

## Planning Sub-Committee B

Wednesday 23 October 2013  
7.00 pm  
132 Queens Road, London SE15 2HP

### Membership

Councillor Darren Merrill (Chair)  
Councillor Nick Stanton (Vice-Chair)  
Councillor Neil Coyle  
Councillor Nick Dolezal  
Councillor Jeff Hook  
Councillor Richard Livingstone  
Councillor Wilma Nelson

### Reserves

Councillor James Barber  
Councillor Sunil Chopra  
Councillor Renata Hamvas  
Councillor Helen Hayes  
Councillor David Hubber

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

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#### Access

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#### Contact

Gerald Gohler, Constitutional Officer, Tel: 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk) .

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 15 October 2013



## Planning Sub-Committee B

Wednesday 23 October 2013  
7.00 pm  
132 Queens Road, London SE15 2HP

### Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 8
	To approve the minutes of the meeting held on 9 July 2013 as a correct record of the meeting and signed by the chair.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	9 - 13
	7.1. TITAN HOUSE, 144 SOUTHWARK STREET, LONDON SE1 0UP	14 - 28
	7.2. HOOPERS, 28 IVANHOSE ROAD, LONDON SE5 8DH	29 - 40
	7.3. DULWICH COLLEGE, COLLEGE ROAD, LONDON SE21 7LG	41 - 52



## 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  
Chief Executive's Department  
Tel: 020 7525 5437; or

Planning Sub-Committee Clerk, Constitutional Team  
Corporate Strategy Division  
Tel: 020 7525 7420



## Planning Sub-Committee B

MINUTES of the OPEN section of the Planning Sub-Committee B held on Tuesday 9 July 2013 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Darren Merrill (Chair)  
 Councillor Nick Stanton (Vice-Chair)  
 Councillor Neil Coyle  
 Councillor Nick Dolezal  
 Councillor Renata Hamvas  
 Councillor Jeff Hook  
 Councillor Wilma Nelson

**OTHER MEMBERS PRESENT:** Councillor Denise Capstick  
 Councillor Adele Morris  
 Councillor David Noakes

**OFFICER SUPPORT:** Rob Bristow (Development Control)  
 Sadia Hussain (Legal Officer)  
 Vikki Lewis (Development Control)  
 Michèle Strerry (Development Control)  
 Sonia Watson (Development Control)  
 Gerald Gohler (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 Richard Livingstone, and Councillor Renata Hamvas for lateness.

### 3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

#### 4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members made declarations regarding the agenda items below:

##### **Agenda item 7.1 – Charles Dickens Primary School, Lant Street, London SE1 1QP**

Councillor Nick Stanton, non-pecuniary, as he was acquainted with the vice-chair of the governors of Charles Dickens School.

##### **Agenda item 7.3 (taken as item 7.2) – 65 Southwark Park Road, London SE16 3TY**

Councillor Nick Stanton, non-pecuniary, as the proposed development was opposite his residence.

#### 5. 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 items 7 – development management item

The chair also announced that he would vary the running order of the agenda items, swapping items 7.2 and 7.3.

#### 6. MINUTES

##### **RESOLVED:**

That the minutes of the meeting held on the 15 May 2013 be approved as a correct record and signed by the chair.

#### 7. DEVELOPMENT MANAGEMENT ITEMS

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.

## 7.1 CHARLES DICKENS PRIMARY SCHOOL, LANT STREET, LONDON SE1 1QP

### Planning application reference number 13/AP/0683

Report: See pages 13-32 of the agenda pack, and 1 to 2 of the addendum report.

#### PROPOSAL

*Installation of a modular building comprising two classrooms with ancillary toilets on land to north of former Lant Street to serve Charles Dickens School.*

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

Members heard a representation from a representative of the objectors to the application and asked questions.

The representatives of the applicant made representations to the committee and answered members' questions.

Supporters of the application who lived within 100 metres of the proposed development made representations to the committee and answered members' questions.

Councillor David Noakes addressed the meeting in his capacity as a ward councillor. Members asked questions of Councillor Noakes.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded and declared to be carried.

#### RESOLVED:

That planning application 13/AP/0683 be granted as set out in the agenda pack and the addendum report, and including an additional condition requiring details of a soil contamination survey.

**NOTE:** The reason that the application had been referred to the sub-committee was due to its strategic nature. There had been no request from members to refer the matter to the sub-committee, as erroneously reported at the meeting.

## 7.2 65 SOUTHWARK PARK ROAD, LONDON SE16 3TY

(formerly item 7.3)

**Note:** At this point Councillor Nick Stanton left the meeting, and Councillor Renata Hamvas joined the meeting.

### **Planning application reference number 13/AP/0277**

Report: See pages 50 - 74 of the agenda pack, and page 3 of the addendum report.

### **PROPOSAL**

*Change of use of ground floor shop to hot food take-away (A5 class use) with installation of extraction flue system to rear and new proposed opening hours: Sunday to Wednesday 11:00 to 23:00, Thursday to Saturday 11:00 to 00:00.*

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

Members heard a representation from a representative of the objectors to the application and asked questions.

A representative of the applicant made representations to the committee and answered members' questions.

There were no supporters of the application who live within 100 metres of the application who wished to speak.

Councillor Denise Capstick addressed the meeting in her capacity as a ward councillor. Members asked questions of Councillor Capstick.

Members debated the application and asked questions of the officers.

A motion to refuse planning permission was moved, seconded and declared to be carried.

### **RESOLVED:**

That planning application 13/AP/0277 be refused on the grounds that:

1. The proposal by reason of the flue location in close proximity to residential windows and gardens, would result in noise and smells. Additionally, the proposal would exacerbate the existing litter problem, be detrimental to visual and residential amenity and would increase traffic, pollution and waste. It would therefore be contrary to Strategic Policy 13 of the Core Strategy ("High Environmental Standards) and saved Southwark Plan Policies 2007 1.10 (part i) "Small scale shops and services outside the town and local centres and protected shopping frontages," and policy 3.2 "Protection of amenity".
2. The proposed A5 use would be contrary to the aspirations of the Council to promote a healthy lifestyle to residents, given its proximity to the Harris Academy and the existence of other take-aways in close proximity. The proposal is, therefore, seen as contrary to the Strategic Objective 1C Be Healthy and Active within the Core Strategy 2011.

**Note:** At this point Councillor Nick Stanton rejoined the meeting.



### 7.3 284-302 WATERLOO ROAD, LONDON SE1 8RQ

(formerly item 7.2)

#### **Planning application reference number 13/AP/0409**

Report: See pages 33-49 of the agenda pack, and pages 2 and 3 of the addendum report.

#### **PROPOSAL**

*Change of use of part of the eighth floor from hotel gym to bar (Use Class A4), creation of roof terrace for bar, erection of canopy and balustrade and alterations to windows / doors at 8th floor level.*

The committee heard an officer's introduction to the report.

Members heard a representation from representatives of the objectors to the application and asked questions.

The representatives of the applicant made representations to the committee and answered members' questions.

There were no supporters who live within 100 metres of the development who wished to speak.

Councillors David Noakes and Adele Morris addressed the meeting in their capacity as ward councillors. Members asked questions of Councillors Noakes and Morris.

Members debated the application and asked questions of the officers.

A motion to grant planning permission as on paper and with an amended condition 4 prohibiting the use of terrace after 7pm was moved, seconded and declared to have fallen.

After further discussion, a second motion to grant planning permission with amended conditions was moved, seconded and declared to be carried.

#### **RESOLVED:**

That planning application 13/AP/0409 be granted, as outlined in the report and addendum report, and with the following amendments:

1. amended condition 4 to stipulate that the roof terrace shall not be occupied outside the hours of 09:00 – 21:00 Monday to Sunday
2. That an additional condition be added requiring the applicant to submit a management plan to address the above conditions and to be agreed by the local authority, after consultation on with residents.

#### **7.4 MANSION WHARF HOUSE FORMER LANDALE HOUSE, LOWER ROAD, LONDON SE16 2XG**

##### **Planning application reference number 13/AP/0999**

Report: See pages 75-104 of the agenda pack, and pages 4 to 5 of the addendum report.

##### **PROPOSAL**

*Alterations to the existing student accommodation building and construction of a 5-storey plus basement extension comprising 49 new bedspaces, and associated landscaping.*

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

Members heard a representation from representatives of the objectors to the application and asked questions.

A motion to defer the item, pending a site visit was moved, seconded and declared to have fallen.

The representatives of the applicant made representations to the committee and answered members' questions.

There were no supporters who live within 100 metres of the development who wished to speak.

There were no ward councillors who wished to speak on the application.

Members debated the application and asked questions of the officers.

A motion to refuse planning permission was moved, seconded and declared to be carried.

##### **RESOLVED:**

That planning application 13/AP/0999 be refused on the grounds that the development would be overbearing and lead to a loss of amenity to the adjoining block at Orchard House, in terms daylight/sunlight, and is therefore considered to be contrary to:

1. Saved policy 3.2 "Protection of amenity" of the Southwark Plan
2. Strategic policy 13 of the Core Strategy 2011 "High environmental standards"

#### **7.5 PERRONET HOUSE GAYWOOD ESTATE, PRINCESS STREET, LONDON SE1 6JS**

**Planning application reference number 12/AP/3875**

Report: See pages 105-119 of the agenda pack, and page 5 of the addendum report.

**PROPOSAL**

*Conversion of part of the ground floor car park of an existing housing block into a pharmacy (Use Class A1) with provision of glazed shopfronts.*

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

Members heard a representation from a representative of the objectors to the application and asked questions.

The applicant made representations to the committee and answered members' questions.

There were no supporters who live within 100 metres of the development who wished to speak.

Councillors David Noakes and Adele Morris addressed the meeting in their capacity as ward councillors. Members asked questions of Councillors Noakes and Morris.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded and declared to be carried.

**RESOLVED:**

That planning application 12/AP/3875 be granted, as set out in the agenda pack and the addendum report, and subject to an amended condition 4, which is to include allowing for 4 hours maximum of emergency opening hours on bank holidays.

**7.6 'DUCKS' INFANTS SCHOOL, DULWICH COLLEGE, DULWICH COMMON, LONDON SE21 7LG****Planning application reference number 13/AP/1221**

Report: See pages 120-129 of the agenda pack, and pages 5 to 6 of the addendum report.

**PROPOSAL**

*Single storey rear extension to classroom block of 'Ducks' Infants School, Dulwich College, College Road, between Grange Lane & Woodhall Drive.*

The committee heard an officer's introduction to the report.

No representations were made by objectors or the applicant.

There were no supporters who live within 100 metres of the development, or ward councillors, who wished to speak.

Members debated the application.

A motion to grant planning permission was moved, seconded and declared to be carried.

**RESOLVED:**

That planning application 13/AP/1221 be granted as on paper.

Meeting ended at 12.10am.

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 23 October 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### 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:
  - a. 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.
  - b. 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.
  - c. 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.

6. 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.
7. 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 maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Director of Legal Services**

12. 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.
13. 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.
14. 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).

15. 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).
16. 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.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make 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.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. 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.
19. 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.
20. 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 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Gary Rice 020 7525 5437

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Kenny Uzodike, Constitutional Officer Jonathan Gorst, Head of Regeneration & Development Team	
<b>Version</b>	Final	
<b>Dated</b>	6 November 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		6 November 2012



**ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B**  
**on Wednesday 23 October 2013**

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**Appl. Type** Full Planning Permission  
**Site** TITAN HOUSE 144 SOUTHWARK STREET, LONDON, SE1 0UP

**Reg. No.** 12-AP-3715  
**TP No.** TP/1145-H  
**Ward** Cathedrals  
**Officer** Rónán O'Connor

**Recommendation** GRANT PERMISSION

### *Item 7.1*

**Proposal**

Extension of the office floorspace at 5th floor level and the creation of two additional floors at 6th and 7th floor level (7th floor set back). The 6th floor will accommodate additional office space and the 7th floor will accommodate a 2 bed residential unit with a roof terrace. Also proposed is lift shaft on the western elevation, the recladding of the existing building and replacement windows.

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**Appl. Type** Full Planning Permission  
**Site** HOOPERS, 28 IVANHOE ROAD, LONDON, SE5 8DH

**Reg. No.** 13-AP-2004  
**TP No.** TP/2123-A  
**Ward** South Camberwell  
**Officer** Susannah Pettit

**Recommendation** GRANT PERMISSION

### *Item 7.2*

**Proposal**

Change of use of ground and lower ground floors which formerly formed Public House into three self contained residential units. The upper parts being previously converted into five self contained flats.

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**Appl. Type** Full Planning Permission  
**Site** DULWICH COLLEGE, COLLEGE ROAD, LONDON, SE21 7LG

**Reg. No.** 13-AP-1617  
**TP No.** TP/2083-C  
**Ward** College  
**Officer** Michael Mowbray

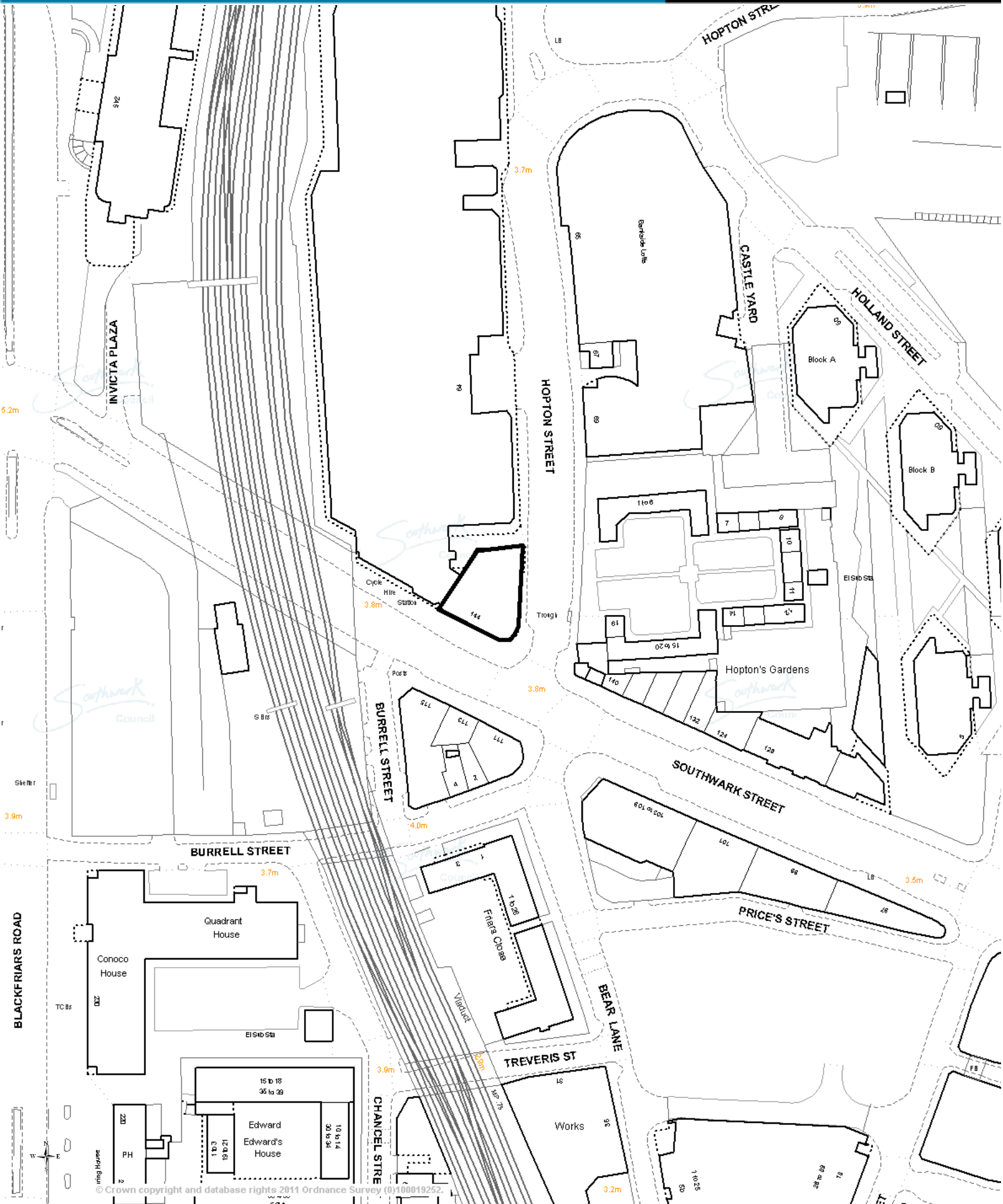
**Recommendation** GRANT PERMISSION

### *Item 7.3*

**Proposal**

Installation of single storey temporary accommodation to provide science teaching classrooms plus ancillary support facilities (Departure from Development Plan policy in respect of Metropolitan Open Land)

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<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 23 October 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 12/AP/3715 for: Full Planning Permission  <b>Address:</b> TITAN HOUSE 144 SOUTHWARK STREET, LONDON, SE1 0UP  <b>Proposal:</b> Extension of the office floorspace at 5th floor level and the creation of two additional floors at 6th and 7th floor level (7th floor set back). The 6th floor will accommodate additional office space and the 7th floor will accommodate a 2 bed residential unit with a roof terrace. Also proposed is lift shaft on the western elevation, the recladding of the existing building and replacement windows.		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 20/11/2012		<b>Application Expiry Date</b> 15/01/2013	
<b>Earliest Decision Date</b> 03/01/2013			

## RECOMMENDATION

- 1 Grant permission.

## BACKGROUND INFORMATION

- 2 This item is brought before the sub-committee for decision at the request of Councillors and with the agreement of the Chair of Planning Committee.

### Site location and description

- 3 Titan House is located on the corner of Southwark Street and Hopton Street. The existing building is 6 storeys in height. The building is in use for office accommodation. The principal access to the building is from Hopton Street.

- 4 Site Policies/Constraints

Central Activity Zone  
 Air Quality Management Area  
 Archaeological Priority Zone  
 District Town Centre  
 Thames Policy Area  
 Thames Special Policy Area  
 Strategic Cultural Area  
 Bankside, Borough and London Bridge Opportunity Area

### Details of proposal

- 5 It is proposed to extend the existing 5<sup>th</sup> floor office accommodation and to construct

an additional 6th floor of office accommodation. It is also proposed to create an additional set back floor at 7th floor level to accommodate a self contained 2 bedroom unit with a roof terrace. A new entrance is proposed adjacent to the office entrance at ground floor. New lifts are proposed.

- 6 It is also proposed to over re-clad the principal elevations of the existing building. Revised drawings were received during the course of the application indicating a different cladding arrangement. The drawings indicate a lighter coloured outer frame stone cladding. The secondary inner frame cladding will be powder coated steel or aluminium.

### **Planning history**

- 7 02-AP-1104 Grant permission for Installation of air-conditioning units on roof [decision date 30/07/2002]

### **Planning history of adjoining sites**

- 8 SAMPSON HOUSE 64 HOPTON STREET SE1 9JH & LUDGATE HOUSE 245 BLACKFRIARS ROAD SE1 & RAILWAY ARCHES.
- 9 12-AP-3940 Grant permission for demolition of existing buildings and the construction of a mixed use development totalling 144,571 sq.metres GEA [decision date 08/10/2013]
- 10 PULSE NIGHTCLUB RAILWAY ARCH 1, INVICTA PLAZA, SOUTHWARK STREET, LONDON, SE1 9UF
- 11 12/AP/1213 Application refused for continued use as a multi-purpose leisure venue for corporate events and nightclub (sui generis use). Currently at appeal stage.

## **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 development in terms of land use and conformity with strategic policies.
  - b) Whether the application is acceptable in terms of design and massing within the surrounding streetscape
  - c) the impact on the setting of any listed buildings
  - d) The impact of the scheme upon the amenity of the surrounding occupiers, and future residents.
  - d) The impact of the proposal on the development potential of adjoining sites.
  - e) Transport Impacts.
  - f) Waste

## Planning policy

- 13 Core Strategy 2011
- 14 Strategic Policy 1 Sustainable Development  
Strategic Policy 2 Sustainable Transport  
Strategic Policy 5 Providing New Homes  
Strategic Policy 12 Design and Conservation  
Strategic Policy 13 High Environmental Standards  
Strategic Policy 14 Implementation and delivery
- 15 Southwark Plan 2007 (July) - saved policies
- 16 The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- 17 Policy 3.2 - Protection of amenity  
Policy 3.7 - Waste reduction  
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 3.18 - Setting of listed buildings, conservation areas and world heritage sites  
Policy 4.2 - Quality of residential accommodation  
Policy 5.3 - Walking and cycling  
Policy 5.6 - Car parking
- 18 London Plan 2011
- 19 Policy 3.3 Increasing housing supply  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology  
Policy 8.3 Community infrastructure levy
- 20 National Planning Policy Framework (NPPF)
- 21 Section 1 Building a strong competitive economy  
Section 4 Promoting sustainable transport  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design
- 22 Residential Design Standards (SPD) October 2011  
Sustainable Design and Construction SPD

### **Principle of development**

- 23 There are no objections in land use terms to the principle of the development. The existing commercial is retained and additional commercial floorspace is proposed. A residential unit is proposed at top floor level. There are no policy objections to this residential use, as the site policies/constraints allow for such a mix of uses.

### **Environmental impact assessment**

- 24 The site area is below the threshold of 0.5 hectares included in the EIA regulations. Furthermore, the nature, scale and location of the development is not such that it would be likely to give rise to environmental effects of more than local significance. The site is not located within a 'sensitive area' as defined by the Regulations. Therefore an Environmental Impact Assessment would not be required.

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

- 25 Saved Policy 3.2 Protection of Amenity and Strategic Policy 13 High Environmental Standards states that the Council will not allow development where it leads to a loss of amenity for neighbours.
- 26 The nearest residential occupiers are located at 1-19 Hopton Gardens located to the east of the site, across Hopton Street.
- 27 A Daylight and Sunlight Assessment was received during the course of the application which considers the impact on 1-19 Hopton Gardens. The report notes that there will be a measurable loss of daylight as a result of the proposed extension, the percentage loss of daylight will range from 4.90% up to a maximum of 16.41%. The report further notes that these percentage losses are all within the permissible margin of reduction within the BRE Guidelines.
- 28 One window is identified as not complying with BRE Guidelines relating to loss of sunlight. The results show that the windows will lose 1% of Annual Probable Sunlight Hours (APSH). However as it only receives 1% of APSH under existing conditions, the loss will not be material.
- 29 As such, having regard to the above, it is not considered the proposed development will have a negative impact on the sunlight and daylight received to 1-19 Hopton Gardens. It is not considered that any other properties will be impacted upon, having regard to loss of daylight or sunlight.
- 30 It is not considered that any overlooking, sense of enclosure or loss of outlook will result from this proposal.
- 31 Regard is had to recently consented scheme (12-AP-3940) at Sampson and Ludgate. It is not considered that the proposals impact negatively on the proposed scheme at Sampson and Ludgate. It is noted that there is office accommodation to the north of the site. It is not considered that the proposals will impact negatively on this accommodation.

### **Residential Design Standards**

- 32 Floor Areas:

- 33 The unit size and individual room sizes comply with the minimum standards as set out in the Residential Design Standards SPD 2011. The overall unit size is 175 sq. m. which is well above the minimum standards for a 2 bed unit.
- 34 Daylight/Sunlight:
- 35 The unit is well served by windows and will received sufficient levels of sunlight and daylight.

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

- 36 The development is located in an area characterised by mixed uses, with both residential and commercial properties in the surrounding streets. Therefore there would be no conflict between the existing occupiers of the area and the proposed occupiers / users of this development.
- 37 Regard is had to the recently consented development at Sampson and Ludgate to the north and west of this site (planning ref 12/AP/3940). A 22 storey office accommodation block is proposed to the immediate north and west of the proposed development. While this will be visible from the roof terrace of the proposed residential unit, and will have an impact on the residential unit, it is not considered that the development, if developed, would impact on the residential unit to such a degree as to result in adverse living conditions. Whilst there will be views towards the block facing west, the unit still enjoys unobscured views towards the south and limited views towards the east.
- 38 Having regard to overshadowing, it is likely that the proposed block will result in loss of sunlight to the proposed unit in the evening. However the unit will still enjoy sufficient sunlight for the majority of the day.
- 39 Regard is had also to the current application at the Pulse nightclub (12/AP/1213), which is currently at appeal stage. This is located approximately 50m to the site at the closest extent. Should the appeal be allowed, this use has the potential to impact on the residential element of this scheme. Although the impact of the nightclub can be mitigated to some extent by the imposition of a condition on the residential unit to require a minimum standard of noise insulation limited weight can be given to the application at the Pulse nightclub as there is currently no consent on this site. Furthermore, it is likely that the proposed residential unit would have adequate soundproofing measures which would be required under current building regulations.

### **Transport issues**

- 40 Strategic policy 2 'Sustainable transport' of the Core Strategy, requires developments to minimise their impacts upon surrounding highway networks, minimise car parking and maximise cycle parking to provide as many sustainable transport options as possible. Saved policy 5.2 'Transport impacts' requires developments to mitigate any adverse impacts upon transport networks and have adequate provision for servicing, circulation and access to / from the site. Saved policy 5.3 'Walking and cycling' states that development should have adequate provision for pedestrians and cyclists within the development. Saved policies 5.6 and 5.7 set out the requirements for car parking and disabled parking within developments.

### Car Parking

- 41 The application site is located in an area with a high TfL Public Transport Accessibility Level (PTAL) rating of 6, which reflects the area's high level of access to all forms of public transport. Due to the high accessibility of the site, the car free nature of the development is considered acceptable.

### Cycle parking

- 42 The provision of 5 cycle spaces is too low and would not provide adequate cycle parking facilities for the number of existing and proposed employees. Additional cycle storage is however secured by way of condition.

### **Design issues**

- 43 The existing building is set back at 5th floor level. It is proposed to create two additional floors at 6th and 7th floor level with the 7th floor set back. It is also proposed to reclad the facade.
- 44 In terms of bulk and mass, it is considered that the proposal is acceptable. Regard is had to the existing building heights to the north and west of the site, and the proposals are in keeping with these buildings. The building is on a prominent corner site and the additional height is in line with the changing nature of this area towards higher density and higher buildings. The proposals do not result in an overbearing structure and the overall appearance is one of a predominantly office building in a central London location.
- 45 The proposed recladding of the building results in a significant improvement in the appearance of the building and results in positive impact on the surrounding streetscape. Samples of materials would be secured by way of condition so as to ensure that the quality of materials is of sufficient standard.

### **Impact on character and setting of nearby listed buildings**

- 46 1-19 Hopton Street are Grade II\* listed structures. The existing and proposed building are within the setting of these buildings. However, having regard to the design discussion above, it is not considered that the setting would be adversely impacted upon. The proposals result in an overall improved appearance of the building which results in a positive impact on the streetscape, with a positive impact on the setting on the Grade II\* listed buildings. The proposal, while higher than the existing building, does not result in an overbearing or dominant structure.

### **Mayoral CIL and S106**

- 47 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 with office use.
- 48 CIL is therefore payable on the additional commercial and residential floor space, less



the existing commercial floorspace which is in use. The total floor existing floorspace is 2277 sq. m. which is commercial floorspace in use. The total additional commercial floorspace is 499 sq. m. The total residential floorspace is 195 sq. m. As such the total CIL payable is £24,290.

### **Conclusion on planning issues**

- 49 Having regard to the above, the proposal is acceptable and the recommendation is to grant permission.

### **Community impact statement**

- 50 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.
- 51 a) The impact on local people is set out above.
- 52 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none.
- 53 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**

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

### **Consultation replies**

- 55 Details of consultation responses received are set out in Appendix 2.
- 56 Summary of consultation responses
- 57 8 objections have been received in relation to this application. Main issues raised include:
- Unacceptable increase in the bulk and massing of the building
  - Out of scale with existing buildings
  - Negative impacts on the setting of the Grade II listed Alms houses
  - Impact on townscape views
  - Will impact on views along Southwark Street and from Bear Lane and Hopton Street
  - A Townscape View Impact Assessment should be submitted
  - Design is unacceptable
  - Impact on daylight and sunlight on surrounding properties.
  - Cumulative impact on daylight from surrounding developments on the almshouses.
  - Almshouses will be overlooked by the new residential unit.

### Human rights implications

- 58 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.
- 59 This application has the legitimate aim of providing additional 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.

### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 60 None.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1145-H Application file: 12/AP/3715 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	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**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Rónán O'Connor, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	10 October 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment & Leisure	No	No
Strategic Director Housing & Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	14 October 2013	

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 06/12/2012

**Press notice date:** 19/10/2013

**Case officer site visit date:** 06/12/13

**Neighbour consultation letters sent:**

11/12/12

**Internal services consulted:**

Transport  
Design and Conservation

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

As per Appendix 3

**Re-consultation:**

27/06/2013 Daylight and Sunlight Assessment received

**APPENDIX 2****Consultation responses received****Internal services**

Transport - require additional cycle storage  
Design and Conservation – No objection to revised drawings

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

8 objections have been received in relation to this application. Main issues raised include:

- Unacceptable increase in the bulk and massing of the building
- Out of scale with existing buildings
- Negative impacts on the setting of the Grade II listed Alms houses
- Impact on townscape views
- Will impact on views along Southwark Street and from Bear Lane and Hopton Street
- A Townscape View Impact Assessment should be submitted
- Design is unacceptable
- Impact on daylight and sunlight on surrounding properties.
- Cumulative impact on daylight from surrounding developments on the almshouses.
- Almshouses will be overlooked by the new residential unit.

## APPENDIX 3

## Neighbour Consultee List for Application Reg. No. 12/AP/3715

<b>TP No</b>	TP/1145-H	<b>Site</b>	TITAN HOUSE 144 SOUTHWARK STREET, LONDON, SE1 0UP
<b>App. Type</b>	Full Planning Permission		

<b>Date Printed</b>	<b>Address</b>
11/12/2012	3 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	4 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	2 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	1 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	19 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	15-25 GALLERY LOFTS 69 HOPTON STREET LONDON SE1 9LF
11/12/2012	SAMPSON HOUSE 64 HOPTON STREET LONDON SE1 9JH
11/12/2012	5 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	6 HOPTONS GARDENS HOPTON STREET LONDON SE1 9JJ
11/12/2012	142A SOUTHWARK STREET LONDON SE1 0SW
11/12/2012	FOURTH FLOOR 71 HOPTON STREET LONDON SE1 9JL
11/12/2012	THIRD FLOOR 71 HOPTON STREET LONDON SE1 9JL
11/12/2012	GROUND FLOOR TO SECOND FLOOR 71 HOPTON STREET LONDON SE1 9JL
11/12/2012	PART GROUND FLOOR SAMPSON HOUSE 64 HOPTON STREET LONDON SE1 9JH
11/12/2012	111 Southwark Street London SE1 0JF
11/12/2012	113 SOUTHWARK STREET LONDON SE1 0JF
11/12/2012	142 SOUTHWARK STREET LONDON SE1 0SW
11/12/2012	ROSS HOUSE 144 SOUTHWARK STREET LONDON SE1 0UP
11/12/2012	115 SOUTHWARK STREET LONDON SE1 0JF
20/06/1837	St Saviour's House 39-41 Union Street London SE1 1SD
20/06/1837	21 Hopton Gardens Hopton Street London SE1 9JJ
20/06/1837	10 Hopton Gardens SE1 9JJ
20/06/1837	11 Hoptons Gardens Hopton Street London SE1 9JJ

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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.

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<b>Applicant</b>	Titan Entertainment Group	<b>Reg. Number</b>	12/AP/3715
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/1145-H
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Extension of the office floorspace at 5th floor level and the creation of two additional floors at 6th and 7th floor level (7th floor set back). The 6th floor will accommodate additional office space and the 7th floor will accommodate a 2 bed residential unit with a roof terrace. Also proposed is lift shaft on the western elevation, the recladding of the existing building and replacement windows.

**At:** TITAN HOUSE 144 SOUTHWARK STREET, LONDON, SE1 0UP

**In accordance with application received on 20/11/2012**

**and Applicant's Drawing Nos.** Site location plan; 770/S1; 770/S2; 770/S3; 770/S4; 770/S5; 770/S6; 770/S7; 770/S8; 770/S9; 770/S10; 770/S12; 770/P1A; 770/P2A; 770/P3A; 770/P4A; 770/P5A; 770/P6A; 770/P7A; 770/P8A; 770/P9A; 770/P10B; 770/P11B; 770/P12A; 770/P13B; 770/P14A;  
Photographs; 1 X photomontage; Design and Access Statement; Daylight/Sunlight Report;

**Subject to the following five conditions:**

**Time limit for implementing this permission and the approved plans**

- 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:

770/P1A; 770/P2A; 770/P3A; 770/P4A; 770/P5A; 770/P6A; 770/P7A; 770/P8A; 770/P9A; 770/P10B; 770/P11B; 770/P12A; 770/P13B; 770/P14A;

Reason:

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

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 3 Details of the 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 and 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 National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design; 3.13 Urban Design and Policy 3.18: Setting of listed buildings, conservation areas and world heritage sites of The Southwark Plan 2007.

- 4 Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be

provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

**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 The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 5 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

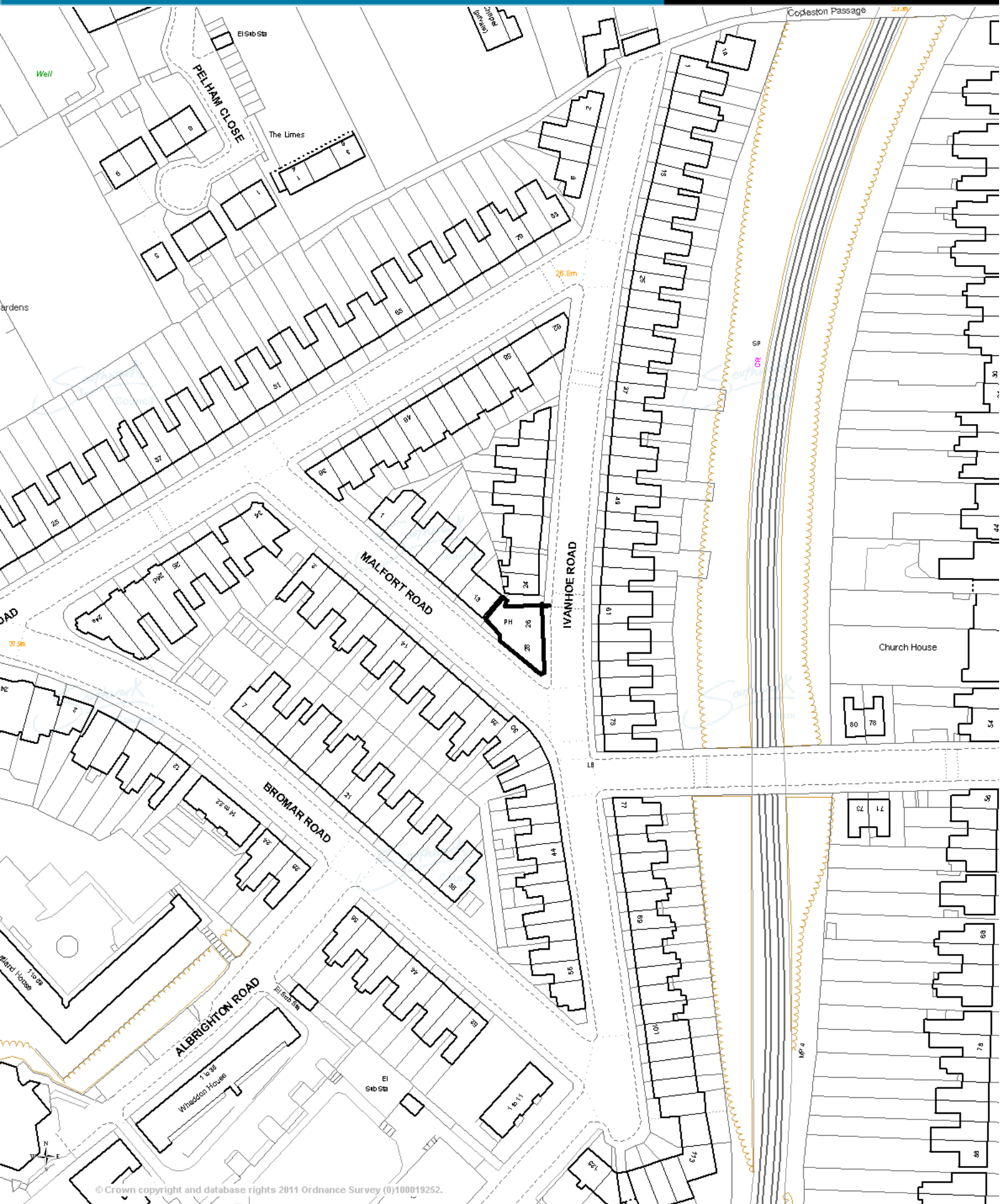
**Reason**

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**



Date 11/10/2013



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<b>Item No.</b> 7.2	<b>Classification:</b> OPEN	<b>Meeting date:</b> 23 October 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/2004 for: Full Planning Permission  <b>Address:</b> HOOPERS, 28 IVANHOE ROAD, LONDON, SE5 8DH  <b>Proposal:</b> Change of use of ground and lower ground floors which formerly formed Public House into three self contained residential units. The upper parts being previously converted into five self contained flats.		
<b>Ward(s) or groups affected:</b>	South Camberwell		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 24/06/2013		<b>Application Expiry Date</b> 19/08/2013	
<b>Earliest Decision Date</b> 17/08/2013			

### RECOMMENDATION

- 1 Grant planning permission subject to conditions.

### BACKGROUND INFORMATION

- 2 This application has been called-in at the request of two members for determination by Sub-Committee.

### Site location and description

- 3 The application site occupies a triangular corner plot on the junction of Ivanhoe Road and Malfort Road. Currently on site is a three-storey building previously in use as a pub on the ground floor but vacant since 24 December 2012, three x 1 bedroom flats on the first floor, and 2 x 1 bedroom flats on the second floor. The flats are all occupied.
- 4 Surrounding buildings are fairly uniform two storey terraced properties with rear gardens. Some have been converted into flats. There were several properties opposite the pub (on the west side of Ivanhoe Road) which were previously used as commercial units to the ground floor, but have now been converted to residential.
- 5 The site has a Public Transport Accessibility Level (PTAL) of 3, and is not within a Controlled Parking Zone (CPZ).
- 6 The building is not listed and is not located within a conservation area.

### Details of proposal

- 7 Having implemented a previous consent for the conversion of the upper floors of the pub into four flats, the applicant now wishes to obtain planning permission for the conversion of the ground floor and basement into three duplex flats. There would be 1 x 2 bedroom flat, and 2 x flats drawn as one bedroom, but having an additional room marked as 'study' or 'lower reception'.
- 8 Access to two of the flats would be from a communal entrance hall off Malfort Road, and the third would be accessed through the communal side access yard which is also used by upper floor flats. A new timber panelled door would be inserted into the Malfort Road elevation, and new metal railings would be inserted into the Ivanhoe Road elevation to block off an existing access to the pub.

### **Planning history**

- 9 07-AP-1908: Planning permission was granted on 12/09/07 for the remodelling of the existing public house, manager's, chef's and landlord's flats at first and second floor to form 4 self contained flats (2 x 2 bed and 2 x 1 bed). Single storey extension to existing ground floor flat roof to Malfort Road elevation.
- 10 09-AP-1624 Planning permission was granted on 12/11/09 for the installation of a kitchen extract flue to (internal) rear yard and re-opening of doorway to Malfort Road in connection with continued use as a public house. The approved drawings for this application also showed a revised layout for flat A, and this has now been implemented.
- 11 09-AP-2461: Planning permission was granted on 29/12/09, for the erection of railings to flat roof at second floor level (serving both flats), and installation of access door through side wall in connection with provision of roof terrace for flat D.
- 12 09-AP-2023: Planning permission was granted on 08/02/10 for the variation of condition 2 (materials) on planning permission 07-AP-1908 to allow the use of UPVC heritage sash windows.
- 13 10-AP-2095: Approval of details was granted on 07/07/11 for the details showing provision of four cycle storage spaces.
- 14 11-EN-0519: An enforcement complaint was received on 01/12/12, the breach being the conversion of the building into five flats instead of 4 as approved.
- 15 13-AP-0282: Planning permission was granted on 08/04/13 for the Subdivision of 2 bedroom flat to create 1 x studio flat and 1 x one bedroom flat.

### **Planning history of adjoining sites**

- 16 None relevant.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 17 The main issues to be considered in respect of this application are:
- a) Land use issues - the loss of the pub.
  - b) Amenity, and impact of the proposal on quality of accommodation provided.

c) Transport issues

d) Design

### **Planning policy**

#### Core Strategy 2011

18 Strategic Policy 5 – Providing new homes

#### Southwark Plan 2007 (July) - saved policies

19 The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

20 3.2 Protection of Amenity  
4.2 Quality of Residential Accommodation  
4.3 Mix of Dwellings  
5.2 Transport Impacts  
5.3 Walking and Cycling  
5.6 Car Parking  
Residential Design Standards Supplementary Planning Document Jan 2011

#### National Planning Policy Framework (NPPF)

21 Section 6: Delivering a wide choice of high quality homes, being particularly relevant

#### **Principle of development**

22 Regarding the loss of the pub (A4) use, saved policy 1.10 applies:

Outside Town Centres, Local Centres and Protected Shopping Frontages, development will only be permitted for a proposal for a change of use between A use classes or from A use classes to other uses, where the applicant can demonstrate that:

- i. The proposed use would not materially harm the amenity of surrounding occupiers, and
- ii. The use class that would be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality or viability of nearby shops or shopping parades; 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.

23 The applicant has submitted marketing details showing the site has been marketed for at least 12 months, furthermore there are other pubs (A4 class uses) within a 600m radius. These include The Crooked Well on Grove Lane, The Vale on Grove Vale, The Gowlett on Gowlett Road, and The Victoria Inn on Choumert Road. Finally, the use of the ground floor and basement as flats is not considered to harm the amenity of other nearby residents.

- 24 The applicant has submitted a document entitled 'History of Hoopers' trading 2006-2012 and its non-viability as a pub'. This sets out a chronology of the management issues of the pub since acquisition of the site in 2006. This is summarised below:
- A licence application for live music was withdrawn in 2005 as a result of strong objections in the form of a petition from neighbours.
  - Extensive refurbishment and new name in 2007 to announce the new management.
  - Coffee machine installed to try to attract customers during the day, such as mums with babies. Due to accessibility problems, as well as location, and lack of footfall, this was not well attended.
  - Pub placed on the market in 2008 - no uptake.
  - Introduction of catering in 2008, but by 2009 a loss was made. Further introduction of catering in 2010 and 2011, but neither chefs were able to attract a consistent and viable trade.
  - Over the course of the given period, comedy evenings, live sport and good quality real ales have been pioneered. However, the pub does not have a separate function room for live entertainment. The other functions were not well attended. Noise complaints were received in response to live entertainment, despite additional measures being employed to reduce sound creep.
  - The break even point for the pub was £3,300 per week, however, the average for 2012 was £2,300 per week.
- 25 The report concludes that the pub's location, combined with the changing demographic and leisure patterns make the pub uneconomic as a trading business.
- 26 The NPPF (paragraph 70) seeks to "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community from meeting its day to day needs". This application is supported by evidence which demonstrates that the site is no longer suitable for social or community use. The evidence is indicative that the pub is not very well frequented by the community, rather it has been the subject of complaints from neighbours due to noise disturbance.
- 27 It is concluded that the supporting information provided by the applicant provides sufficient evidence to satisfy policy in the NPPF and that the proposals meets the relevant tests of saved Local Plan policy 1.10. The conversion of the public house into flats is therefore considered to be acceptable in principle.

#### **Environmental impact assessment (EIA)**

- 28 The proposed development is not EIA development.

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

- 29 It is not considered that the introduction of three new flats would harm the amenity of other residents in the area. It would appear that some of the existing residents would support the loss of the pub due to the reduction in potential noise and disturbance in the area.

### **Quality of proposed residential development**

- 30 The proposed unit and room sizes comfortably meet with the London Plan and Southwark Residential Design Standards requirements. The breakdown in areas is set out below:

Flat 15 = 50sqm  
 Bedroom - 20sqm  
 Reception/Kitchen/Diner- 38.8sqm  
 bathroom 7.9sqm

Flat 17 = 70sqm  
 Bedroom 1 - 19.5sqm  
 Bedroom 2 - 9.7sqm  
 Reception/Kitchen/Diner - 34sqm  
 Bathroom 4.7sqm

Flat 28 =76.5sqm  
 Bedroom 1 - 26.5sqm with en-suite  
 Bedroom 2 - 10.4sqm  
 Reception/Kitchen/Diner- 27.1sqm  
 Bathroom 7.9sqm

- 31 The area is not in a Flood Risk Zone so there is no issue with having the bedrooms in the basement. There are existing lightwell windows between basement and street level which would allow an acceptable amount of natural light into the rooms. The upper floor flats are stacked such that no adverse impact on living conditions would be imposed by the introduction of habitable rooms below them.

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

- 32 The proposed conversion would not result in any adverse impacts on the living conditions of neighbouring properties.

### **Transport issues**

- 33 This proposed development is located in an area with a TfL PTAL rating of 3 reflecting the area's medium level of access to all forms of public transport. Developments in areas with this PTAL rating are normally required to provide on site parking in order to minimise overspill parking on the road network. However, due to site constraints it is not feasible to request on-site parking in this instance. Officers have considered whether a parking survey of the immediate area is required, in order to monitor existing parking availability. However, it is not considered that an uplift of three units would place undue pressure on the area in terms of parking. It should also be taken into account that the removal of the pub use would reduce on-street parking somewhat, as parking spaces would no longer be taken up by staff of the pub.
- 34 A layout plan showing cycle storage within the yard to the side of the pub has been submitted. This shows cycle storage for the existing upper flats, as well as three additional spaces for the flats proposed by this application. This gives a total of 9 cycle parking spaces. A condition shall be applied to ensure that these spaces are available for use prior to the occupation of the flats.
- 35 In terms of servicing, no objections have been raised.
- 36 The scheme therefore complies with saved policy 5.6 Car Parking of the Southwark

Plan 2007 and SP2 Sustainable Transport of the Core Strategy 2011.

### **Design issues**

- 37 There is no harm envisaged by introducing a timber door in place of a glazed door facing Malfort Road, and similarly with the new railings proposed to Ivanhoe Road it is not considered that any adverse design implications would arise. Previous proposals have included the introduction of a timber framed sash window to the Malfort Road elevation at ground floor level.
- 38 The area is not a conservation area, and the proposed alterations are modest and in keeping with the streetscene.
- 39 The proposal therefore complies with saved policy 3.12 Quality in Design of the Southwark Plan 2007 and SP12 Design and Conservation of the Core Strategy 2011.

### **Other matters**

- 40 CIL - No CIL would be required as no additional floorspace is proposed and part of the site (the upper floor flats) have been in lawful use for a period of at least 6 months within the last 12 months preceding the application.

### **Conclusion on planning issues**

- 41 Other local public house facilities are located in the vicinity of the site, and the proposal would not result in the loss of an essential community facility within the local area. The change of use could not therefore be resisted on planning policy grounds. The change of use of the public house to residential flats is not considered to result in any adverse design, amenity or transport implications. All material considerations have been taken into account, including representations received from interested parties. It is concluded that the proposal would not result in any harm that would justify refusal in the public interest.

### **Community impact statement**

- 42 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.
- 43 a) The impact on local people is set out above.

### **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.

### Summary of consultation responses

- 46 Transport - No objection
- 47 Objection from Ivanhoe Residents Association on the following grounds:-
- All too often we are seeing pubs closing at an alarming rate
  - This pub has been there for almost 120 years and was an asset to the community.
  - The fact that it is not a viable business is not the fault of the pub but is the product of poor management
  - The heart is being ripped out of English traditional pubs, asks that the proposal is refused or at least allowed a proper council meeting to take place and not decided by planning officers.

### Human rights implications

- 48 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.
- 49 This application has the legitimate aim of providing change of use from pub to three flats. 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.

### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 50 None.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2123-A Application file: 13/AP/2004 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5405 Council website: www.southwark.gov.uk

### APPENDICES

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



**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Susannah Pettit, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 July 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment & Leisure	No	No
Strategic Director Housing & Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		11 October 2013

**APPENDIX 1****Consultation undertaken****Site notice date:** 24/07/13**Press notice date:** N/A**Case officer site visit date:** 24/07/13**Neighbour consultation letters sent:** 25/07/13**Internal services consulted:**

Transport Planning

**Statutory and non-statutory organisations consulted:**

London Pubs Group

**Neighbours and local groups consulted:**

30 IVANHOE ROAD LONDON SE5 8DJ  
 13 MALFORT ROAD LONDON SE5 8DQ  
 11 MALFORT ROAD LONDON SE5 8DQ  
 71 IVANHOE ROAD LONDON SE5 8DH  
 69 IVANHOE ROAD LONDON SE5 8DH  
 75 IVANHOE ROAD LONDON SE5 8DH  
 73 IVANHOE ROAD LONDON SE5 8DH  
 20A IVANHOE ROAD LONDON SE5 8DH  
 9 MALFORT ROAD LONDON SE5 8DQ  
 FIRST FLOOR AND SECOND FLOOR FLAT 30 IVANHOE ROAD LONDON SE5 8DJ  
 20B IVANHOE ROAD LONDON SE5 8DH  
 22 MALFORT ROAD LONDON SE5 8DQ  
 20 MALFORT ROAD LONDON SE5 8DQ  
 26 MALFORT ROAD LONDON SE5 8DQ  
 24 MALFORT ROAD LONDON SE5 8DQ  
 67 IVANHOE ROAD LONDON SE5 8DH  
 FLAT B 26 IVANHOE ROAD LONDON SE5 8DH  
 FLAT A 26 IVANHOE ROAD LONDON SE5 8DH  
 FLAT D 26 IVANHOE ROAD LONDON SE5 8DH  
 FLAT C 26 IVANHOE ROAD LONDON SE5 8DH  
 FIRST FLOOR FLAT 32 IVANHOE ROAD LONDON SE5 8DJ  
 GROUND FLOOR FLAT 32 IVANHOE ROAD LONDON SE5 8DJ  
 LIVING ACCOMMODATION HOOOPERS 28 IVANHOE ROAD LONDON SE5 8DH  
 61 IVANHOE ROAD LONDON SE5 8DH  
 59 IVANHOE ROAD LONDON SE5 8DH  
 65 IVANHOE ROAD LONDON SE5 8DH  
 63 IVANHOE ROAD LONDON SE5 8DH  
 22 IVANHOE ROAD LONDON SE5 8DH  
 FLAT E 26 IVANHOE ROAD LONDON SE5 8DH  
 HOOPERS 28 IVANHOE ROAD LONDON SE5 8DH  
 24 IVANHOE ROAD LONDON SE5 8DH

**Re-consultation:**

N/A

**APPENDIX 2****Consultation responses received****Internal services**

Transport team - Comments included in the report.

**Statutory and non-statutory organisations**

London Pubs group: No comment received.

**Neighbours and local groups**

Objection from Ivanhoe Residents Association on the following grounds:-

- All too often we are seeing pubs closing at an alarming rate
- This pub has been there for almost 120 years and was an asset to the community.
- The fact that it is not a viable business is not the fault of the pub but is the product of poor management

The heart is being ripped out of English traditional pubs, asks that the proposal is refused or at least allowed approver council meeting to take place and not decided by planning officers.

One letter of support received.

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## RECOMMENDATION

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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.

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<b>Applicant</b>	Mr J.C. Hooper	<b>Reg. Number</b>	13/AP/2004
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/2123-A
<b>Recommendation</b>	Grant permission	<b>Number</b>	

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### Draft of Decision Notice

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

Change of use of ground and lower ground floors which formerly formed Public House into three self contained residential units. The upper parts being previously converted into five self contained flats.

**At:** HOOPERS, 28 IVANHOE ROAD, LONDON, SE5 8DH

**In accordance with application received on 24/06/2013 08:00:48**

**and Applicant's Drawing Nos.** B01A; B02B; B03C; B04C; B05; B06A; B07A; B08A; B09; Design and Access statement; Marketing Information; Document entitled 'History of Hoopers' trading 2006-2012 and its non-viability as a pub.'

**Subject to the following three conditions:**

**Time limit for implementing this permission and the approved plans**

- 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: B03C; B04C; B07A, B08A; B09

Reason:

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

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 3 Before the first occupation of the ground floor flats hereby approved, the cycle storage facilities as shown on drawing B09 shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

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 The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

Continued liaison and advice was offered to the applicant and to interested parties, regarding the determination process, and committee timescale.

Date 11/10/2013



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<b>Item No.</b> 7.3	<b>Classification:</b> OPEN	<b>Date:</b> 23 October 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/1617 for: Full Planning Permission  <b>Address:</b> DULWICH COLLEGE, COLLEGE ROAD, LONDON, SE21 7LG  <b>Proposal:</b> Installation of single storey temporary accommodation to provide science teaching classrooms plus ancillary support facilities		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 12/06/2013		<b>Application Expiry Date</b> 07/08/2013	
<b>Earliest Decision Date</b> 02/08/2013			

### RECOMMENDATION

- 1 Grant temporary planning permission.

### BACKGROUND INFORMATION

- 2 The application is brought before the Planning Sub-Committee due to its location on Metropolitan Open Land.

### Site location and description

- 3 The application site is the Dulwich College school site situated on College Road in Dulwich. The school site consists of a collection of buildings stretching along College Road along with extensive playing fields to the rear of the buildings to the south of the Dulwich Common highway. The main school building dates back to the mid 19th Century and is Grade II\* listed.
- 4 The site is within the suburban density zone and forms part of the Dulwich College conservation area. The site is also comprised of Metropolitan Open Land OS171 which the school buildings are also situated within.

### Details of proposal

- 5 The application is for the installation of a single storey temporary building to accommodate a number of classrooms and an office space. The proposed building would be situated behind an existing 1950s science block building, matching the width of this building at 52m approximately at a depth of 13m approximately. The building would be constructed using natural marble chip panels to the base with aluminium 'weatherlap' cladding above. There would be four access points to the west side of the building served by small step blocks with black painted railings.
- 6 The applicant has indicated that the proposed temporary facilities would be required for a period of two years.

## 7 Planning history

### 13-AP-1221

Single storey rear extension to classroom block of 'DUCKS' Infants dpt Dulwich College. College Road, between Grange Lane & Woodhall Drive.

**Approved:** July 2013

### 12-AP-3691

Demolition of existing college science building and erection of a new part 2, part 3-storey science building and associated landscaping (Use Class D1).

**Approved:** February 2013

### 12-AP-0525

Variation of condition 1 (time limit) of planning permission reference 09-AP-0081 dated 29.04.2009 (for 'Erection of a 2-storey temporary teaching block comprising 6 laboratories with 6 external air-conditioning units to rear elevation and erection of 2.4m high fencing around existing science block) to extend the time period for the temporary classrooms to remain in place from 29th February 2012 to 1st March 2015.

**Approved:** 25th April

### 10-AP-0225

Erection of 2-storey extension to east elevation (facing College Road), roof extension, and 3-storey extension to west elevation (facing playing fields) to college science block, following demolition of the existing science block extension (Use Class D1).

**WITHDRAWN** March 2010.

### 09-AP-2047

Erection of 3-storey extension to college science block, following the demolition of the existing extension (Use Class D1). This application for planning permission was **WITHDRAWN** from the Planning Committee agenda in November 2009 because it was recommended for refusal on the grounds of its design, impact upon the setting of the listed building and the character and appearance of the Dulwich Village Conservation Area.

### 09-AP-2049

Demolition of existing two storey extension to college science block (Use Class D1). This application for conservation area consent was **WITHDRAWN** from the Planning Committee agenda in November 2009.

### 09-AP-0081

Erection of a 2-storey temporary teaching block comprising 6 laboratories with 6 external air-conditioning units to rear elevation and erection of 2.4m high fencing around existing science block.

**Approved:** April 2009.

### 07-AP-1198

Demolition of existing swimming pool, associated changing rooms and maintenance facility followed by construction of a two storey building for new changing rooms, cafe and sixth form study centre constituting phase one of this two phase redevelopment; application includes detailed design of windows and doors and external materials (variation to design of approved scheme 05AP2233). Planning permission was

**Approved:** August 2007.

### 07-AP-0267

Erection of temporary changing rooms to accommodate pupils and staff whilst the composite block redevelopment is on site, plus temporary access road and footpath.

Planning permission.

**Approved** in August 2007 for a period of 2 years.

**07-AP-0278** (Advertisement consent)

Erection of signage positioned 2m inside existing boundary with Alleyn Park Road and adjacent to existing entry gate.

**Refused** in April 2007 for the following reason:

The proposal, by reason of its visually prominent location and the size of the signs, will pose harm to the character and appearance of the Dulwich Village Conservation Area. The proposal is therefore harmful to visual amenity and is contrary to Policies 3.13 Urban Design, 3.15 Conservation of the Historic Environment, 3.16 Conservation Areas, 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites, 3.23 Outdoor Advertising and Signage of the emerging Southwark Unitary Development Plan March 2007 and E.2.3 Aesthetic Control, E.3.1 Protection of Amenity, E.4.3 Proposals Affecting Conservation Areas of the Southwark Unitary Development Plan 1995, 4B1 Design Principles for a Compact City of the London Plan as well as PPG 15 Planning and the Historic Environment, PPG 19 Outdoor Advertising Control, SPG Outdoor Advertising and Signage.

**05-AP-2233**

Demolition of part of the existing music school and college shop and construction of a two storey building comprising new music performance space with teaching, practice and recording spaces plus support facilities including offices, stores and wcs. Planning permission was **GRANTED** in August 2006.

Conservation area consent was **GRANTED** in November 2006 for demolition of the relevant buildings, which in themselves make no contribution to the character and appearance of the conservation area (reference: 05-AP-2237).

**04-AP-1268**

Demolition of the existing swimming pool complex, changing rooms and maintenance department and construction of a new 2-storey building on the same footprint containing new school accommodation (changing rooms, classrooms, cafe with outdoor courtyard, lecture theatre, new sixth form centre & common room & ancillary accommodation); refurbishment of existing adjacent accommodation/common room and re-roof existing common room and music school.

**Approved:** October 2004.

**8 Planning history of adjoining sites**

None relevant to this application.

**KEY ISSUES FOR CONSIDERATION**

**9 Summary of main issues**

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, including the development of the proposal on Metropolitan Open Land.

b) Any potential impact upon amenity;

c) The impact upon the setting of the listed building and the character and appearance of this part of the Dulwich Village Conservation Area.



## **Planning policy**

### 10 National Planning Policy Framework

The NPPF 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.

Chapter 9: Protecting Green Belt Land

Chapter 12: Conserving and enhancing the historic environment

### 11 London Plan 2011

Policy 3.18 Education facilities

Policy 7.8 Heritage assets and archaeology

Policy 7.17 Metropolitan Open Land

### 12 Core Strategy 2011

Strategic policy 1 - Sustainable development

Strategic policy 4 - Places to learn and enjoy

Strategic policy 11 - Open spaces and wildlife

Strategic policy 12 - Design and conservation

Strategic policy 13 - High environmental standards

### 13 Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

3.2 - Protection of amenity

3.12 - Quality in design

3.13 - Urban design

3.16 - Conservation areas

3.18 - Setting of listed buildings, conservation areas and world heritage sites

3.25 - Metropolitan open land

## **Principle of development**

- 14 The principle of the provision of new schools and improvements to existing schools is supported by Southwark Council, in particular through Strategic Policy 4 of the Core Strategy 'Places for learning, enjoyment and healthy lifestyles'. This is provided the development is of an acceptable design, does not affect amenity and is acceptable in all other material planning considerations.

### 15 Metropolitan Open Land

The MOL which the site forms part of is formed largely of the school playing fields which are well-used and highly valued to the function of the school. The proposed development would not be positioned on any section of the green open space and would not therefore affect the function of it.

- 16 There is a general presumption against inappropriate development in MOL. Part 9 of the NPPF sets out the uses of land which are deemed to be appropriate in the Green Belt, which applies also to MOL. London Plan policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL. On a strict reading of these policies the creation of classrooms does not fall with the definition of appropriate development and therefore this proposal has been considered as inappropriate development and has been advertised as a Departure from the relevant policies of the Development Plan accordingly. Para 87 of the NPPF confirms that inappropriate development should not be approved except in very special circumstances. In this case there are considered to be very special circumstances as the proposal is situated within an established group of school buildings and therefore will not impact on the openness of surrounding MOL. Furthermore it is to be built on land which has already been developed due to the prevailing hardstand here; and it is a temporary facility which will be removed once the new permanent facilities adjacent approved under file reference 13-AP-3691 as outlined in the history above, have been constructed. The proposal also will afford educational facilities for which there is support from other parts of the Development Plan. Therefore, overall it is considered that very special circumstances exist in this instance to justify this Departure.

17 Time Period

The applicant has indicated that the proposed temporary facility would be required for no longer than a two year period. This would facilitate the eventual construction of new permanent science facilities at the school building which have been consented as outlined in the site history above. The design, impact upon highways and other issues shall be discussed below. However it is considered that a two year time period for temporary buildings at the school site is considered acceptable with permanent buildings approved for construction.

18 Student Capacity

With regard to pupil numbers at the school, the applicant was asked to clarify what impact the proposed facilities would have on this. It was stated that the proposed temporary school building would not facilitate an anticipated growth in pupil numbers. The intention of the temporary facility is to accommodate existing pupils who would normally use the existing facilities which are now experiencing structural failings. Once the permanent facilities are complete, the temporary buildings would be removed. This expected programme of works would not therefore facilitate any growth in pupil numbers at the school site.

**Environmental impact assessment**

- 19 The application does not fall with Schedules 1 or 2 of the 2011 Environmental Impact Assessment Regulations and would not have a significant impact on the environment by virtue of it's nature, size and location. The development is not therefore subject to an Environmental Impact Assessment.

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

- 20 There are no residential buildings within close proximity to the actual building site. The proposal site is surrounded by other school buildings with the nearest residential

buildings situated on Alleyn Park Road and Hunts Slip Road. The development would not therefore have an adverse impact upon residential amenity in accordance with saved plan policy 3.02 'Protection of amenity'.

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

- 21 No impact.

#### **Transport issues**

- 22 The existing site is currently used as a parking area. The loss of the parking spaces in this location would not be detrimental to the site with a large parking area still maintained behind the main school building. The design and access statement that forms part of the proposal, states that the existing external staircase to the Shackleton Building would be removed. This would allow vehicle access through the site to be maintained. It is considered that the proposed development would not have an adverse impact upon highways.

#### **Design issues**

- 23 The proposed building would be constructed in a non-decorative and functional style utilising Goosewing grey coloured panels to the bottom section and white aluminium cladding to the upper section. The building would be situated behind a 1950s building which is of no particular architectural merit. The building would not be prominent when viewed from the adjacent highway College Road. Despite the functional and relatively non-descript design, the building is considered to be acceptable on a temporary basis and accords with saved plan policy 3.12 'Quality in Design'.

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

- 24 The school site is characterised by the main school block, the Barry building which is a grade II\* 19th Century building. The proposed building would be situated to the south of this building and to the rear of its front building line which faces College Road. The proposed structure is in direct contrast to the style of this building. Despite this, it would not affect the setting of the adjacent listed building which would be maintained when viewed from College Road. And given its subordinate scale, positioning next to other contemporary buildings and particularly taking into account the temporary nature of this proposal. It is considered that the development accords with saved plan policy 3.17 'Setting of conservation areas, listed building and world heritage sites'.

- 25 The site is also situated within the Dulwich Village conservation area. Given the scale of the proposed building and its setting set behind an existing modern building, the development would preserve the character and appearance of the conservation area in accordance with saved plan policy 3.16 'Conservation areas'.

#### **Impact on trees**

- 26 No impact.

#### **Planning obligations (S.106 undertaking or agreement)**

- 27 N/A

#### **Sustainable development implications**

- 28 None identified.

## **Other matters**

### 29 Community Infrastructure Levy

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. The proposed building would have a footprint of approximately 670sqm and is therefore CIL liable.

## **Conclusion on planning issues**

- 30 The proposed development would provide acceptable temporary replacement facilities for the duration of the construction of new permanent science facilities at the school site. It is considered that the buildings would be acceptable on a temporary basis for two years and are recommended for approval.

## **Community impact statement**

- 31 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 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**

- 32 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.

### 33 Summary of consultation responses

No comments received from local residents. No objections received from internal consultees.

## **Human rights implications**

- 34 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.

- 35 This application has the legitimate aim of providing temporary classrooms facilities. 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.

#### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 36 None.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2083-C Application file: 13/AP/1617 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 3602 Council website: www.southwark.gov.uk

#### APPENDICES

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

#### AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Michael Mowbray, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 July 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment & Leisure	No	No
Strategic Director Housing & Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	11 October 2013	

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 19th June 2013 and 24th September (Re-advertised as a departure)

**Press notice date:** 20th June 2013 and 26th September (Re-advertised as a departure)

**Case officer site visit date:** 19th June 2013

**Neighbour consultation letters sent:**

3rd July 2013

**Internal services consulted:**

Design and Conservation Team

**Statutory and non-statutory organisations consulted:**

English Heritage  
The Victorian Society

**Neighbours and local groups consulted:**

03/07/2013	87 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	93 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	83 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	85 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	95 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	89 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	MEDICAL CENTRE DULWICH COLLEGE COLLEGE ROAD LONDON	SE21 7LG
03/07/2013	97 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	99 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	IVYHOLM COLLEGE ROAD LONDON	SE21 7LG
03/07/2013	BLEW HOUSE COLLEGE ROAD LONDON	SE21 7LG
03/07/2013	51 COLLEGE ROAD LONDON	SE21 7LF
03/07/2013	53 COLLEGE ROAD LONDON	SE21 7LF
03/07/2013	101 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	107 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	109 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	103 ALLEYN PARK LONDON	SE21 8AA
03/07/2013	105 ALLEYN PARK LONDON	SE21 8AA

**Re-consultation:**

N/A

**Consultation responses received****Internal services****Design and Conservation Team:**

No objection was raised given that the proposed building is intended to be used on a temporary basis only.

**Statutory and non-statutory organisations**

English Heritage: 'This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.'  
The Victorian Society: No comments received

**Neighbours and local groups**

No comments received

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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.

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<b>Applicant</b>	The Governors of Dulwich College	<b>Reg. Number</b>	13/AP/1617
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2083-C
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Installation of single storey temporary accommodation to provide science teaching classrooms plus ancillary support facilities (Departure from Development Plan policy in respect of Metropolitan Open Land)

**At:** DULWICH COLLEGE, COLLEGE ROAD, LONDON, SE21 7LG

**In accordance with application received on 22/05/2013**

**and Applicant's Drawing Nos.** Photomontages SK-0017 and SK-0018, Plan Drawing Nos. SK-0020, 11098-SK-0025, C1640/01/087 and 069 13 1, Performance specification for permaspace modular accommodation, Design and Access Statement.

**Subject to the following three conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The building hereby permitted shall not be retained after a two year period from the date of this permission on or before which date the building shall be removed from the site.

Reason

The type of building is not such as the Local Planning Authority is prepared to approve other than for a limited period, having regard to the materials and the type of structure proposed in accordance with Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007 and the National Planning Policy Framework 2012.

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

SK-0020, 11098-SK-0025, C1640/01/087 and 069 13 1

Reason:

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

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the temporary building hereby approved is acceptable in terms of design and appearance for the period it is permitted to remain in accordance with The National Planning Policy Framework 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

**Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.



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**PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2013-14**

**NOTE:** Original held by Constitutional Team (Community Councils) all amendments/queries to Gerald Gohler Tel: 020 7525 7420

Name	No of copies	Name	No of copies
<b>To all Members of the sub-committee</b>			
Councillor Darren Merrill (Chair)	1		
Councillor Nick Stanton (Vice-Chair)	1		
Councillor Neil Coyle	1	Environment & Leisure	
Councillor Nick Dolezal	1	Environmental Protection Team	1
Councillor Jeff Hook	1		
Councillor Richard Livingstone	1	Communications	
Councillor Wilma Nelson	1	Robin Campbell	1
 (Reserves)			
Councillor James Barber	1		
Councillor Sunil Chopra	1	<b>Total</b>	<b>26</b>
Councillor Renata Hamvas	1		
Councillor Helen Hayes	1		
Councillor David Hubber	1		
 <b>Officers</b>			
Constitutional Officer (Community Councils) Hub 4 (2 <sup>nd</sup> Floor), Tooley St.	8		
Claire Cook / Ian Ogden, Planning, Hub 2 (5 <sup>th</sup> Floor) Tooley St.	3		
Sadia Hussain, Legal Services Hub 2 (2 <sup>nd</sup> Floor) Tooley St.	1		
 <b>Dated: 11 October 2013</b>			