remove conds/minor alterations Address: NEWSPAPER HOUSE, 40 RUSHWORTH STREET LONDON, SE1 0RB Proposal: Addition of a new condition listing revised drawing numbers and variation of Condition 5 (which relates to screening) of planning permission 08-AP-0351 [dated 03/10/2008][Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment]. The revisions proposed include amendments to the balconies on the King's Bench elevation, amendments to layout of B1 floorspace at ground and first floor level, revised access, refuse and cycle parking arrangements at ground floor level, revised layouts of the residential units at second, third and fourth floor levels, including provision of a bridge link at 2nd floor level, removal of the lowered courtyard in the office space and revised screening of the access decks. Also proposed are changes to all elevations as well as a revised energy strategy.		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 27 February 2012		Application Expiry Date 28 May 2012	

RECOMMENDATION

- 1 Grant Planning Permission Subject to Legal Agreement.

BACKGROUND

- 2 The application is being reported to Planning Sub-Committee due to the number of objections received (6 objections) and due to the fact that it is a major application.

BACKGROUND INFORMATION

Site location and description

- 3 The site is located at the southern end of Rushworth Street and comprises the newspaper distribution warehouse attached to No. 63 Webber Street. This is a substantial, single storey, early twentieth century block, plainly detailed in stock brick with tall, segmental arched windows and three large gables facing Rushworth Street. The plain, functional return elevation to King's Bench Street has matching windows beneath a parapet.
- 4 The wider character of the area is of a later 18th century street pattern overlaid first by the mid 19th century brick railway viaduct and then by later 19th and earlier 20th

century residential, religious and industrial development. The current land uses within this area comprise a mix mainly of offices, warehousing, and residential.

- 5 The surrounding developments are mostly of two or three storeys although there are some new developments up to five storeys. To the south-east of the site, on the opposite side of the railway viaduct, is a new build mixed use development which has been completed of part 3, part 4 storeys.
- 6 The property to the south at 63 Webber St comprises a building of part two, part three storeys accommodating a mix of employment uses and also a live-work unit on the first/second floors with a roof terrace.
- 7 To the north of the site the development at the site known as 33-38 Rushworth St is occupied by a two-storey property containing 23 small commercial, warehouse and office units. Opposite the site to the west is a three storey office/employment development.
- 8 To the north-east of the site at 20-24 Kings Bench St is a recent development of five storeys including a set back top floor. This comprises a mix of employment floor space at ground floor with flats above.
- 9 Site Policies/Constraints
 Bankside and Borough District Town Centre
 Central Activity Zone
 Air Quality Management Area
 King's Bench Conservation Area
 Borough and Bankside Opportunity Area

Details of proposal

- 10 It is proposed to make revisions to the originally approved application (08/AP/0351 -d dated 03/10/2008] which allowed for a 4/5 storey building with commercial (B1) on the ground and first floors, with 9 residential units on the second, third and fourth floors. The dwelling mix is 5 X 2 bed and 4 X 3 bed units which is as per the consented scheme. The revisions proposed include amendments to the balconies on the King's Bench elevation, amendments to layout of B1 floorspace at ground and first floor levels, revised access arrangements at ground floor level and revised cycle parking arrangements. Also proposed are revised layouts of the residential units at second, third and fourth floor levels. At second floor level the bedrooms are now facing onto Kings Bench Street and the remaining unit on this floor also has a revised layout with one of the bedrooms now facing onto Rushworth Street. At third floor level the unit on the corner of Rushworth Street and Kings Bench has a slightly revised layout with the bathrooms now in a different location. At fourth floor level the units now have an more open plan layout with the kitchen areas now facing onto the deck access and the living/dining facing onto Kings Bench Street. Also proposed is the provision of a bridge link at 2nd floor level, addition of Solar PV panels at roof level, removal of the lowered courtyard in the office space, revised screening of the access decks and removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space. Also proposed are changes to all elevations which are detailed in the design discussion below, as well as amendments to the energy strategy.
- 11 Other changes include a revised cycle storage area which now accommodates the commercial and residential bike storage in the same area. There is a larger commercial and residential refuse storage area. The gate to the courtyard is now set slightly back from the boundary of the site. The platform lift has been moved to a different location. At first floor level the courtyard serving the commercial floorspace has been removed with other minor revisions in the layout of the stair cores and lifts.

Openable windows have been inserted to the side and front elevations.

- 12 Revised plans have been received during the course of the application (17/04/12) indicating a higher flank wall on the Taxi Yard Elevation (dwg. no. 112R/A). This raised the flank wall to near the top of the top frame. This was due to the concerns of neighbouring residents who felt that the revised balcony arrangements led to a loss of privacy.
- 13 A revised ground floor arrangement was also received during the course of the application (29/06/12) indicating separate cycle provision for the commercial and residential units.
- 14 Also revised was a Stage D Energy Report, a BREEAM Design note (received 29/06/12) which responded to concerns raised in relation to the sustainability of the proposed scheme.

Planning history

- 15 08/AP/0351 [03/10/2008] Grant permission for

Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment (RE-SUBMISSION)
- 16 11/AP/2574 Grant Certificate of Lawful Development (Existing): [09/09/2011]

Installation of a foundation pile in accordance with planning permission 08-AP-0351 dated 03/10/2008 and as amended under s96a (reference: 11-AP-1347) (for 'Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment').

This confirmed that the scheme had been lawfully implemented. It is noted that no further work appears to have taken place on site.
- 17 11/AP/1347 Agree [09/06/11]

Non-material amendments to conditions 2, 3, 4, 5, 6, 7, 16, 17, 20, 22, 23 of permission reference 08-AP-0351 dated 03.10.2008 (for 'construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment') to allow implementation works to proceed before the details required by the conditions need to be submitted, and addition of a condition listing the approved plans.
- 18 11/AP/0450 Grant Conservation Area Consent for: [07/04/11]

Complete demolition of all parts of building on site. It is assumed that there is a double leaf brick wall to the boundary between the site and adjacent building at 63 Webber Street and subject to investigation the leaf that sits on the site will be removed.
- 19 10/AP/1930 Refuse Conservation Area Consent for: [01/11/10]

Complete demolition of all parts of building on site. It is assumed that there is a double leaf brick wall to the boundary between the site and adjacent building at 63 Webber Street and subject to investigation the leaf that sits on the site will be

removed.

20 11/AP/1926 [26/08/11]

Details of condition 12 (archaeology) - Implementation of a programme of archaeology as required by planning application Ref 08AP0351 for the (Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floor space and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment)

21 05/AP/2629 [28/06/2006]

Refuse planning permission for demolition of the existing building and erection of a new five-storey building comprising four B1 units and 13 flats (4 x 1-bedroom, 8 x 2-bedroom and 1 x 3-bedroom)

Planning history of adjoining sites

22 STUDIO 1, 63 WEBBER STREET, LONDON, SE1 0QW

11/AP/1362 Grant Permission for:[15/09/11]

Creation of balcony to dormer window at rear of building. This has not been implemented.

22 10/AP/2918 Grant Permission for: [15/12/10]

Part change of use of first floor photographic studio (Use Class B1) to live/work unit (use Classes B1/C3) including introduction of a mezzanine floor to enable the creation of the residential element, and incorporation of two new windows in the Webber Street Elevation.

23 10/AP/1387 [24/08/10]

Refuse planning permission for:

Part change of use of first floor photographic studio (Use Class B1) to live/work unit (Use Classes B1/C3) including the introduction of a mezzanine floor to enable a studio flat, and incorporation of two new windows in the Webber Street elevation.

24 08/AP/2723 [20/01/09] Grant permission for:

Part change of use of first floor photographic studio (Class B1) to live/work unit (Classes B1/C3) including the introduction of a mezzanine floor to enable a two bedroom flat to be provided.

25 07/AP/2226 Refused [09/01/08] and appeal dismissed. [17/09/08]

Conversion of existing photographer's studio into a live-work unit, which includes the creation of a 2 bed flat, leaving 81.5sqm of workspace. New first floor entrance door to front elevation also proposed.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

26 The main issues in this case are:

a] The principle of the development in terms of land use and conformity with strategic

policies.

b] Design and layout and impact on the King's Bench Conservation Area

c] Amenity space provision

d] Impact on the amenities of neighbouring residents and occupiers

e] Impact of adjoining and nearby uses on occupiers and users of proposed development

f] Traffic issues

g] Archaeological interest

h] Flood risk assessment

i] Planning obligations

j] Sustainability

Planning policy

27 Core Strategy 2011

- 28 Strategic Policy 1 – Sustainable development
- Strategic Policy 2 – Sustainable transport
- Strategic Policy 5 – Providing new homes
- Strategic Policy 6 – Homes for people on different incomes
- Strategic Policy 7 – Family homes
- Strategic Policy 10 – Jobs and businesses
- Strategic Policy 12 – Design and conservation
- Strategic Policy 13 – High environmental standards
- Strategic Policy 14 - Implementation

29 Southwark Plan 2007 (July) - saved policies

- 30 Policy 1.4 Employment sites outside the Preferred Office Locations and Preferred Industrial Locations
- Policy 1.5 Small Business Units
- Policy 2.5 Planning Obligations
- Policy 3.2 Protection of Amenity
- Policy 3.3 Sustainability Assessment
- Policy 3.4 Energy Efficiency
- Policy 3.6 Air Quality
- Policy 3.7 Waste Reduction
- Policy 3.9 Water
- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in Design
- Policy 3.13 Urban design
- Policy 3.14 Designing out crime
- Policy 3.16 Conservation Areas
- Policy 3.28 Biodiversity
- Policy 4.2 Quality of Residential Accommodation
- Policy 4.3 Mix of Dwellings
- Policy 4.4 Affordable Housing

Policy 5.1 Locating Developments
 Policy 5.2 Transport Impacts
 Policy 5.3 Walking and Cycling
 Policy 5.6 Car Parking
 Policy 5.7 Parking Standards for disabled people and the mobility impaired

31 London Plan 2011

- 32 Policy 2.12 Central Activities Zone - Predominantly Local Activities
 Policy 3.3 Increasing Housing Supply
 Policy 3.8 Housing Choice,
 Policy 3.9 Mixed and Balanced Communities
 Policy 5.2 Minimising Carbon Dioxide Emissions
 Policy 5.3 Sustainable Design and Construction
 Policy 5.7 Renewable Energy
 Policy 6.9 Cycling
 Policy 6.13 Parking
 Policy 7.2 An Inclusive Environment
 Policy 7.3 Designing Out Crime
 Policy 7.4 Local Character
 Policy 7.5 Public Realm
 Policy 7.6 Architecture
 Policy 8.2 Planning Obligations

33 National Planning Policy Framework

The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

NPPF Sections which are particularly relevant to this application.

1. Building a strong competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design.
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

Principle of development

- 34 The principle of the replacement floorspace and residential above has been accepted under the previous consent. In terms of the B1 floorspace, the changes proposed in this application include a reorganisation of the B1 space at ground and first floor levels. This has resulted in a loss of 37.6 sq. m. of B1 floorspace when compared to the consented scheme (this is based on the schedule of areas provided by the applicant - it is noted that the revised figure refers to 1020.4 Gross Internal Area (as per e-mail 29th Feb 2012) while the permitted figure refers to 1058 Net Internal Area - The applicant has confirmed by way of e-mail dated 29th Feb 2012 that there has been a loss of B1 floorspace as compared to the consented scheme).
- 35 It is noted however that the originally consented scheme proposed a total of 1058 sq. m. to replace the existing warehouse with a floorspace of 764 sq. m. As such the

current proposal still proposes an increase in B1 floorspace when compared to the existing. The loss of the B1 when compared to the consented scheme has come about as a result of the reconfiguration of the B1 floorspace. There is no objection then in principle to this reconfiguration or loss of floorspace as compared to the consented scheme as the total B1 floorspace now proposed is greater than that existing on site and is of a high quality.

- 36 The National Planning Policy Framework (2012) states that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan and every decision.
- 37 In relation to delivering housing, the NPPF states that Local Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 38 Having regard to the above, it is considered that allowing the change of use would be in keeping with the principles of the NPPF.
- 39 The proposed change of use would not result in the loss of office floor space (Use Class B1) outside the preferred office and industrial location as such saved Policy 1.4 'Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations' is not applicable in this instance.
- 40 The proposed development of a mixed use scheme would have to comply with saved Policy 1.7 'Development within town and local centres', which encourages a range of uses within town centres (Elephant and Castle), uses such as retail and services, entertainment and community, civic, cultural, tourism and both residential and employment (Class B1) uses, where the following criteria are met:
- 41 These include, amongst others:
- ii) The proposal will not harm the vitality and viability of the centre; and
 - iii) A mix of uses is provided where appropriate; and
- 42 It is noted that the previous consent has already been assessed under this policy and was found to be acceptable. In relation to this slightly amended scheme, it is not considered that the proposal would detrimentally impact on the vitality and viability of the town centre over and above the previous consent. A mix of uses is provided in this instance. As such it is considered the revised scheme is compliant with saved Policy 1.7.
- 43 The site is located within the Bankside and Borough Opportunity Area. The vision for this areas as set out in the Core Strategy 2011 is to provide new businesses, shops, housing and cultural facilities that will benefit local residents as well as raise the profile of Southwark.
- 44 This proposal is for a mixed use development on a previously developed site that is arguably under-used at present, offering 5 jobs (at the time of the previous consent), seeking to provide an increase in both the amount of employment floor space as well as an uplift in potential employee numbers with the proposed B1 use, and with residential use above that. Subject to a detailed assessment of the design, and environmental impacts, impacts on neighbours and other impacts, the principle of the scheme is considered to be acceptable in principal.

Environmental impact assessment

- 45 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 46 Overall, it is not considered the revised residential layouts at second floor level would impact on the amenity of surrounding residential occupiers. There is no increase in the height of the proposed buildings. As such the same conclusions in relation to impact on daylight and sunlight and creation of a sense of enclosure as relates to surrounding occupiers have been reached in this instance, namely that any impacts will be acceptable having regard to residential amenity.
- 47 As such the considerations below only consider the amendments which have the potential to impact on the amenity of the surrounding area, over and above the consented scheme.
- 48 Revised layouts of the residential units are proposed at second, third and fourth floor levels. At second floor level the bedrooms are now facing onto Kings Bench Street and the remaining unit on this floor also has a revised layout with one of the bedrooms now facing onto Rushworth Street. At third floor level the unit on the corner of Rushworth Street and Kings Bench has a slightly revised layout with the bathrooms now in a different location. At fourth floor level the units now have an more open plan layout with the kitchen areas now facing onto the deck access and the living/dining facing onto Kings Bench Street.
- 49 63 Webber Street
As noted in the previous assessment of the consented scheme, the development is located to the north of the closest affected residential unit being the live/work unit at 63 Webber St. It is not considered that this unit, or other surrounding units will be impacted upon as a result of loss of daylight/sunlight.
- 50 It is not considered that the proposed development itself will raise any significant overlooking issues having regard to the screened walkways proposed, subject to conditions.
- 51 The occupier of the live/work unit to the south at No. 63 had previously raised concerns in relation raised concerns about loss of light/sense of outlook and sense of enclosure as a result of the erection of the proposed 'gabion wall' along the eastern edge of the site, enclosing the communal garden at second floor level. This occupier has also objected to the current scheme and has stated that the privacy screen should still be erected between his property and the development site, in order to ensure that privacy is maintained.
- 52 No. 63 now has consent for a balcony and screening which is over the existing sloping roof of No. 63. Should this be built the screening will help to provide privacy. However it is considered that a condition should be imposed on any permission requiring screening to be erected between the application site and No. 63 Webber Street should

the consented balcony and screening not be constructed.

- 53 No. 63 Webber Street also has a roof terrace. Approved drawings in relation to 11/AP/1362 (Creation of balcony to dormer window at rear of building) indicate that the approved balcony would not contribute significantly to any overlooking of the proposed development, over and above the existing roof terrace. While it is slightly closer to the application site, the area which will be overlooked is the landscaped garden area, which is overlooked in any case by the roof terrace.
- 54 33-38 Rushworth Street
The revised plans propose a bedroom rather than a kitchen on the Kings Bench Street elevation on the second and third floors. It is not considered that this will impact on privacy given that to the north of the site the development at the site known as 33-38 Rushworth St is occupied by a two-storey property containing 23 small commercial, warehouse and office units so no overlooking between habitable room windows would arise.
- 55 22 King's Bench Street
As stated in a number of the objections received in relation to this scheme, the amendments to the balconies at third floor level have the potential to impact on the privacy of the occupiers of 22 King's Bench Street. Originally submitted plans indicated a more exposed balcony at third floor level, which had the potential to impact on the privacy of 22 King's Bench Street. The consented plans show a balcony with a high flank wall which served to mitigate any impact.
- 56 Revised plans have now been received indicating a higher flank wall on the Taxi Yard Elevation (dwg. no. 112R/A). This raised the flank wall to near the top of the top frame. As such this is considered to overcome any potential overlooking from this balcony.
- 57 In relation to the fourth floor balcony, screening is still proposed for the balcony facing towards King's Bench Street and as such there are no privacy concerns raised in this case.
- 58 Overall the proposed development, with the revisions and subject to conditions in relation to screening, is still considered to adequately protect the amenity of adjoining and future occupiers and the amenities of surrounding occupiers consistent with the outcomes sought by saved Policy 3.2 of the Southwark Plan (UDP) July 2007.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 59 The site is located in an area of mixed uses including residential, commercial and is also in close proximity to the railway viaduct to the north-east. The scheme itself also proposes residential activity located on the upper floors, above the proposed B1 commercial uses. Noise and vibration generated from surrounding uses and from within the site all therefore have the potential to generate harmful impacts upon the proposed uses, in particular the residential activity.
- 60 The consented application was accompanied by a Noise Report and the scheme has been assessed in terms of the impact of the use of the adjoining railway viaduct and surrounding mixed commercial uses, in terms of noise and vibration on the proposed uses, in particular the residential activity. In addition assessment has been made of impacts in terms of air quality having regard to the surrounding mixed uses and as the site is within an air quality management area. The scheme has also been assessed with regard to the sensitivity of the proposed residential uses above the proposed commercial uses at ground and first floor levels.

61 As a result of this assessment a number of conditions of consent were secured to mitigate potential harmful impacts of the surrounding uses on occupiers and users of the proposed development. It is considered that subject to compliance with these conditions, harmful effects would be avoided or mitigated. It is considered that these conditions should be re-imposed in this instance.

62 It is not considered that the amendments suggested here would warrant a new noise report, although it is noted that some of the bedroom units are now facing onto Kings Bench Street. However, these units will still need to achieve the relevant noise standards, as required by condition.

Traffic issues

63 Given that the site falls within a high PTAL level, a Controlled Parking Zone and CAZ, the proposed car free development is acceptable.

64 The applicant has agreed to the payment of the sum of £2, 750 via the S106 in order to amend the Traffic Management Order to exempt all future occupiers from obtaining parking permits.

65 Cycle parking requirements are 10 spaces for the residential element, and four for the employment B1 space, (14 total). The applicant has submitted an updated plan (dwg no. 0630 SK 101R) indicating a separate commercial and residential cycle store, although the capacity of each store has not been explicitly indicated. A condition should be imposed requiring additional details of the number and type of cycle storage proposed.

66 Overall, the proposal is considered to be consistent with Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011), saved policies 5.1 Locating developments, 5.2 Transport impacts, 5.3 Walking and cycling, and 5.6 Car parking of the Southwark Plan 2007. It would help promote non-car modes of transport, provide an acceptable level of bicycle storage, and suitable refuse storage arrangements.

Design issues and Impact on the Kings Bench Conservation Area

67 The revised scheme proposes a number of design changes. These changes include:

- an anodised aluminium screen to balcony rather than a perforated shading screen
- a change of cladding of the prominent balconies and lower storeys from ceramic tiles to reconstituted stone cladding
- removal of balustrade to balcony
- glazed residential staircase in place of the external steel frame stair with metal cladding
- addition of glazed residential bridge link at second floor level
- addition of powder coated steel frame in place of the moveable shutters
- larger areas of glazing to serve the commercial element
- Amended deck screening to courtyard elevation

68 It is not considered the proposed alterations diminish the design merits of the overall scheme. Indeed it is considered that the character and appearance of the Conservation Area would be preserved or enhanced.

69 The revisions proposed include amendments to balconies on the King's Bench elevation - these involve a change of cladding of the prominent balconies and lower storeys from ceramic tiles to reconstituted stone cladding. The tiled cladding was proposed prior to the designation of the conservation area. This change was partly in

response to the designation of the conservation area and introduces a more appropriate material to the lower parts of the development in this sensitive context. Glazed tile cladding is not typical of the area but stone features and especially stone surrounds to entrances are a noted feature of the area. The change is therefore considered appropriate and is an enhancement of the consented scheme.

- 70 Amendments to layout of B1 floorspace at ground and first floor level - These are principally internal changes and do not affect the external appearance of the consented scheme.
- 71 Revised access and cycle parking arrangements at ground floor level - This affects mainly the internal arrangement of the development at the ground level. The main impact appears to be the enlarged staircase enclosure. This is not unusual and normally affects developments when they have to comply with the current requirements of Building Control. The stair is located in the same area as the consented scheme and the enlargement is reasonable. As such the changes are considered acceptable and are not substantially different from what was approved. Residents and commercial users can still access the cycle parking area without difficulty. [see also discussion on cycle parking under heading 'Traffic Issues'].
- 72 Revised layouts of the residential units at second, third and fourth floor levels, including provision of a bridge link at 2nd floor level, addition of Solar PV panels at roof level, removal of the lowered courtyard in the office space, revised screening of the access decks and removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space. These changes affect the internal arrangement of the residential units on the second floor and now propose to locate bedrooms onto both the Webber Street and Kings Bench frontages. These changes mean that kitchen have been located at the galleried access levels to the rear and thus reducing the number of bedrooms whose only outlook is towards the rear of the site. The changes are consistent with the consented scheme and it is considered that the changes improve the outlook of the units.
- 73 A further change is the change to the design of the perforated metal screen from the galleried access corridors (courtyard elevation). This perforated screen was more animated in the consented scheme with angled faces directing views away from neighbours. The revised proposal is for flat, perforated metals screens that retain the main design principles of the consented scheme without the animated arrangement. The appearance of a lattice-like screen has been preserved by the revised proposal albeit simpler than the original. This is not a primary elevation of the scheme and is unlikely to be prominent in the conservation area and is not substantially different from the consented scheme.
- 74 Apart from the changes to the facing of the lower floors noted above (ceramic tiles to reconstituted stone), the proposed changes to the facades include enlarged windows to the commercial frontage on Webber Street (ground and 1st floors); the inclusion of a bridge from the stair at second floor level; and the simplification of the facade to the 'pavilion' block on Webber Street. The main features of the metal-clad upper storeys and the use of slim-profile bricks has been retained as has the general fenestration pattern and the feature screening to the high level balconies. The changes reflect the internal changes to the residential units. They give the design a more coherent appearance, allow the scheme to address the street in a more deliberate way and, on the whole, are not substantially different from what was approved.
- 75 Accordingly officers are satisfied with the revised appearance and layout of this proposal. In particular the enhanced materials like the reconstituted stone facing, and the retention of the best aspects of the consented scheme like the slim brick facing, will ensure that this proposed changes, whilst material, are not substantially different

from what was approved and enhance the appearance and character of the conservation area. However, the previous conditions in relation to additional detail of the balconies, windows and doors should be re-imposed in this instance.

Residential Design Standards

- 76 **Unit and Room Sizes**
The proposed plans indicate alterations to the room layouts at second and third floor levels with alterations to the room sizes. However unit sizes and room sizes are in compliance with the Residential Design Standards SPD (2011) and are therefore acceptable.
- 77 **Aspect**
The units are dual aspect as per the consented scheme.
- 78 **Stacking**
The revised layouts result in units that do not have the most satisfactory stacking arrangements. However this was the case in the consented scheme where there were bedrooms over living room and dining rooms over bedrooms. As such this would not warrant a refusal in this instance and there is control over noise insulation under current building regulations.
- 79 **Amenity Space**
In terms of communal amenity space the application proposes a larger communal garden at second floor level than was originally consented. Private amenity space in the form of balconies is similar to consented, with altered screen arrangements for the balconies at fourth floor level. Details of these screens should be required by condition (see discussion on residential amenity above).
- 80 It is considered that planters should be located outside Bedroom 1 of those units where the deck access allows residents to pass directly by the bedroom areas in order to provide a level of separation between the windows and the walkway. This can be requested by way of condition.

Impact on trees

- 81 No trees are impacted upon as a result of this proposal.

Planning obligations (S.106 undertaking or agreement)

- 82 The quantum of development has not significantly changed (B1 floorspace is similar and the mix of units remains the same) as a result of these modifications and as such it has been agreed that the S106 contributions should remain the same in this case. These are set out below.
- 83 The scheme is not liable for planning obligations in relation to the residential component as the scheme falls below the threshold of 10 units which is set out in the Councils Adopted S106 SPD 2007 (9 units proposed). The scheme is liable for planning obligations in relation to the B1 element as the amount proposed exceeds 1000 sq m.
- 84 The applicant has agreed to the draft Heads of Terms (monetary contributions) based around the Planning Obligations SPD. The draft Heads of Terms are as follows;

Employment in the development - £13 069

Employment during construction –£10 111

Transport strategic - £13 069

Transport site specific – none requested by Traffic Group apart from CPZ exemption
£2 750

Public realm - £15 870

Admin charge - £ 1 613

Total - £82 273

- 85 There will be a total contribution of £82 273. Overall, the proposal is consistent with saved Policy 2.5 (Planning Agreements) of the Southwark Plan 2007 and the Supplementary Planning Document on Planning Obligations 2007.
- 86 It is noted that these contributions have been already paid by the applicant. At the time of writing a deed of variation has been prepared by the Council's Legal Team linking the original S106 agreement with this S73 permission which will be sealed should this application be granted permission.

Mayoral Community Infrastructure Levy

- 87 Section 143 of the Localism Act 2011 states the any financial sum that an authority has received, will, or could receive in the payment of CIL as a material “local financial consideration” in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. CIL is payable on applications for new buildings which create new residential units. There is an existing building on site.
- 88 CIL is therefore payable on the balance of the floor space (proposed floorspace less the existing floorspace). The total residential floorspace is calculated at 900 sq. m and the total commercial floorspace is 1020.4 sq. m. The total existing floorspace is 764 sq. m. The balance then is 1156.4. The total CIL payable is £40,474. A CIL liability notice would be issued in due course if consent is granted.

Sustainable development implications

- 89 While it is noted that this is a S73 application, proposing amendments to an already approved application, changes are being proposed to the originally proposed energy strategy for the scheme. As such it is considered reasonable to require the scheme to achieve the updated targets as set out in the London Plan (2011) and the Core Strategy (2011), where possible.
- 90 The development would also be expected to meet BREEAM rating excellent for non-residential uses.
- 91 London Plan policy 5.6 (a) which states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.
- 92 In relation to this, the applicant has stated by way of a covering letter that CHP is not suitable for this mix and size of scheme; the low heating load requirement and

fluctuating usage pattern would not present a consistent base load for a CHP engine to operate efficiently.

- 93 Core Strategy policy 13 also requires a 20% reduction in carbon dioxide from on-site local low and zero carbon sources of energy.
- 94 Core strategy policy 13 also requires a 44% saving in CO2 emission above the building regulations 2006 (25% below buildings regulations 2010).
- 95 Additional information has been received in relation to sustainability. The approach in this instance is to maximise energy efficiency. In terms of renewable energy provision, a mix of solar thermal and photovoltaic's is proposed for the residential scheme. It is proposed that ground source heat pumps are used, potentially alongside air source heat pumps and more efficient PV technology to deliver maximum carbon savings for the office space. However no explicit demonstration is provided that 20% carbon reductions have been achieved, although the submitted assessment implies that it has been. A revised energy assessment should be required by way of condition which demonstrates explicitly how this target has been achieved.
- 96 In relation to Code for Sustainable Homes, the submitted assessment indicates that the proposal falls just below Code Level 4, the level not being achieved as a result of the reduction in the 44 % CO2 target emissions rate not being achieved. However a covering letter (dated 28th June 2012) submitted with the application states that within the inclusion of a renewable mix of ground/air source heat pumps, alongside further efficiency gains, Code Level 4 is now achievable. A post-construction assessment should be submitted demonstrating this has been achieved. It is considered that this can be required by way of condition. A achievement of this target emissions rate will also satisfy Core Strategy Policy 13.
- 97 In relation to BREEAM, the submitted report (BREEAM Design Note) indicates an overall target score of 74.99%. Verbal discussions with the applicant indicate that a final score of over 70% may be achieved although this may not translate to a 'BREEAM' excellent score. At the time of writing officers are seeking clarification and justification of the BREEAM score envisaged. This justification and clarification will be made available to Members in the form of an addendum to this report prior to the meeting of the sub-committee on 18th July. It is likely a condition in relation to BREEAM will be imposed on any consent granted and details of this condition will be included on an addendum to this report.
- 98 Conditions on any consent granted are recommended to ensure that the scheme for energy generation as set out in the energy assessment is implemented and maintained so that the scheme delivers the proportion of energy from on site renewable generation which has been predicted. A further condition should be imposed requiring details, including location, appearance and noise levels of any plant (such as ground source/air source heat pumps), in order to have control of the appearance of such plant and to ensure that neighbouring amenity is not impacted upon.

Flood risk

- 99 The Environment Agency have raised no objection to the revised scheme, subject to a condition being imposed. As per the previous application, the proposed ground floor would remain in commercial use, as existing. The proposed habitable accommodation, comprising flats, are all on 2nd floor or above. The applicants originally submitted Flood Risk Assessment states that the Environment Agency are happy with commercial uses on ground floor and require residential to be 300mm above flood level, at 5.4m AOD. This should be required by way of condition.

Waste

- 100 The application shows revised bin storage and recycling arrangements for the commercial and residential units. This appears to increase the area available for the commercial and residential units and is considered to be acceptable. It is not considered that original condition requiring details of recycling/waste arrangements is not relevant in this case, as details have been provided in the submitted plans. However a condition requiring their provision as proposed on the plans and retention is recommended.

Other matters

- 101 It is noted that the consent has technically been implemented already [Certificate of Lawfulness - Reference 11/AP/2754 granted 09/09/2011) and as such the conditions have been modified to reflect this where necessary. Furthermore, in the interests of proper planning, it is considered reasonable to impose a three year time limit on the implementation of this revised scheme, so as to avoid having two open ended consents on this site.

Conclusion on planning issues

- 102 The application will see the redevelopment of a brownfield site to provide much needed housing, whilst retaining employment floor space in excess of the existing amount. The impact on neighbour amenity is acceptable, subject to conditions. The height, scale and massing, given the high quality of the design are considered to be acceptable within the context of the surrounding environment. The traffic impacts, car and cycle parking provisions, and servicing arrangements are also acceptable. Conditions are recommended to mitigate particular impacts of the scheme. Planning obligations will be secured to offset the impact of the development in accordance with the SPD on Planning Obligations. The scheme is in accordance with local and national policies and is recommended for approval.

Community impact statement

- 103 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- 104 a) The impact on local people is set out above.
- 105 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none
- 106 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none required

Consultations

- 107 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

108 Details of consultation responses received are set out in Appendix 2.

109 Summary of consultation responses

6 objections have been received in relation to this proposal:

63 Webber Street. Issues raised are summarised below:

- concern is about the "removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space".
- This existing screening condition was implemented by the council to protect property due to the very close proximity of this garden to bedroom window.
- need to ensure that this condition is upheld and not removed unless an acceptable alternative is implemented.
- A separate planning consent was recently granted to the applicants for a balcony (with balustrading) addition to 63 Webber Street. Unless this was built (or a legal guarantee that it would be) and all details of the revised screenings and garden plantings were agreed and clearly show the overlooking implications for both parties, then it would not be reasonable to remove this condition.

Freeholder, 63 Webber Street

- alternative screening proposal should be agreed with all parties beforehand
- condition in relation to screening should not be removed
- no changes should be made to the existing consent

11, The Bench, 22 King's Bench Street, SE1 0QX

- objects to balconies protruding beyond the curtilage of Newspaper House
- people sitting on the balconies would be able to see directly into the bedrooms of the flats in The Bench

12, Bench Apartments, 22 Kings Bench Street, SE1 0QX

- object to the proposed changes to the side retaining wall on the left of the King's Bench Elevation
- changes appear to expose a third floor balcony and window and open up a fourth floor balcony by reducing the height of the side wall leading to overlooking
- open balconies not in keeping with the area and impacts negatively on the Conservation Area
- Consented plans already have a major impact as a result of the height
- lack of detail in relation to materials proposed

10, The Bench, 22 King's Bench Street

- proposed balconies would impact on privacy
- loss of light to the flats on the lower floors of the building
- development is not in keeping with the light industrial architectural language of the

area

8, Bench Apartments, 22 King's Bench Street

- corner balconies would now have an open aspect
- will have an intrusive impact on neighbouring dwellings in Bench Apartments, particularly as bedrooms will be overlooked.

Officer Response:

A condition in relation to screening has been put in place in order to alleviate the concerns of No. 63 Webber Street

Revised drawings have been received in relation to the balcony at third floor level facing towards 22 King's Bench Street which show a raised flank wall

Design issues are discussed in the main body of the report where it is concluded that the scheme would preserve or enhance the character or appearance of the Conservation Area.

Human rights implications

- 110 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 111 This application has the legitimate aim of providing alterations to a consented scheme. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1231-65 Application file: 12-AP-0542 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5420 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour consultee list
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ronan O'Connor, Planning Officer	
Version	Final	
Dated	2 July 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Planning	Yes	Yes
Strategic Director Environment and Housing	No	No
Date final report sent to Constitutional Team	6 July 2012	

Consultation undertaken

Site notice date: 07/03/2012

Press notice date: 01/03/12

Case officer site visit date: 07/03/12

Neighbour consultation letters sent:

07/03/12

Internal services consulted:

Design and Conservation

Statutory and non-statutory organisations consulted:

EA (via e-mail 15/03/12)

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

None

Consultation responses received

Internal services

Design and Conservation - No objection

Transport - Require details of servicing and cycle parking

Statutory and non-statutory organisations

EA - no objection but suggest condition

Neighbours and local groups

63 Webber Street. Issues raised are summarised below:

- concern is about the "removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space".
- This existing screening condition was implemented by the council to protect property due to the very close proximity of this garden to bedroom window.
- need to ensure that this condition is upheld and not removed unless an acceptable alternative is implemented.
- A separate planning consent was recently granted to the applicants for a balcony (with balustrading) addition to 63 Webber Street. Unless this was built (or a legal guarantee that it would be) and all details of the revised screenings and garden plantings were agreed and clearly show the overlooking implications for both parties, then it would not be reasonable to remove this condition.

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- open balconies not in keeping with the area and impacts negatively on the

Conservation Area

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- lack of detail in relation to materials proposed

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- proposed balconies would impact on privacy
- loss of light to the flats on the lower floors of the building
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- corner balconies would now have an open aspect
- will have an intrusive impact on neighbouring dwellings in Bench Apartments, particularly as bedrooms will be overlooked.

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A condition in relation to screening has been put in place in order to alleviate the concerns of No. 63 Webber Street

Revised drawings have been received in relation to the balcony at third floor level facing towards 22 King's Bench Street which show a raised flank wall

Design issues are discussed in the main body of the report

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 12/AP/0542

TP No	TP/1231-65	Site	NEWSPAPER HOUSE, 40 RUSHWORTH STREET LONDON, SE1 0RB
App. Type	S.73 Vary/remove conds/minor alterations		

**Date
Printed** **Address**

07/03/2012 UNIT 14 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 35-37 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 94 WEBBER STREET LONDON SE1 0QN
07/03/2012 UNIT 8 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 23 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 15 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 16 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 7 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 5 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 UNIT 9 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 GROUND FLOOR 20 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 UNIT 17 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 11 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 12 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 1-3 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 UNIT 21 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 GROUND FLOOR 61 WEBBER STREET LONDON SE1 0RF
07/03/2012 FIRST FLOOR 61 WEBBER STREET LONDON SE1 0RF
07/03/2012 37 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 STUDIO 1 63 WEBBER STREET LONDON SE1 0QW
07/03/2012 GROUND FLOOR 96 WEBBER STREET LONDON SE1 0QN
07/03/2012 SECOND FLOOR 61 WEBBER STREET LONDON SE1 0RF
07/03/2012 GROUND FLOOR STUDIO 63 WEBBER STREET LONDON SE1 0QW
07/03/2012 THIRD FLOOR 24-28 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 FIRST FLOOR FLAT 96 WEBBER STREET LONDON SE1 0QN
07/03/2012 STUDIO 2 63 WEBBER STREET LONDON SE1 0QW
07/03/2012 NEWSPAPER HOUSE 65 WEBBER STREET LONDON SE1 0QP
07/03/2012 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 FIRST FLOOR 24-28 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 SECOND FLOOR 24-28 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 NEWSPAPER HOUSE KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 GROUND FLOOR 24-28 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 FIRST FLOOR 20 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 FLAT 3 94 WEBBER STREET LONDON SE1 0QN
07/03/2012 FLAT 4 94 WEBBER STREET LONDON SE1 0QN
07/03/2012 FLAT 1 94 WEBBER STREET LONDON SE1 0QN
07/03/2012 FLAT 2 94 WEBBER STREET LONDON SE1 0QN
07/03/2012 1 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 2 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 FRIARS COURT RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 PART FIRST FLOOR 96 WEBBER STREET LONDON SE1 0QN
07/03/2012 UNIT 10 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 13 33 RUSHWORTH STREET LONDON SE1 0RB

07/03/2012 7A KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 7B KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 UNIT 22 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 24 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 19 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 UNIT 20 33 RUSHWORTH STREET LONDON SE1 0RB
07/03/2012 3 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 PART GROUND FLOOR 96 WEBBER STREET LONDON SE1 0QN
07/03/2012 13 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 16 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 30 RUSHWORTH STREET LONDON SE1 0RB
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07/03/2012 11 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 8 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX
07/03/2012 9 KINGS BENCH APARTMENTS 22 KINGS BENCH STREET LONDON SE1 0QX

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mrs M. Lavell Martin Lavell Ltd	Reg. Number	12/AP/0542
Application Type	S.73 Vary/remove conds/minor alterations	Case Number	TP/1231-65
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Addition of a new condition listing revised drawing numbers and variation of Condition 5 of planning permission 08-AP-0351 [dated 03/10/2008][Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment]. The revisions proposed include amendments to balconies on the King's Bench elevation, amendments to layout of B1 floorspace at ground and first floor level, revised access and cycle parking arrangements at ground floor level, revised layouts of the residential units at second, third and fourth floor levels, including provision of a bridge link at 2nd floor level, addition of Solar PV panels at roof level, removal of the lowered courtyard in the office space, revised screening of the access decks and removing the consented screen adjacent to 63 Webber Street to create more useable garden amenity space. Also proposed are changes to all elevations.

At: NEWSPAPER HOUSE, 40 RUSHWORTH STREET LONDON, SE1 0RB

In accordance with application received on 22/02/2012

and Applicant's Drawing Nos. Site Location Plan, 0630 SK 01, 0630 SK 02, 0630 SK 101 R, 0630 AP 101R, 0630 AP 102R, 0630 AP 103R, 0630 AP 104R, 0630 AP 105R, 0630 AP 106R, 111R REV A, 112R REV A, 0630 AP 300, 0630 AP 301, 0630 AP 302, 0630 AP 303, 0630 AP 304;

Consented Ground Floor & Site Plan, Proposed Ground Floor & Site Plan, Consented First Floor Plan, Proposed First Floor Plan, Consented Second Floor Plan, Proposed Second Floor Plan, Consented Third Floor Plan, Proposed Third Floor Plan, Consented Fourth Floor Plan, Proposed Fourth Floor Plan, Consented Roof Plan, Proposed Roof Plan, Consented Elevations, Proposed Section & Elevations, Consented Elevations - Sections C & D, Proposed Section & Elevations - Courtyard & Section E, Consented Elevations - Taxi Yard & Section C, Proposed section & Elevations - Taxi Yard & Section C, Consented Section B, Proposed Section B

Foul and Surface Water Drainage Statement; Planning, Design and Access Statement; Significance Assessment

Cover Letter (dated 28th June 2012); 40 Rushworth Street - Stage D Report; BREEAM Design Note

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Core Strategy 2011

Strategic Policy 2 - Sustainable transport: We will encourage walking, cycling and the use of public transport rather than travel by car. This will help create safe, attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 5 - Providing New Homes: Development will meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive environments, particularly in our growth areas.

Strategic Policy 6 - Homes for people on different incomes: Development will provide homes including social rented, intermediate and private for people on a wide range of incomes.

Strategic Policy 7 - Family Homes: Development will provide more family housing with 3 or more bedrooms for people of all incomes to help make Southwark a borough which is affordable for families.

Strategic Policy 10 - Jobs and businesses: We will increase the number of jobs in Southwark and create an environment in which businesses can thrive. We will also try to ensure that local people and businesses benefit from opportunities which are generated from development.

Strategic Policy 12 - Design and conservation: Development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.

Strategic Policy 13 - High environmental standards: Development will help us live and work in a way that respects the limit's of the planet's natural resources, reduces pollution and damage to the environment and helps us to adapt to climate change.

Strategic Policy 14 - Implementation and delivery seeks to ensure that our strategic vision and objectives for further protecting, enhancing and regenerating Southwark are implemented.

b] Saved Policies of the Southwark Plan 2007

Policy 2.5 (Planning obligations): seeks to ensure that any adverse effects arising from a development is taken into account and mitigated and contributions towards infrastructure and the environment to support the development are secured, where relevant in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.1 (Environmental effects): seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

Policy 3.2 (Protection of amenity): advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.6 (Air quality): advises that permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.9 (Water) advises that all developments should incorporate measures to reduce demand and for rain water recycling.

Policy 3.12 (Quality in design): requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 (Urban design) seeks to ensure that principles of good urban design are taken into account in all developments.

Policy 3.14 (Designing Out Crime) seeks to ensure that development is designed to improve community safety and crime prevention.

Policy 3.16 (Conservation areas) states that within conservation areas, development should preserve or enhance the character or appearance of the area.

Policy 3.18 (Setting of listed buildings, conservation areas and world heritage sites) states that

Permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building

Policy 3.19 ("Archaeology") seeks to ensure that the impact of development on any archaeological remains is assessed and preserved, protected and safeguarded.

Policy 4.2 ("Quality of residential accommodation") ensures that good quality housing is provided for the accommodation needs of the borough.

Policy 4.3 ("Mix of Dwellings") requires all major residential new development to provide a mix of dwelling sizes and types to cater for the range of housing needs of the area.

Policy 4.4 ("Affordable Housing") seeks to secure affordable housing as part of private development

Policy 5.1 ("Locating developments") states that major developments generating a significant number of trips should be located near transport nodes.

Policy 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 ("Walking and cycling") requires development to provide adequate facilities for pedestrians and cyclists.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided

Policy 5.7 ("Parking Standards for Disabled People") seeks adequate parking provision for disabled people and the mobility impaired.

c] London Plan 2011

Policy 2.12 Central Activities Zone - Predominantly Local Activities, Policy 3.3 Increasing Housing Supply, Policy 3.8 Housing Choice, Policy 3.9 Mixed and Balanced Communities, Policy 5.1 Climate Change Mitigation, Policy 5.2 Minimising Carbon Dioxide Emissions, Policy 5.3 Sustainable Design and Construction, Policy 5.7 Renewable Energy, Policy 6.9 Cycling, Policy 6.13 Parking, Policy 7.2 An Inclusive Environment, Policy 7.3 Designing Out Crime, Policy 7.4 Local Character, Policy 7.5 Public Realm, Policy 7.6 Architecture, Policy 8.2 Planning Obligations

d] National Planning Policy Framework

- Particular regard was had to the impact of the proposal on neighbour amenity, which was considered to be acceptable subject to conditions.
- Regard was had to the principle of the proposed use which is considered to be acceptable
- It is considered that the new buildings have been designed in a sensitive and sympathetic manner that integrates with the surrounding area and will enhance the King's Bench Conservation Area, subject to conditions of consent in particular in relation to materials and detailing. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of outlook and privacy, and noise and disturbance, subject to the imposition of relevant conditions.
- Transport and highways impacts of the scheme are considered to be acceptable. Effects of the scheme on the surroundings of the site and public realm have been addressed satisfactorily, subject to the imposition of relevant conditions.

Other policies have been considered, but in this instance were not considered to have such weight as to justify a refusal of permission. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The amendments hereby permitted under this Section 73 application shall be begun before the end of three years from the date of this permission.

Reason

In the interests of proper planning.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following

approved plans:

Dwg. No's 0630 SK 101 R, 0630 AP 101R, 0630 AP 102R, 0630 AP 103R, 0630 AP 104R, 0630 AP 105R, 0630 AP 106R, 111R REV A, 112R REV A, 0630 AP 300, 0630 AP 301, 0630 AP 302, 0630 AP 303, 0630 AP 304;

Reason:

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

- 3 Details and samples of all facing materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. These details and samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the design and details of the buildings are satisfactory, having regard to the appearance of the surrounding in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Area' of The Southwark Plan 2007.

- 4 1:5/10 section detail-drawings through: the projecting balconies and upper duplex to Kings Bench Street; the lower-level Rushworth Street block facade; and the access decks/balconies facing the courtyard to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any further work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the design and details are acceptable, in the interest of the appearance of the development hereby approved in accordance with in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Areas' of The Southwark Plan 2007.

- 5 1:10 elevational detail-drawings of the windows, doors and gates to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any further work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the design and details are acceptable, in the interest of the special architectural or historic qualities of the proposed development in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Areas' of The Southwark Plan 2007.

- 6 Before any further works being carried out in relation to this permission, a detailed drawing to a scale of 1:50 of the proposed sitting and design of a screen between the application property and 63 Webber Street shall be submitted to and approved by the Local Planning Authority and the approved screen shall be constructed on site prior to first occupation and shall be retained as such thereafter. Alternatively, should the balcony and screening at No. 63 Webber Street, as consented under application 11/AP/1362, be constructed, plans should be submitted indicating how the privacy of No. 63 has been maintained for approval in writing by the Local Planning Authority prior to any further works being carried out in relation to this permission.

Further to this a 1:50 elevation-drawing of the north-east elevation, indicating a green wall, relief modelling and detailing shall be submitted for approval in writing by the Local Planning Authority prior to any further works being carried out in relation to this permission and the development shall be carried out in strict accordance with the approved details and retained as such thereafter.

Reason

In the interests of the protection of the amenities of the occupiers in 63 Webber Street and to ensure that the design and details in the interest of the appearance of the development and in accordance in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.2 'Protection of Amenity', 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Area' of The Southwark Plan 2007.

- 7 Details of the proposed screening proposed to the roof gardens, the access walkways, and the south-facing

balconies shall be submitted to and approved in writing by the local planning authority before any further works in connection with this permission are carried out. Details shall include the materials, sectional details, planting, and any artworks or installations which are proposed to be incorporated within the scheme.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 63 Webber St from undue overlooking, and in the interests of visual amenity, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved Policies 3.2 'Protection of amenity' and 3.12 Quality in design of the Southwark Plan 2007.

- 8 Detailed drawings of a landscaping scheme (2 copies), including provision for proposed screen planting shall be submitted to and approved by the Council before any further works in connection with this permission are carried out and the landscaping scheme approved shall thereafter be implemented in the first appropriate planting season following completion of the building works and maintained thereafter. This landscaping scheme should include planters outside bedroom 1 of the residential units at second and third floor levels.

Reason

To ensure an appropriate standard of landscaping is provided on site and that biodiversity on the site is enhanced, in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved Policy 3.2 'Protection of Amenity', 3.13 'Urban Design', and 3.28 'Biodiversity' of the Southwark Plan (UDP) July 2007.

- 9 Prior to occupation of the development, a revised energy strategy shall be submitted indicating that a 20% carbon dioxide reduction below assessed baseline levels has been achieved by way of on-site renewable energy. Before the development is occupied the proposed measures outlined above shall have been installed, and the local planning authority shall have been provided with evidence that the equipment as installed satisfies the agreed standard. The approved scheme shall be implemented and maintained thereafter.

Reason

To comply with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and the Council's Supplementary Planning Document 'Sustainable Design and Construction' 2008.

- 10 The proposed development shall be implemented to deliver a Code for Sustainable Homes rating of at least level 4 (or to any updated equivalent standard). Prior to occupation of the development, a Code for Sustainable Homes post construction review, carried out by a licensed assessor, shall be submitted in writing to the Local Planning Authority to verify delivery of this specification.

Reason

To ensure that the scheme is of a suitable standard of sustainable construction in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and Saved Policies 3.1 (Environmental Effects), 3.3 Sustainability assessments and 3.9 (Water) of the Southwark Plan 2007.

- 11 Unless previously discharged, prior to any further works in connection with this permission being carried out, details of a Construction Management Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site and shall include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that and 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) and saved Policy 3.2 'Protection of Amenity' of The Southwark Plan 2007.

- 12 Prior to any further works being carried out, details of any proposed ground sourced heat pumps shall be submitted in writing to the Local Authority for approval. These shall be designed and installed to be of a vertical configuration rather than horizontal installation.

Reason

To ensure that the archaeological interests of the site are appropriately managed, in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved policies 3.15 Conservation of the historic environment and 3.19 Archaeology of the Southwark Plan 2007.

- 13 Unless previously discharged, no further works shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason

To ensure that the programme of archaeological observation and recording is undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved policies 3.15 Conservation of the historic environment and 3.19 Archaeology of the Southwark Plan 2007.

- 14 Unless previously discharged, no further works in connection with this permission shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason

To ensure that the archaeological building recording is undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated and that the information is archived, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved policies 3.15 Conservation of the historic environment and 3.19 Archaeology of the Southwark Plan 2007.

- 15 Details of the proposed air/ground source heat pumps, including details of noise levels, shall be submitted to and approved in writing by the local planning authority before any further works in connection with this permission are carried out.

Reason

In the interests of visual and residential amenity, in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) and saved Policies 3.2 'Protection of amenity' and 3.12 Quality in design' of the Southwark Plan 2007.

- 16 The rated noise level from any plant, including air and ground source heat pumps, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with the above limits and shall be permanently maintained thereafter.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 17 After completion but prior to occupation of the development hereby permitted, a test shall be carried out and the results submitted to and approved by the Local Planning Authority to demonstrate that the standards below will be met:

Residential developments must be designed to ensure the following Vibration Dose Values ($m/s^{1.75}$) exceeded due to road, rail or industry, BS6472:1992 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz):

Residential Buildings 16hr day- 0.0 to 0.4 and 8hr night- 0.13.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources in accordance with Strategic Policy 13 'High Environmental Standards' and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan.

- 18 Prior to any further building works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason

To ensure that end users of the premises do not suffer a loss of amenity by reason of pollution in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 19 Prior to any further building works on site a scheme of sound insulation to protect residential premises from airborne and structure borne noise emanating from commercial premises shall be submitted to and approved by the Local Planning Authority.

A test shall subsequently be carried out after completion but prior to occupation to show that the approved scheme has been appropriately implemented and the results of this test shall be submitted to the local planning authority for approval.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policy 3.2 'Protection of amenity of the Southwark Plan 2007.

- 20 All residential premises shall be designed to attain the following internal noise levels:

Bedrooms- 30dB LAeq, 8hr and 45dB LAF max

Living rooms- 35dB LAeq, 16hr

A test shall be carried out after completion but prior to occupation to show that the criteria above have been met and the results submitted to the Local Planning Authority for approval.

Reason

To ensure that the occupiers and users of the proposed 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 and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 21 Plans indicating the provision of a total of 14 cycle spaces (10 residential and 4 commercial) and details of the type of cycle stands to be provided for the secure storage of cycles shall be submitted to and approved by the Local Planning Authority before any further works related to this permission are carried out and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011) and saved policy 5.3 'Walking and cycling' of the Southwark Plan 2007.

- 22 The vehicle crossover to be formed on Rushworth St shall not be used for the purposes of vehicular access or for the purposes of enabling car parking within the curtilage of the site, without the prior written approval of the local planning authority which shall be sought by way of an application for planning permission.

Reason

In the interests of ensuring that the scheme remains a 'car free' development and in encouraging more sustainable travel choices in accordance with Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011) and saved policies 5.3 Walking and cycling and 5.6 Car parking of the Southwark Plan 2007.

- 23 Details of all external lighting in connection with the construction of the proposal and the occupation of the property shall be submitted and approved in writing by the Local Planning Authority before any further works related to this permission are carried out. Lights within the property, once completed, will be turned off when the building is not occupied. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

Reason

To protect adjoining occupiers from light pollution and impact on their amenity and to reduce the need for energy in compliance with Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and saved policies 3.2 Protection of Amenity of the Southwark Plan 2007.

- 24 Prior to any further works related to this permission are carried out, and unless previously discharged, an evacuation plan covering flood evacuation and escape routes, in-house warning system, signage within and outside the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The approved works and the evacuation plan shall then be implemented in full from the date the building is occupied.

Reason

To minimise the risk to users of the development from flooding in accordance with saved Policies 3.2 Protection of amenity and 3.9 Water of the Southwark Plan 2007.

- 25 Unless previously discharged, no further work related to this permission shall be carried out until surface water drainage details, incorporating sustainable urban drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that the Local Planning Authority may be satisfied that the scheme is of a suitable standard to secure sustainability objectives in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Polices 3.3 Sustainability assessments and 3.9 Water of the Southwark Plan 2007.

- 26 Residential finished floor levels should be set above 5.4m AOD.

Reason

To ensure the development is designed safely in reference to flood risk in accordance with Saved Policy 3.9 Water of the Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

Informative

The applicant is reminded to implement flood resilient and resistant measures into the scheme using the guidance contained within [Approved Document C of the Building Regulations](#) and the '[Improving the flood performance of new buildings: flood resilient construction](#)' publication issued by the Department for Communities and Local Government (DCLG) in 2007.

Ordnance Survey

Date 6/7/2012



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Item No.	Classification:	Date:	Meeting Name:
7.4	OPEN	18 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 11-AP-2382 for: Full Planning Permission Address: 110 WYNDHAM ROAD, LONDON, SE5 0UB Proposal: Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.		
Ward(s) or groups affected:	Camberwell Green		
From:	Head of Development Management		
Application Start Date 2 August 2011		Application Expiry Date 27 September 2011	

RECOMMENDATION

- 1 To grant planning permission.

BACKGROUND INFORMATION

- 2 The application was previously heard at the Camberwell Community Council Meeting held on 12 December 2012. The application was deferred for the following reasons: further information regarding the nature of the rear of the site; specific details of the waste disposal arrangements including access and collection; and consultation with the Secure by Design Officer.

These issues have been addressed as follows:

- The applicant has provided photographs of the rear of the site and clarification of the access.
- The applicant has provided further information regarding refuse storage and collection including those associated with fats.
- The Secure by Design Officer has been consulted.

These matters are expanded upon within the report below.

Site location and description

- 3 The subject site is located to the northern side of Wyndham Road, approximately 20m to the west of the intersection of Toulon Street, and opposite the intersection with Redcar Street. The commercial unit is presently unoccupied.
- 4 The application site occupies the ground floor of the premises and there is residential above. The area is otherwise predominantly characterised in residential use, although the St Michaels and All Angels Academy School is located to the immediate west of the site.

- 5 The site is located within an Air Quality Management Area, the Urban Density Zone and the Camberwell Action Area. The site is not located within the setting of any conservation area or listed building.

Details of proposal

- 6 Planning permission is sought for a change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the side flank (western) elevation, discharging above the existing roofline.
- 7 The proposed development would include storage space for refuse and recycling to the rear of the premises at ground floor level.
- 8 The applications seeks permission to operate between the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week), as stated within the application form.

Planning history

- 9 Planning permission (10-AP-2136) was sought for the change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the front elevation. The application was withdrawn in October 2010 as it was likely to be refused given the impact on neighbouring occupiers (upstairs) from noise and odour disturbance because the extraction unit would have discharged to the front elevation below residential windows.
- 10 The difference between the previous application (10-AP-2136) and this current application is the change of the extraction unit, which now proposes a duct to the flank elevation of the building, as opposed to below residential windows at the front.

Planning history of adjoining sites

St Michaels and all Angels Academy on Wyndham Road

- 11 11-AP-2946) for the 'Demolition of the existing school buildings, church and games court and erection of a part two, part three storey secondary school building for St Michaels and all Angels Academy on Wyndham Road, a three storey special needs school for Highshore School on Farmers Road, and a two storey sports block for St Michael and All Angels Academy on Pitman Street, plus external play space, including multi-use games area, car parking, servicing and new church on Wyndham Road'. Planning permission was granted on 2nd November 2011.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 12 The main issues to be considered in respect of this application are:
- a) the principle of the proposed development in terms of landuse
 - b) the impact on the amenities of neighbouring occupiers
 - c) the impact on the functioning of the transportation network
 - d) visual impact of the duct

Planning policy

Core Strategy 2011

- 13 Policy 3 'Shopping, Leisure and Entertainment'
Policy 12 'Design and Conservation'
Policy 13 'High Environmental Standards'

Southwark Plan 2007 (July) - saved policies

- 14 1.10 'Small scale shops and services outside the town and local centres and protected shopping frontages'
3.1 'Environmental Effects'
3.2 'Protection of amenity'
3.6 'Air quality'
3.7 'Waste reduction'
3.12 'Quality in design'
5.2 'Transport impacts'
5.3 'Walking and cycling'

London Plan 2011

- 15 None considered to be directly relevant.

National Planning Policy Framework

- 16 The NPPF came into effect on 27 March 2012 and is a material planning consideration, of particular relevance are the core planning principles, also parts 1 'Building a strong, competitive economy' and 7 'Requiring good design'.

Principle of development

- 17 Saved policy 1.10 of the Southwark Plan states that outside town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A use classes or from A use classes to other uses, when the applicant can demonstrate that:

i) The proposed use would not materially harm the amenities of surrounding occupiers;

- 18 Refer to the amenity section of this report.

and

ii) The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades;

- 19 There is another A1 use at 98-100 Wyndham Road (Foodlink superstore) which is within approximately 36m of the site, therefore the proposal complies with part ii of the policy.

or

iii) The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.

- 20 No information has been submitted with regard to profits or vacancy, although it is noted that the wording of policy 1.10 is such that the proposal need only comply with

part ii or part iii, not both. It is noted however, that a letter from Marble Sales and Lettings has been submitted with the application which states that they have been actively trying to let the shop since September 2006, but owing to the market downturn and the current situation of the premises they have been unsuccessful in trying to rent it out.

- 21 In light of the above, there are no objections in principle to change of use from A1 to A5 in landuse terms.

Environmental impact assessment

- 22 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required.

Amenity

- 23 The Environmental Protection Team has assessed the application documents and diagrams and are satisfied that the development would not cause material harm to the amenity of neighbouring occupiers, subject to the imposition of suitable conditions.
- 24 The application shows a kitchen range canopy and odour extraction system with flue to a high level discharge, above the existing roof. The Environmental Protection Team consider that this would satisfactorily filter and disperse cooking fumes provided that the proposed carbon filter is installed (PlasmaClean Xract2100 using copper activated carbon filter) and that a tapered cowl is fitted at the top of the duct (rather than a 'chinaman's hat' which is more triangular in shape), and it is recommended that this be secured by a planning condition.
- 25 Since the application was deferred at the Camberwell Community Council Meeting in December 2011 the applicant has provided further information regarding the fat trap, and collection and storage of waste.
- 26 Furthermore, in terms of plant noise and vibration, the Environmental Protection Team are satisfied that the extraction equipment has been designed to ensure that the plant noise would be 10dBA below the background noise level which would ensure there would be no loss of amenity as a result of plant noise. A condition is recommended to secure this.
- 27 There is also potential that noise from the commercial kitchen may impact on the residents living directly above the premises, therefore in order to protect these neighbouring occupiers, it is recommended that a condition is imposed to protect their amenity. This condition would ensure that any walls or floors sharing a party element with any residential use would need to be designed and constructed to provide reasonable resistance to sound.
- 28 For these reasons, it is considered that any potential impact on neighbouring occupiers relating to odour, vibration and noise from the operation of the unit can be adequately addressed through conditions.

- 29 However, concern was also raised by neighbouring occupiers regarding the hours of operation, and potential noise and disturbance from late night operation in particular.
- 30 The proposed use is seeking permission to operate between the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week).
- 31 It is considered that a 22:30pm closing time would be an appropriate closing time for such a use on a reasonably busy road, and would therefore not have a material impact on the amenity of neighbouring occupiers. Should consent be granted, then it is recommended that a condition is imposed restricting these hours of operation.
- 32 One of the neighbouring occupiers raised concern that the proposed development is located immediately adjoining a possible future church, on the school site for which planning permission was recently granted (11-AP-2946).
- 33 However, it is considered that given the church would be located approximately 8m from the application site, there would be no maintenance or functioning complications arising from the proposed development. The applicant has advised that the duct would be within their site.
- 34 Overall, for the reasons set out above, it is considered that subject to the imposition of conditions, the proposed development would not have a detrimental impact on the amenity of neighbouring occupiers.

Traffic issues

- 35 The application site is located within an area with high (level 5) Public Transport Accessibility Level (PTAL) and is also located within a Controlled Parking Zone (CPZ). No off-street parking places are proposed and the demand that operational parking will place on on-street parking capacity therefore has to be considered.
- 36 Whilst car parking demand is already relatively high within this area, it is not considered that the proposed use would result in an increased demand when compared with a retail use, particularly as it's catchment is likely to be local and given the modest size of the unit, which is likely to have a comparable number of employees and comparable operational parking needs.
- 37 In terms of the increased traffic movements from future customers and the associated impact on the functioning of the transportation network, normal car parking restrictions would need to be adhered to, including those on-street car parking spaces immediately outside the site. Failure to do so would likely result in parking enforcement involvement.
- 38 With regard to servicing / deliveries, it is considered that the scale and nature of the use would not generate a significant number of deliveries each week. Servicing would have to take place on-street, as existing, and would have to comply with on-street restrictions. The applicant has confirmed that there would be no home delivery service provided and the application has been assessed on this basis. Given that provision of a delivery service could result in transport and amenity impacts and no details have been provided as to how this would be managed, a condition is recommended preventing home deliveries from being offered and the applicant has confirmed that this would be acceptable.
- 39 For these reasons, it is not considered that the proposed development would have any undue impact on the functioning of the transportation network.

Design issues

- 40 In terms of design, the only external alterations sought to the host building is the installation of the extraction flue to the flank wall of the building.
- 41 It is not considered that this extraction flue, being approximately 30cm in width, would cause material harm to the character or appearance of the host building, or its wider setting. Given that this flue is visible from the public domain, a condition is recommended to ensure it is painted in a suitable colour.

Impact on character and setting of a listed building and/or conservation area

- 42 The site is not located within the setting of any listed building or conservation area.

Waste

- 43 The application plans show an area to the rear to provide storage for refuse and recycling, and a note that all material is to be disposed by a licensed trade waste disposal company. The area shows storage for regular waste, food waste, oil / fat waste and paper / cardboard recycling.
- 44 The applicant has proposed to install a refuse storage enclosure to the rear of the site which would contain 3 x refuse bins measuring 480mm x 555mm x 1060mm (one each for normal refuse bin, food waste bin and fat recycling storage container). A condition is recommended to ensure that the refuse storage area is provided in accordance with the plans.
- 45 On collection days the bins will be placed to the front of the unit (as with the previous use of the site). This is a similar arrangement to all the other commercial premises along Wyndham Road. The applicant anticipates that collection will be undertaken 2-3 times per week with the bins being removed from the front of the premises once emptied.
- 46 Given the site constraints it is considered that the location for the refuse and recycling storage is acceptable, as is the method and regularity of collection.

Secured by Design

- 47 Subsequent to the application being deferred at the Camberwell Community Council Meeting, the application has been referred to the Secured by Design Officer. At the time of writing this application is being assessed by said Officer, and as such Members will be updated prior to the meeting by way of addendum report on this matter.

Sustainable development implications

- 48 There are no sustainable development implications associated with the development.

Other matters

- 49 One neighbouring occupier raised concern that there were inaccuracies or errors within the application documents, namely the Design and Access Statement. Most of these are considered to be subjective differences of opinion, however some aspects were factual errors (such as spelling mistakes and a reference to the wrong town centre). The application was assessed on the merits of the scheme and little weight was given to subjective comments from the applicant, and no weight given to factual errors.
- 50 Furthermore, given that the unit is under 100m² in floorspace and that part of the

building (the residential aspect) has been in use for at least 6 of the last 12 months, CIL is not triggered.

Conclusion on planning issues

- 51 Overall, for the reasons detailed above, it is considered that subject to the imposition of appropriate conditions, the proposal would comply with the relevant policies in the Southwark Plan and the Core Strategy and that planning permission should be granted.

Community impact statement

- 52 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

Consultations

- 53 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 54 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 55 A total of 5 neighbouring occupiers have objected to the proposed development, being occupiers of:

- 7 Lady May House, Wyndham Road
- 22 Carey Court, 101 Wyndham Road
- 2 Harlynwood, Wyndham Road
- No Address Provided x 2

- 56 The concerns raised are summarised as follows:

Amenity

There are already problems with rubbish and vermin associated with the 24 hour corner shop on Wyndham Road, which also causes disruption from the hours of operation and noise.

A hot food shop will add to the problem of rubbish, vermin and noise (and vibration) disturbance including gangs of youths hanging around. There is a risk of anti-social behaviour which includes knife crime.

There is no place for storage of food waste on the premises aside outside the front of the shop, which would disturb functioning of the footpath. Waste collection is proposed to the rear where there is no access for large vehicles.

The installation of the duct will take cooking fumes right into the flats above the shop,

as well as other neighbouring sites. The flue may impact on future development on the neighbouring school site, with complications arising for maintenance and operation.

The extraction flue up the site of the flank wall will look out of place.

There are already numerous hot food takeaway establishments within a 10 minute walk and there is no need for another.

Health

This type of premises will encourage students to leave the school and eat there, creating concerns around obesity and nutrition.

A neighbour has agreed with Thames Water regarding potential for food and fat waste blocking the sewer system.

Consultation

In terms of consultation, concern was raised that the site notice was placed on a lamppost outside the adjoining site.

The site notice was removed from the lamppost, and the statutory consultation period should be extended.

Change from previous application

There has been little or no change since the previous application/s were refused.

Inaccuracies within the application

One neighbouring occupier raised concerns that there are errors within the Design and Access Statement. Many of these errors are considered to be differences of opinion, although there are some factual errors also.

The Camberwell Society

At first reading a duct to the front elevation sounds ridiculous, with flats above, but the drawings clearly show the duct to the side. Whether the tenant has the right to oversail the adjoining land for the duct is a legal matter on which we cannot comment.

Whilst correspondence includes objectors to the idea of a take-away due to discarded rubbish, and attracting groups of people hanging around, there is no other takeaway in the immediate vicinity on this busy through road and on that basis it would seem unobjectionable.

Thames Water

Thames Water recommends the installation of a properly maintained fat trap to be installed, and furthermore, that in line with best practice the collection of waste oil by a contractor. These measures are recommended to avoid potential for blocked drains, sewage flooding and pollution to local water courses.

Human rights implications

- 57 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected

or relevant.

- 58 This application has the legitimate aim of providing a hot food takeaway. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2013-108 Application file: 11-AP-2382 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5470 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Fennel Mason, Planning Officer	
Version	Final	
Dated	25 October 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Director of Planning	no	no
Strategic Director Environment and Leisure	no	no
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken**Site notice date:**

19 August 2011

Press notice date:

N/A

Case officer site visit date:

23 August 2011

Neighbour consultation letters sent:

23 August 2011

Internal services consulted:

Environmental Protection Team
Transportation Team

Statutory and non-statutory organisations consulted:

Thames Water

Neighbours and local groups consulted:**Neighbour Consultee List for Application Reg. No. 11-AP-2382**

TP No	TP/2013-108	Site	110 WYNDHAM ROAD, LONDON, SE5 0UB
App. Type	Full Planning Permission		

Date Printed	Address
23/08/2011	5 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	4 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	6 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	8 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	7 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	11 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	10 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	12 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	3 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	2 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	FLAT 19 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	FLAT 14B LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	20 Luxor Street London SE5 9QN
23/08/2011	108 WYNDHAM ROAD LONDON SE5 0UB
23/08/2011	9 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	THE WINDMILL 98-100 WYNDHAM ROAD LONDON SE5 0UB
23/08/2011	FLAT 14A LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	ST MICHAEL AND ALL ANGELS ACADEMY WYNDHAM ROAD LONDON SE5 0UB
23/08/2011	1 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	FLAT 12 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	FLAT 11 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT

23/08/2011 FLAT 14 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 16 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 15 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT ABOVE THE WINDMILL 98-100 WYNDHAM ROAD LONDON SE5 0UB
23/08/2011 FLAT 10 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 1 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 6 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 5 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 7 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 9 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 8 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 18 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 17 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 2 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 4 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 3 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
20/06/1837 via email
20/06/1837 via email X
20/06/1837 via email XXXX
20/06/1837 22 Carey Court 101 Wyndham Road London SE5 0UX
20/10/2011 by e-mail XXXX

Re-consultation:

Site Notice 20 September 2011 and Neighbour Consultees 10 October 2011 following an error in the description of development stated that the duct would be at the front of the building.

Consultation responses received

Internal services

Environmental Protection Team - does not object to the development, subject to the imposition of conditions.

Transportation Team - does not object to the development.

Statutory and non-statutory organisations

Thames Water - recommended a condition is imposed to avoid potential blocked drains, sewage flooding or pollution to water courses.

Neighbours and local groups

A total of 5 neighbouring occupiers have objected to the proposed development, being occupiers of:

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- 22 Carey Court, 101 Wyndham Road
- 2 Harlynwood, Wyndham Road
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The concerns raised are summarised as follows:

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The installation of the duct will take cooking fumes right into the flats above the shop, as well as other neighbouring sites. The flue may impact on future development on the neighbouring school site, with complications arising for maintenance and operation.

The extraction flue up the site of the flank wall will look out of place.

There are already numerous hot food takeaway establishments within a 10 minute walk and there is no need for another.

Health

This type of premises will encourage students to leave the school and eat there, creating concerns around obesity and nutrition.

A neighbour has agreed with Thames Water regarding potential for food and fat waste blocking the sewer system.

Consultation

In terms of consultation, concern was raised that the site notice was placed on a lamppost outside the adjoining site.

The site notice was removed from the lamppost, and the statutory consultation period should be extended.

Change from previous application

There has been little or no change since the previous application/s were refused.

Inaccuracies within the application

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At first reading a duct to the front elevation sounds ridiculous, with flats above, but the drawings clearly show the duct to the side. Whether the tenant has the right to oversail the adjoining land for the duct is a legal matter on which we cannot comment.

Whilst correspondence includes objectors to the idea of a take-away due to discarded rubbish, and attracting groups of people hanging around, there is no other takeaway in the immediate vicinity on this busy through road and on that basis it would seem unobjectionable.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr Y. Khan	Reg. Number	11/AP/2382
Application Type	Full Planning Permission	Case Number	TP/2013-108
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.

At: 110 WYNDHAM ROAD, LONDON, SE5 0UB

In accordance with application received on 15/07/2011

and Applicant's Drawing Nos. Site plan x 2, 01 Rev F, 02 Rev E, Standard Specs / Details

General Specification for Extraction System
Plasma Clean Xtract System
Design and Access Statement
Report on Matters Arising from Planning Meeting

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Strategic Policies of the Core Strategy [2011]:

Policy 3 'Shopping, Leisure and Entertainment' seeks to provide a wide range of shops, services and facilities.
Policy 12 'Design and Conservation' which requires the highest possible standards of design for buildings and public spaces.
Policy 13 'High Environmental Standards' which requires developments to meet the highest possible environmental standards.

b] Saved Policies of the Southwark Plan [2007]:

Policy 1.10 (Small scale shops and services outside the town and local centres and protected shopping frontages) seeks to protect A class uses outside town centres.
Policy 3.1 (Environmental effects) seeks to ensure that there will be no material adverse effect on the environment and quality of life arising from the new development.
Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.
Policy 3.6 (Air quality) advises that permission will not be granted for development that would leave to a reduction in air quality.
Policy 3.7 (Waste reduction) states that all developments should provide a good standard of refuse and recycling storage and disposal.
Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.
Policy 5.2 (Transport impacts) states that development which would create impacts on the transportation environment will not be granted.
Policy 5.3 (Walking and cycling) encourages the use of cycling and walking as alternative modes of transport.

c] National Planning Policy Framework [NPPF] 2011.

Particular regard was had to the potential impact to the character and appearance of the host building and potential impact on the amenities of adjoining occupiers, however it was considered that the development was sufficiently designed to avoid or mitigate such impacts, subject to the imposition of conditions. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 01 Rev F, 02 Rev E, General Specification for Extraction System and Plasma Clean Xtract System (documents), Report on Matters Arising From Planning Meeting.

Reason:

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

- 3 The use hereby permitted for hot food takeaway (A5 use) purposes shall not be carried on outside of the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week).

Reason:

To ensure the protection of amenity for neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Prior to commencement of development details of noise attenuation so that rooms for residential purposes sharing a party element with the premises shall have sound insulation of the party element sufficient to ensure that NR25 is not exceeded in the residential premises due to noise from the commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 All of the extraction and ventilation equipment detailed in the application including the extract duct with tapered cowl and a copper activated carbon filter shall be installed and fully operational prior to the commencement of the use hereby permitted, and shall be maintained as such thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of odour nuisance from the kitchen extraction system in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 6 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with the above noise limits and be permanently maintained thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery 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 PPG24: Planning and Noise.

- 7 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises hereby permitted is commenced and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason:

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved policies 3.2 'Protection of Amenity' and 3.7 'Waste

reduction' of The Southwark Plan and strategic policy 13 'High Environmental Standards' of the Core Strategy.

- 8 Details of the paint colour of the external duct shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given, and thereafter retained as such.

Reason

In order that the Local Planning Authority may be satisfied as to the colour of the ducting in the interest of the appearance of the building in accordance with saved policy 3.2 'Protection of amenity' and 3.12 'Quality in design' of the Southwark Plan 2007 and strategic policy 12 'Design and Conservation' of the Core Strategy 2011.

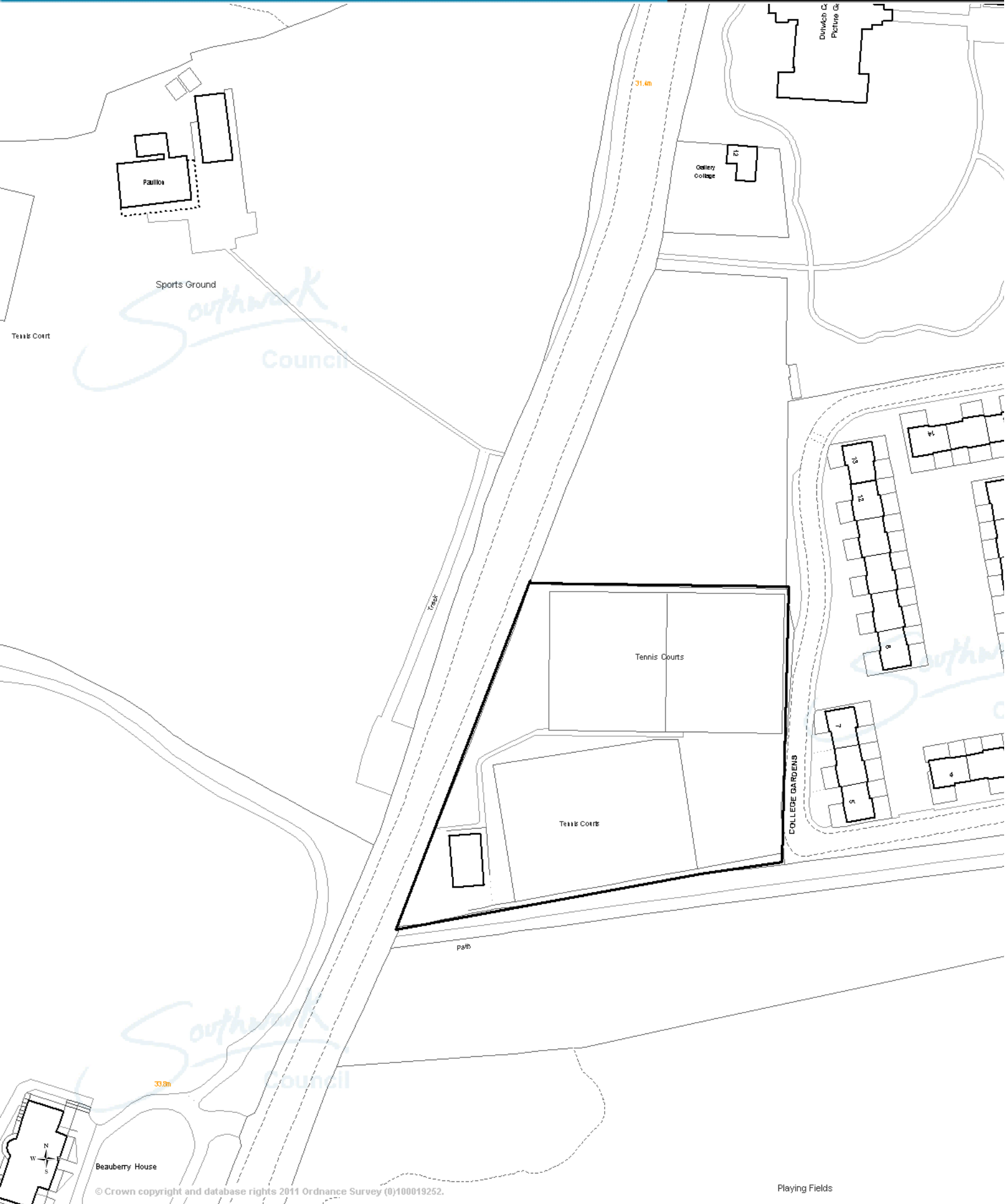
Informative

Prior to the commencement of the development the applicant shall install and properly maintain a fat trap at the premises, and in line with best practice for the disposal of Fats, Oils and Greases (within the Thames Water document 'Best Management Practices for Catering Establishments') the occupier shall ensure suitable collection of waste oil by a contractor.

—

Ordnance Survey

Date 6/7/2012



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Item No.	Classification:	Date:	Meeting Name:
7.5	OPEN	17 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/1573 for: Full Planning Permission Address: OLD COLLEGE LAWN TENNIS AND CROQUET CLUB, 10 GALLERY ROAD, LONDON, SE21 7AB Proposal: Relocation of 4 floodlighting posts around tennis courts 4 and 5 and use of floodlighting for courts 1-5 between the hours of 08:00 to 21:30 Monday to Saturday and for courts 1, 2 and 3 between the hours of 08:00 to 20:30 on Sunday.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 15 May 2012		Application Expiry Date 10 July 2012	

RECOMMENDATION

- 1 Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

- 2 This application is referred to the Planning Committee because it relates to development on Metropolitan Open Land (MOL).

Site location and description

- 3 The site is the Old College Lawn Tennis Grounds, located on the eastern side of Gallery Road. It is located within the Dulwich Village Conservation Area and is designated as Metropolitan Open Land, a green chain park, an air quality management area and the suburban density zone.

Details of proposal

- 4 Full planning permission is sought for the relocation of 4 floodlighting posts around tennis courts 4 and 5, and consent is sought to allow the floodlighting for courts 1-5 to be used between the hours of 08:00 to 21:30 Monday to Saturday and the floodlighting for courts 1, 2 and 3 to be used between the hours of 08:00 to 20:30 on Sundays.
- 5 At present the floodlights can operate between 08:00-21:00 Monday to Saturday, and this is restricted by way of a condition on an earlier planning permission (reference: 09-AP-1372). The applicant wishes to extend the hours by 30 minutes during the evenings Monday to Saturday, and also wishes to allow the floodlights to be used on courts 1, 2 and 3 on Sundays, between the hours of 08:00-20:30. The floodlights are coin operated and cut out at the designated times.

Planning history

- 6 11-AP-0815 - Replacement of the existing pair of timber gates for vehicle access with a pair of wrought iron gates for vehicle access and a wrought iron pedestrian access gate. Planning permission was GRANTED in June 2011.
- 7 09-AP-1372 - To provide floodlighting to Court no.3 with 3no. new lighting posts; repositioning of 3no. existing posts next to Court no2; repositioning of 2no lighting post to Court no1; relocation of gate and new gate in wire mesh fencing. Planning permission was granted on in September 2009.
- 8 06-AP-0392 - Variation of condition 2 of planning consent 03AP1473 to extend the floodlight time by one hour to 9pm on courts 4 and 5 on Monday to Saturday. Planning permission was GRANTED in September 2006
- 9 03-AP-1473 - The erection of nine 6.1m high floodlights to serve two tennis courts. Planning permission was GRANTED in November 2003 subject to condition restricting the hours the floodlights could be used to 08:00-20:00 Monday to Saturday.

Planning history of adjoining sites

- 10 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
- a) principle;
 - b) amenity;
 - c) design and impact upon the character and appearance of the Dulwich Village Conservation Area.

Planning policy

Core Strategy 2011

- 12 Strategic policy 11 - Open spaces and wildlife
Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 13 3.2 Protection of amenity
3.12 Quality in design
3.16 Conservation areas
3.25 Metropolitan Open Land

Dulwich Village Conservation Area Appraisal (February 2006)

London Plan 2011

- 14 Policy 3.19 Sports facilities
Policy 7.8 Heritage assets and archaeology

Policy 7.17 Metropolitan Open Land

National Planning Policy Framework (NPPF)

- 15 The NPPF came into effect on 27 March 2012 and is a material planning consideration.
- 16 Section 7 - Requiring good design
Section 12 - Conserving and enhancing the historic environment

Principle of development

- 17 Saved policy 3.25 of the Southwark Plan states that there is a general presumption against inappropriate development on metropolitan open land. It states that in such locations, planning permission will only be permitted for appropriate development which is considered to be for the following purposes:
- 18 i) Agriculture or forestry;
ii) Essential facilities for outdoor sport and recreation, for cemeteries, and or other uses of land which preserves the openness of metropolitan open land and which do not conflict with the purposes of including land within metropolitan open land; or
iii) Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original dwelling; or
iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling it replaces.
- 19 The proposal is to relocate four existing floodlighting posts around courts 4 and 5. This is required in connection with an existing outdoor sport and recreation facility and it would preserve the openness of the MOL, therefore the proposal would comply with saved policy 3.25 of the Southwark Plan.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 20 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 21 The proposal would relocate the four existing floodlights around courts 4 and 5 by moving them closer in towards the baseline, and further away from the neighbouring dwellings on College Gardens. This would reduce the potential for loss of amenity to these properties, as confirmed by the Environmental Protection Team (EPT). EPT has advised that provided the same lights are reused, as is proposed, the impact upon the neighbouring properties would be reduced.
- 22 With regard to the proposed hours of use, there are no objections to allowing the floodlighting to courts 1-5 to remain in use for an additional 30 minutes Monday to Saturday. It is not considered that this is a significant extension that would result in a harmful loss of amenity to the neighbouring properties on College Gardens. The use of the floodlighting on courts 1, 2 and 3 on Sundays between the hours of 08:00-20:30 is also considered to be acceptable, as these courts are located further away from College Gardens and the proposed hours would not be excessive.

Design and impact upon the character and appearance of this part of the Dulwich Village Conservation Area

- 23 Saved policy 3.12 of the Southwark Plan requires development to be of a high

standard of architectural design and 3.16 require the character and appearance of conservation areas to be preserved or enhanced.

- 24 The relocation of 4 existing floodlights within the grounds of an established tennis club and an extension to the hours during which the floodlighting can be used would not be harmful to the visual amenities of the locality and would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It is noted that the site is reasonably well screened from Gallery Road by mature vegetation.

Other matters

Mayoral CIL

- 25 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
- 26 The proposal is for the relocation of existing plant and an extension of the hours during which it can be used, and this is not CIL liable.

Conclusion on planning issues

- 27 The proposed development would be acceptable in principle, would not result in any loss of amenity to neighbouring properties and would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It is therefore recommended that conditional planning permission be granted.

Community impact statement

- 28 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

- 29 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

30 No representations have been received.

Human rights implications

31 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

32 This application has the legitimate aim of providing relocated floodlighting and extended hours of use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2083-E Application file: 12/AP/1573 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	2 July 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Director of Planning	Yes	Yes
Strategic Director Environment and Leisure	No	No
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken

33 **Site notice date:** 07/06/2012

Press notice date: 31/05/2012

Case officer site visit date: 07/06/2012

Neighbour consultation letters sent: 23/05/2012

Internal services consulted:

Environmental Protection Team
Ecology Officer

Statutory and non-statutory organisations consulted: N/A.

34 **Neighbours and local groups consulted:**

23/05/2012	4 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	5 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	6 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	21 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	22 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	3 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	7 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	THE WARDENS FLAT THE OLD COLLEGE	16 GALLERY ROAD LONDON SE21 7AD
23/05/2012	16 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	THE OLD COLLEGE	16 GALLERY ROAD LONDON SE21 7AD
23/05/2012	8 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	9 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	10 GALLERY ROAD LONDON	SE21 7AB
23/05/2012	20 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	1 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	10 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	11 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	13 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	5 GALLERY ROAD LONDON	SE21 7AD
23/05/2012	12 GALLERY ROAD LONDON	SE21 7AD
23/05/2012	12 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	18 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	19 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	2 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	14 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	15 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	17 COLLEGE GARDENS LONDON	SE21 7BE
23/05/2012	DULWICH COLLEGE PICTURE GALLERY	COLLEGE ROAD LONDON SE21 7BG

Re-consultation: No re-consultation undertaken.

Consultation responses received**Internal services**35 Environmental Protection Team

The re-positioning of the floodlights to court nos 4 & 5 which will bring them closer to the court perimeter and further from the residents of College Gardens; providing the height and intensity of lumination remain the same the impact in terms of spillage will be reduced; and therefore do not consider operation until 21.30 to be a concern. I note that the residents association have responded positively to the flood-lighting of courts 1/2/3 additionally on Sunday until 20.30 and therefore have no objection.

36 Ecology Officer

No bat survey required. If anything the light pollution should be slightly reduced.

Statutory and non-statutory organisations N/A.

Neighbours and local groups No representations have been received.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Ms J. Ritchie Old College Lawn Tennis & Croquet Club	Reg. Number	12/AP/1573
Application Type	Full Planning Permission	Case Number	TP/2083-E
Recommendation	Grant permission		

Draft of Decision Notice

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

Relocation of 4 floodlighting posts around tennis courts 4 and 5 and use of floodlighting for courts 1-5 between the hours of 08:00 to 21:30 Monday to Saturday and for courts 1, 2 and 3 between the hours of 08:00 to 20:30 on Sunday.

At: OLD COLLEGE LAWN TENNIS AND CROQUET CLUB, 10 GALLERY ROAD, LONDON, SE21 7AB

In accordance with application received on 15/05/2012

and Applicant's Drawing Nos. Design and Access Statement dated 11th May 2012, 136/EP1, 136/EP2

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

Strategic policies of the Core Strategy 2011

Strategic Policy 11 – Open spaces and wildlife: States that development should improve, protect and maintain a network of open spaces and green corridors, provide sport and leisure and food growing opportunities, and protect and protect and improve habitats for a variety of wildlife.

Strategic Policy 12 – Design and conservation: Requires development to achieve the highest standard of design for buildings and public spaces, and to help create attractive and distinctive spaces.

Strategic Policy 13 – High environmental standards: Requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems.

Saved policies of the Southwark Plan 2007

3.2 Protection of Amenity (advises that permission would not be granted where it would cause a loss of amenity);

3.12 Quality in Design (requires new development to achieve a high standard of architectural design);

3.13 Urban Design (advises that principle of good urban design should be taken into account in all new developments);

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

3.25 (Metropolitan open land) which states that there is a general presumption against inappropriate development on metropolitan open land and sets out the criteria for assessing whether development would be appropriate.

Policies of the London Plan 2011

Policy 3.19 Sports facilities

Policy 7.8 Heritage assets and archaeology

Policy 7.17 Metropolitan Open Land

National Planning Policy Framework (2012)

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

The proposed development would be acceptable in landuse terms, would not cause any significant loss of amenity to neighbouring occupiers and would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

136/EP2

Reason:

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

- 3 The floodlighting for courts 1-5 shall not be used outside the hours of 08:00-21:30 Monday to Saturday, and on Sundays the floodlighting shall only be used on courts 1, 2 and 3 and only between the hours of 08:00-20:30.

Reason

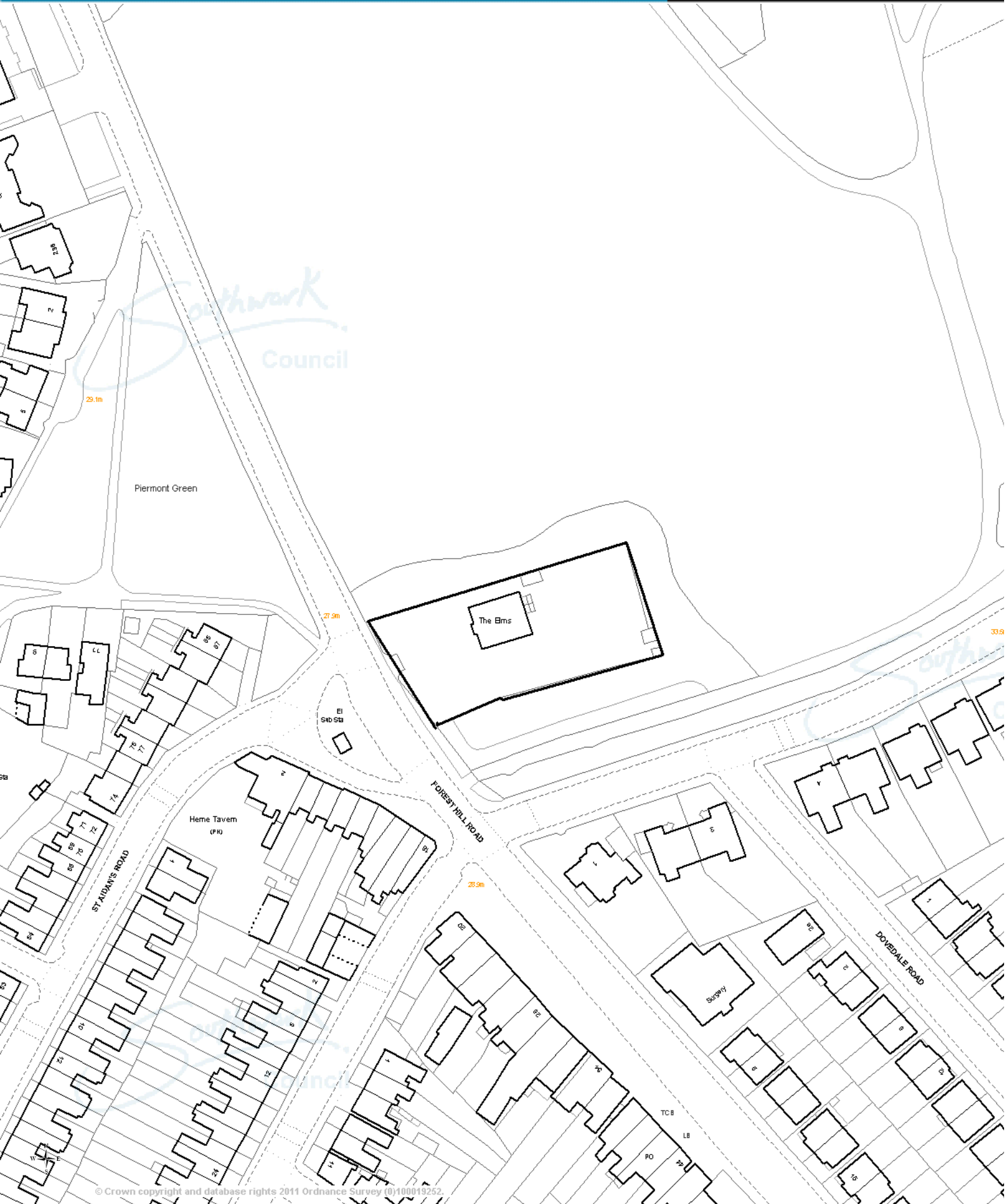
To ensure no loss of amenity to residents of College Gardens by way of light pollution or noise and disturbance, in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

—



Ordnance Survey

Date 6/7/2012



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Item No.	Classification:	Date:	Meeting Name:
7.6	OPEN	18 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/0294 for: Full Planning Permission Address: THE ELMS, FOREST HILL ROAD, LONDON, SE22 0SH Proposal: Change of use of part of the ground floor from residential (Class C3) to a nursery/creche (Class D1)		
Ward(s) or groups affected:	Peckham Rye		
From:	Head of Development Management		
Application Start Date 22 March 2012		Application Expiry Date 17 May 2012	

RECOMMENDATION

- 1 Grant Permission

BACKGROUND INFORMATION

- 2 This application has been brought before Planning Sub-Committee as the site is located on Metropolitan Open Land.

Site location and description

- 3 The site is located on the eastern side of Forest Hill Road. On site is a two storey detached dwelling house, 'The Elms', within a relatively large plot. The Elms is a Grade II listed building.
- 4 Site Policies/Constraints:
 Metropolitan Open Land (MOL)
 Site of Importance for Nature Conservation
 Suburban Density Zone (Middle)
 Peckham Rye and Nunhead Action Area
 Air Quality Management Area
 Green Chain Parks

Details of proposal

- 5 It is proposed to change the use of the some of the ground floor rooms to provide day car for young children for part of the day. The nursery is to accommodate a maximum of 30 children under 5 years, with no more than 20 children under 2 years. The proposed child care activity will take place from 7.30am to 6.30pm Monday to Friday excluding bank holidays. 3 of the rooms at ground floor level are indicated as being utilised during these hours.
- 6 A total of 11 staff are proposed.

Planning history

- 7 03/AP/1978 Grant LBC for extension to basement
- 03/AP/1977 Grant permission for extension to basement
- 01000930 Grant permission for a semi-underground garden room for use as a playroom.
- 00/AP/1338 Refuse permission for creation of a semi-underground roof for use as a playroom
- 00/AP/1339 Refuse permission for creation of a semi-underground roof for use as a playroom
- 0100031 Grant Listed Building Consent for extension of basement.
- 0100030 Grant Planning Permission for extension of basement.
- 99/AP/1793 Grant LBC for erection of a conservatory to the rear.
- 99/AP/1794 Grant permission for construction of Annexe and Conservatory
- 99/AP/1283 Grant permission for front Boundary Treatment
- 99/AP/1284 Grant LBC for front Boundary Treatment
- 9800173 Grant LBC Refurbishments to form a single residential dwelling.
- 9700152 Grant permission for a change of use from residential to a nursery.

Planning history of adjoining sites

- 8 None relevant

KEY ISSUES FOR CONSIDERATION**Summary of main issues**

- 9 The main issues to be considered in respect of this application are:
- a) the principle of the change of use
 - b) the impact of the amenity of surrounding neighbours
 - c) impact on the listed building
 - d) transport impacts

Planning policy

- 10 National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning

applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

Relevant Sections

- 1. Building a strong competitive economy
- 4. Promoting sustainable transport
- 8. Promoting healthy communities
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

- 11 London Plan Policies 2011:
 Policy 3.16 Protection and enhancement of social infrastructure
 Policy 7.8 Heritage assets and archaeology
 Policy 7.17 Metropolitan Open Land

Core Strategy 2011

- 12 Strategic Policy 3 – Shopping, leisure and entertainment
 Strategic Policy 10 Jobs and Businesses
 Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 13 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.
- 14 Policy 2.2 'Provision of new community facilities'
 Policy 3.7 'Waste reduction'
 Policy 3.11 'Efficient use of land'
 Policy 3.2 'Protection of Amenity'
 Policy 3.17 'Listed buildings'
 Policy 3.25 'Metropolitan open land'
 Policy 5.2 'Transport impacts'
 Policy 5.3 'Walking and cycling'
 Policy 5.6 'Car parking'

Principle of development

- 15 The established use on the site is residential. The proposed use is a D1 use and it is will occupy some of the ground floor rooms for a period during the day. A permission was granted for a change of use from residential to nursery on 20/01/1997 under reference 9700152.
- 16 While loss of residential accommodation is contrary to saved Policy 4.6 'Loss of Residential Accommodation of the Southwark Plan (2007)', it is noted that the majority of the floorspace remains in residential use. The two storey dwelling is considered large enough to accommodate a nursery use without comprising the ability of the site to function as a residential unit also.
- 17 As such the principle of the use is acceptable in this instance as there is not total loss of a residential unit.

Environmental impact assessment

- 18 The proposed development lays outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not require the submission of an environmental impact assessment.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 19 This detached dwelling stands on a large site and is set back from any neighbouring dwellings. As such there is little potential for residential amenity to be impacted upon having regard to noise levels. The proposed opening hours of the nursery are Monday to Friday from 7.30am to 6.30pm excluding bank holidays. This are considered to be appropriate hours having regard to the nature of the use. A total of 30 children are expected to be accommodated.
- 20 The residential properties to the south east, along Colyton Road, are approximately 45m away from the south eastern boundary of the site. The terrace to the south west, comprising Nos. 2 to 18 Forest Hill Road, is approximately 50m from the front elevation of the proposed nursery. Nos. 2 to 18 Forest Hill is a mixed use terrace with commercial on the ground floor and residential on the upper floors. The residential terrace, Nos. 74 to 97 St Aidan's Road, lies approximately 65m to the west / south west of the facade of the proposed nursery. Given the substantial separation distances between the site and closest properties there is not expected to be any detrimental impact on adjoining occupiers arising from noise, disturbance and activities associated with a nursery.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 21 The surrounding uses are mainly residential and it is not considered that this use would detrimentally impact on the users of the nursery service.

Traffic issues

- 22 Car Parking:
- 23 Appendix 15 of the Southwark Plan does not contain any maximum car parking standards for a D1 use. Instead parking standards are applied flexibly and are to be assessed on an individual basis through the Transport Assessment.
- 24 Officers note that the site is not located within a Controlled Parking Zone (CPZ), and is located within an area that has a low Public Transport Accessibility Level (PTAL) rating. As such there is the potential for a high level of car use. The applicant has however provided some evidence of expected levels of car use.
- 25 The applicants have submitted a Travel Plan as part of this application. This notes the availability of Public Transport options in proximity to the site and notes that Honor Oak park is approx 0.5 miles away with Peckham Rye 1.0 mile away. It also notes the bus services which serve the site and these include the No. 363 and No. 63 buses.
- 26 The Travel Plan lists the numbers of expected children as 28 (whereas the maximum for the site would be 30), their predicted origin and expected method of transport. The design and access statement states that there may be a requirement for 5 or 6 parent drivers. The travel plan however predicts, based on 1 parent driver, that 96% of parents will use non-car based transport to bring their children to the site. The origin of

the staff are also listed and it is predicted that 93% of the 11 staff will utilise non-car based transport.

- 27 The applicant notes the large amount of available parking for the drop/off pick ups that may be carried out along Colyton Road and Dunstons Road, as well as St. Adians Road.
- 28 It is also noted that arrivals at the premises is staggered between 7.30am and 9am and again between 5 and 6.30pm.
- 29 It is noted that the previous permission to allow for a change of use to a nursery (granted 201/01/97) had a number of conditions attached to it, including a limitation on the number of children attending the nursery to 25 in order to reduce parking demand in the surrounding area. However having regard to the nature of the use, and the evidence submitted by the applicant as to the predicted origin of staff and parents, it is likely that car use will not be substantial, and coupled with the fact that arrivals and departures are staggered in the mornings and evenings, with a short parking time, it is not considered reasonable to impose a condition limiting the numbers to 25 in this instance. The applicant has applied for permission for a total of 30 children. It is considered reasonable to have a limitation on numbers so that the council has some control of the potential traffic impacts of larger numbers of parents/children. As such it is considered a condition limiting the numbers to 30 is reasonable in this instance.
- 30 A further condition limiting the use of the front of the site to deliveries only was imposed as a result of poor sight lines from the property. However since this application a new boundary wall has been constructed and officers are satisfied that the sight lines are adequate as a result and parents should be allowed to use this hard standing area to the front. As such, a revised travel plan should be requested by way of condition that makes provisions for parents to utilise this area rather than the surrounding street network.
- 31 Cycle Parking:
- 32 The Southwark Plan does not contain cycle parking standards for D1/D2 uses. Instead cycle parking standards are taken from Appendix 2 of the Transport for London (TfL) Workplace Cycle Parking Guide which states that for D2 uses there is a requirement for 1 space per 10 staff and 1 space per 20 peak period visitors. There is therefore a requirement for 2 cycle spaces in this instance.
- 33 While no details have been provided as part of this application, there is a large amount of space to the front of the site for cycles and details of cycle parking can be required by condition.
- 34 Servicing:
- 35 There is not forecast to be significant service movements associated with the nursery and while this is likely to be greater than a solely residential use, it is unlikely to have a material impact on the surrounding road network.

Design issues and Impacts on the Grade II Listed Building

- 36 No amendments to the elevations are proposed and as such no design issues are raised. Furthermore no internal alterations are proposed and as such there is no impacts on the listed building. Any internal alterations would be subject to a Listed Building Consent.

Impact on the MOL

- 37 While it is noted that the site is located on the Peckham Rye MOL, it is not considered that the setting of the MOL will be impacted upon by this change of use application, as no design changes are proposed and no additional built form is envisaged.

Waste and Recycling

- 38 No details have been provided in relation to waste and recycling. However it is not expected the levels of waste and recycling would be materially different from that of a residential use and it is expected the existing arrangements in relation to waste collection are sufficient.

Conclusion on planning issues

- 39 Having regard to the above the proposal is acceptable, subject to conditions in relation to a limitation on numbers to 30 children, further details of cycle parking and a revised travel plan.

Community impact statement

- 40 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

- 41 a) The impact on local people is set out above.
- 42 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none
- 43 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

Consultations

- 44 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 45 Details of consultation responses received are set out in Appendix 2.

- 46 Summary of consultation responses
No neighbour consultation responses received.

Human rights implications

- 47 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 48 This application has the legitimate aim of providing a change of use to a nursery unit. The rights potentially engaged by this application, including the right to a fair trial and

the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1101-45 Application file: 12-AP-0294 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5420 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour Consultee List
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ronan O'Connor, Planning Officer	
Version	Final	
Dated	29 June 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Planning, Chief Executive's Department	Yes	Yes
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken

Site notice date: 19/04/12

Press notice date: 05/04/12

Case officer site visit date: 19/04/12

Neighbour consultation letters sent:

04/04/12

Internal services consulted:

Transport

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

None

Consultation responses received**Internal services**

Transport - require additional information - verbal discussions re sightlines (29/06/12 with SH)

Statutory and non-statutory organisations

None

Neighbours and local groups

None

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 12/AP/0294

TP No	TP/2614-U	Site	THE ELMS, FOREST HILL ROAD, LONDON, SE22 0SH
App. Type	Full Planning Permission		

Date Printed	Address
04/04/2012	14 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	16 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	4 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	THE ELMS FOREST HILL ROAD LONDON SE22 0SH
04/04/2012	85 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	86 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	87 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	FIRST FLOOR FLAT 3 COLYTON ROAD LONDON SE22 0NE
04/04/2012	GROUND FLOOR FLAT 3 COLYTON ROAD LONDON SE22 0NE
04/04/2012	SECOND FLOOR FLAT 3 COLYTON ROAD LONDON SE22 0NE
04/04/2012	FIRST FLOOR AND SECOND FLOOR FLAT 4 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	6A FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	2 COLYTON ROAD LONDON SE22 0NE
04/04/2012	1 COLYTON ROAD LONDON SE22 0NE
04/04/2012	10 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	12 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	10A FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	LIVING ACCOMMODATION 2 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	82 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	83 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	84 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	8 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	18 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	HERNE HILL TAVERN 2 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	6 FOREST HILL ROAD LONDON SE22 0RR

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mrs E Lee	Reg. Number	12/AP/0294
Application Type	Full Planning Permission	Case	TP/2614-U
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of ground floor from residential (Class C3) to a nursery/creche (Class D1)

At: THE ELMS, FOREST HILL ROAD, LONDON, SE22 0SH

In accordance with application received on 06/02/2012 08:00:36

and Applicant's Drawing Nos. Site plan, Ground Floor plan, Travel Plan, Design and Access Statement

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Saved policies of the Southwark Plan [July 2007]:

Policy 2.2 (Provision of new community facilities) states that permission will be granted for new community facilities provided that provision is made for use by all members of the community, subject to assessment of impacts on amenity and in relation to transport impacts.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

Policy 3.17 (Listed buildings) Development proposals involving a listed building should preserve the building and its features of special architectural or historic interest.

Policy 3.25 (Metropolitan open land) There is a general presumption against inappropriate development on metropolitan open land.

b] Strategic Policies of the Core Strategy 2011:

Policy 1 (Sustainable development) allows for more intense development for a mix of uses to high standards to balance economic, social and environmental needs.

Policy 2 (Sustainable transport) seeks priority for walking and cycling, whilst maximising the use of public transport and minimising car use and requiring a transport assessment with applications to show that schemes minimise their impacts, minimise car parking and maximise cycle parking to provide as many sustainable transport options as possible.

Strategic Policy 4 Places for Learning, Enjoyment and Healthy Lifestyles seeks to ensure that there will be a wide range of well used community facilities that provide spaces for many different communities and activities in accessible areas.

Strategic Policy 10 Jobs and Businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

c] National Planning Policy Framework

Particular regard was had to the potential impacts on the amenity of adjoining occupiers and the functioning of the transportation network. However it is considered that the imposition of appropriate conditions would sufficiently mitigate any material impact. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

Ground Floor plan; Travel Plan; Design and Access Statement

Reason:

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

- 3 The use hereby permitted for nursery purposes shall not be carried on outside of the hours 07:30am to 18:30pm Monday to Friday, excluding bank holidays.

Reason:

To protect the amenities of the surrounding properties in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan (UDP) July 2007, strategic policy 13 'High Environmental Standards' of the Core Strategy 2011 and the National Planning Policy Framework 2012.

- 4 Occupancy for the nursery use hereby permitted shall be restricted to 30 children at any one time.

Reason:

To limit the impact on the surrounding road network in accordance with saved policy 5.2 'Transport Impacts' of The Southwark Plan July 2007 and Strategic Policy 2 'Sustainable Transport', Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and the National Planning Policy Framework 2012.

- 5 The Travel Plan submitted or as updated and agreed in writing with the Local Planning Authority, shall be implemented in full for the duration of the use hereby permitted. An updated travel plan shall be submitted to and approved by the local authority following the first user surveys (within 3 months of opening), and thereafter, surveys to be undertaken annually and results reported to the Travel Plan Officer at the London Borough of Southwark. This updated Travel Plan should include provisions for the use of the hard-standing area to the front of the dwelling for drop-off/collecting purposes for those parents that are driving to the site.

Reason

In order that the use of non-car based travel is encouraged and to limit the impact of the development on the surrounding road network in accordance with Saved Southwark Plan policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 car parking, Strategic Policy 2 'Sustainable transport' of the Core Strategy 2011 and the National Planning Policy Framework 2012.

- 6 Details of the facilities to be provided for the secure storage of 2 cycles shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason

In order that the use of non-car based travel is encouraged and to limit the impact of the development on the surrounding road network in accordance with Saved Southwark Plan policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 car parking, Strategic Policy 2 'Sustainable transport' of the Core Strategy 2011 and the National Planning Policy Framework 2012.

- 7 Notwithstanding the provisions of Use Class D1 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 use hereby permitted shall include use only as a children's day nursery.

Reason

In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use 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 2012.

Informatives

- 1 Please contact London Borough of Southwark's Travel Plan coordinator with regard to condition 5.
- 2 Internal and external alterations, including any works required to improve access, to this listed building are likely to require Listed Building Consent.

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PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2012-13

NOTE: Original held by Constitutional Team (Community Councils) all amendments/queries to Tim Murtagh Tel: 020 7525 7187

Name	No of copies	Name	No of copies
To all Members of the Community Council			
Councillor Victoria Mills (Chair)	1		
Councillor Adele Morris (Vice-Chair)	1		
Councillor James Barber	1		
Councillor Denise Capstick	1		
Councillor Nick Dolezal	1		
Councillor Barrie Hargrove	1		
Councillor Eliza Mann	1		
Councillor Helen Morrissey	1		
Councillor David Noakes	1	Dated: 29 May 2012	
Councillor Right Revd Emmanuel Oyewole			
Councillor Andy Simmons	1		
Councillor Michael Situ	1		
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Harriet Harman MP	1		
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Officers			
Constitutional Officer (Community Councils) Hub 4 (2 nd Floor), Tooley St.	15		
Claire Cook Planning, Hub 2 (5 th Floor) Tooley St.	1		
Suzan Yildiz / Nick Bradbury, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		
Total:	35		