

## Planning Sub-Committee A

Wednesday 11 November 2015

6.30 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Lorraine Lauder MBE (Chair)  
Councillor Ben Johnson (Vice-Chair)  
Councillor Nick Dolezal  
Councillor Anne Kirby  
Councillor Eliza Mann  
Councillor Sandra Rhule

### Reserves

Councillor Evelyn Akoto  
Councillor David Hubber  
Councillor Sarah King  
Councillor Darren Merrill  
Councillor Kath Whittam

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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 on [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk) or 020 7525 7420  
Webpage: [www.southwark.gov.uk](http://www.southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 3 November 2015



# Planning Sub-Committee A

Wednesday 11 November 2015

6.30 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
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 - 6
	To approve the minutes of the meeting held on 7 October 2015, as a correct record of this meeting.	

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
<b>7.</b>	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	<b>7 - 12</b>
<b>7.1.</b>	<b>190 SOUTHAMPTON WAY, LONDON SE5 7EU</b>	<b>13 - 29</b>
<b>7.2.</b>	<b>NEW HIBERNIA HOUSE, WINCHESTER WALK, LONDON SE1 9AG</b>	<b>30 - 52</b>
<b>7.3.</b>	<b>RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON SE1 9DL</b>	<b>53 - 69</b>
<b>7.4.</b>	<b>RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON SE1 9DL</b>	<b>70 - 88</b>
<b>7.5.</b>	<b>114 BENHILL ROAD, LONDON SE5 7LZ</b>	<b>89 - 100</b>

Date: 3 November 2015



## 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:** Director of Planning  
Chief Executive's Department  
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team  
Finance and Governance Department  
Tel: 020 7525 7420

## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Wednesday 7 October 2015 at 5.30 pm at meeting room G02, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Lorraine Lauder MBE (Chair)  
Councillor Ben Johnson (Vice-Chair)  
Councillor Nick Dolezal  
Councillor Eliza Mann  
Councillor Sandra Rhule

**OTHER MEMBERS PRESENT:** Councillor Damian O'Brien  
Councillor Michael Mitchell

**OFFICER SUPPORT:** Jon Gorst (Legal Officer)  
Rob Bristow (Development Management)  
Sonia Watson (Development Management)  
Ken Andrews (Principal Environmental Health Officer)  
Christian Loveday (Principal Transport Planner)  
Alexander Cameron (Development Management)  
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 Anne Kirby.

### 3. CONFIRMATION OF VOTING MEMBERS

The members of the committee present were confirmed as the voting members.

The legal officer explained that there had been one apology and that there was one vacancy on the committee, which was the reason why two reserves were present.

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

There were none.

## 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 item 7 - development management items
- Members' pack of additional drawing and photographs

## 6. MINUTES

Councillors considered the minutes of the last meeting.

### RESOLVED:

That the minutes of the meeting held on 21 July 2015 be approved as a correct record of the meeting, and be signed by the chair.

## 7. DEVELOPMENT MANAGEMENT ITEMS

### ADDENDUM REPORT

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

The chair informed the meeting that she would vary the order in which the items would be heard. The sequence would be as follows: 7.2, 7.1, 7.4, 7.3 and 7.5.

Councillors discussed the earlier start time for this meeting, and that earlier start times would be trialled across the two planning sub-committees and the main planning committee.

### 7.1 COURT LANE, LONDON SE21 7DH

**Planning application reference number: 15/AP/1426**

Report: see pages 11 to 25 of the agenda pack and page 1 of the addendum report.

### PROPOSAL

*Construction of new basement; erection of rear, single-storey L-shaped extension; and erection of rear, dormer roof extension.*

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments in the addendum report. Members did not ask

questions of the officer.

A spokesperson for the objectors addressed the meeting. Members asked questions of the objectors.

The applicant's agent addressed the meeting. Members asked questions of the applicant's agent.

There were no supporters of the development living within 100 metres of it, who wished to speak.

Councillor Michael Mitchell addressed the meeting in his capacity as a ward councillor. Members did not ask questions of Councillor Mitchell.

Members debated the application and asked questions of the officers.

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

**RESOLVED:**

That planning permission for application number 15/AP/1426 be granted, subject to the conditions set out in the report, and an additional condition of a satisfactory construction management plan to be supplied.

**7.2 HARRIS ACADEMY, 55 SOUTHWARK PARK ROAD, LONDON SE16 3TZ**

**Planning application reference number: 15/AP/2010**

Report: see pages 26 to 37 of the agenda pack and pages 1 to 3 of the addendum report.

**PROPOSAL**

*Installation of a floodlighting system to the Harris Academy Multi Use Games Area (MUGA) and resurfacing the MUGA with artificial turf surface.*

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments and the amended condition in the addendum report. Members asked questions of the officer.

A spokesperson for the objectors addressed the meeting. Members did not ask questions of the objectors.

The applicant did not attend.

There were no supporters of the development living within 100 metres of it, who wished to speak.

Councillor Damian O'Brien addressed the meeting in his capacity as a ward councillor. Members asked questions of Councillor O'Brien.



Members debated the application and asked questions of the officers.

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

**RESOLVED:**

That planning permission for application number 15/AP/2010 be granted, subject to the conditions set out in the report and addendum report, including an amended condition 3 restricting the hours of use and operation of the floodlights to 9am to 8pm Monday to Sunday.

**7.3 64 BEAUVAL ROAD, LONDON SE22 8UQ**

**Planning application reference number: 15/AP/2091**

Report: see pages 38 to 48 of the agenda pack and page 3 of the addendum report.

**PROPOSAL**

*Side return and part rear extension.*

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments in the addendum report. Members did not ask questions of the officer.

There were no objectors who wished to address the meeting.

The applicant's agent addressed the meeting. Members did not ask questions of the applicant's agent.

A supporter of the development who lived within 100 metres addressed the meeting. Members asked questions of the supporter.

Councillor Michael Mitchell addressed the meeting in his capacity as a ward councillor. Members did not ask questions of Councillor Mitchell.

Members debated the application and asked questions of the officers.

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

**DECISION:**

That planning permission for application number 15/AP/2091 be granted, subject to the conditions set out in the report.

#### 7.4 68A BEAUVAL ROAD, LONDON SE22 8UQ

**Planning application reference number: 15/AP/0618**

Report: see pages 49 to 60 of the agenda pack and pages 4 of the addendum report.

##### **PROPOSAL**

*Erection of a single storey side and rear extension.*

The legal officer advised that as this item was being heard again, only councillors who had heard the item at the previous meeting should take part in the discussion and decision on this item. The clerk advised that these were Councillors Nick Dolezal, Lorraine Lauder, Eliza Mann and Sandra Rhule.

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments in the addendum report. Members asked questions of the officer.

There were no objectors wishing to speak.

The applicants addressed the meeting. Members did not ask questions of the applicants.

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

Councillor Michael Mitchell addressed the meeting in his capacity as a ward councillor. Members did not ask questions of Councillor Mitchell.

Members debated the application and asked questions of the officers.

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

##### **DECISION:**

That planning permission for application number 15/AP/0618 be granted, subject to the conditions set out in the report.

#### 7.5 1 POTTERS FIELDS, LONDON SE1 2AA

**Planning application reference number: 15/AP/1776**

Report: see pages 61 to 76 of the agenda pack and page 4 of the addendum report.

##### **PROPOSAL**

*Temporary use of the open space for events with the erection of associated temporary structures (cumulatively of no more than 800 sq metres) for no more than 66 days in any one calendar year (56 days for events and an additional 10 days for set up and take down of associated structures) for a period of five years.*

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments and the amended condition in the addendum report. Members asked questions of the officer.

There were no objectors who wished to address the meeting.

The applicant addressed the meeting. Members asked questions of the applicant.

There were no supporters of the development living within 100 metres of it, or ward councillors, wishing to speak.

Members debated the application and asked questions of the officers.

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

**DECISION:**

That planning permission for application number 15/AP/1776 be granted, subject to the conditions set out in the report and the addendum report.

Meeting ended at 7.29 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 11 November 2015	<b>Meeting Name:</b> Planning Sub-Committee A
<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 Law & Democracy**

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	Gerald Gohler 020 7525 7420
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 Simon Bevan 020 7525 5655

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
<b>Version</b>	Final	
<b>Dated</b>	3 November 2015	
<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 Law & Democracy	Yes	Yes
Director of Planning	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		3 November 2015

**ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A**  
**on Wednesday 11 November 2015**

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**Appl. Type** S.73 Vary/remove conds/minor alterations  
**Site** 190 SOUTHAMPTON WAY, LONDON, SE5 7EU

**Reg. No.** 15-AP-3073  
**TP No.** TP/2229-186  
**Ward** Brunswick Park  
**Officer** Mumtaz Shaikh

**Recommendation** REFUSE PERMISSION

### *Item 7/1*

**Proposal**

Variation of Condition 3 'Opening Hours' of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: Monday to Friday 7:00 to 20:30 and Saturdays 09:30 to 17:15hrs

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**Appl. Type** Full Planning Permission  
**Site** NEW HIBERNIA HOUSE, WINCHESTER WALK, LONDON, SE1 9AG

**Reg. No.** 14-AP-4405  
**TP No.** TP/1146-B  
**Ward** Cathedrals  
**Officer** Dipesh Patel

**Recommendation** GRANT PERMISSION

### *Item 7/2*

**Proposal**

Demolition of the roof extension and replacement with a part one and part two storey extension to contain a single three bedroom dwelling and associated roof terrace; change of use of the ground floor from offices (Use Class B1) to a restaurant (Use class A3) and alterations to the ground floor facade.

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**Appl. Type** Advertisement Consent  
**Site** RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL

**Reg. No.** 15-AP-3502  
**TP No.** TP/ADV-1153-2  
**Ward** Cathedrals  
**Officer** Sarah Parsons

**Recommendation** GRANT PERMISSION

### *Item 7/3*

**Proposal**

Display of 19mm thick lettering fixed to the wall by concealed 20mm stand-off fixings.

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**Appl. Type** Listed Building Consent  
**Site** RED BUS SHOP, CLINK WHARF, CLINK STREET, LONDON, SE1 9DG

**Reg. No.** 15-AP-3877  
**TP No.** TP/ADV-1153-2  
**Ward** Cathedrals  
**Officer** Sarah Parsons

**Recommendation** GRANT PERMISSION

### *Item 7/3*

**Proposal**

Installation of advertisement on a listed building. The advertisement is 19mm thickness lettering fixed to the wall by concealed 20mm stand-off fixings. All lettering finished in Dulux Heritage Red Colour Paint.

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**Appl. Type** Listed Building Consent  
**Site** RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL

**Reg. No.** 15-AP-3505  
**TP No.** TP/1153-4  
**Ward** Cathedrals  
**Officer** Sarah Parsons

**Recommendation** GRANT PERMISSION

### *Item 7/4*

**Proposal**

Removal of louvre panels and replacement with obscured double glazed windows, and removal of louvre panels above the doors to reveal the existing glass fan light. PART RETROSPECTIVE

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## ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A

on Wednesday 11 November 2015

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<b>Appl. Type</b>	Full Planning Permission	<b>Reg. No.</b>	15-AP-3504
<b>Site</b>	RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL	<b>TP No.</b>	TP/1153-4
		<b>Ward</b>	Cathedrals
		<b>Officer</b>	Sarah Parsons

**Recommendation** GRANT PERMISSION

*Item 7/4***Proposal**

Removal of louvre panels and replacement with obscured double glazed windows, and removal of louvre panels above the doors to reveal the existing glass fan light

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<b>Appl. Type</b>	Full Planning Permission	<b>Reg. No.</b>	15-AP-2168
<b>Site</b>	114 BENHILL ROAD, LONDON, SE5 7LZ	<b>TP No.</b>	TP/2215-116
		<b>Ward</b>	Brunswick Park
		<b>Officer</b>	Shanali Counsell

**Recommendation** GRANT PERMISSION

*Item 7/5***Proposal**

Erection of first floor extension with roof terrace and greenhouse

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Ordnance Survey

Date 29/10/2015



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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.1	Open	11 November 2015	Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/3073 for: S.73 Vary/remove conds/minor alterations  <b>Address:</b> 190 SOUTHAMPTON WAY, LONDON SE5 7EU  <b>Proposal:</b> Variation of Condition 3 'Opening Hours' of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: Monday to Friday 7:00 to 20:30 and Saturdays 09:30 to 17:15hrs		
<b>Ward(s) or groups affected:</b>	Brunswick Park		
<b>From:</b>	Mumtaz Shaikh		
<b>Application Start Date</b> 04/08/2015		<b>Application Expiry Date</b> 29/09/2015	
<b>Earliest Decision Date</b> 13/09/2015			

### RECOMMENDATION

1. Refusal of planning permission.

### BACKGROUND INFORMATION

2. This application is reported to Members following a referral request from ward councillors.

### Site location and description

3. The application site is a two-storey semi-detached property with single storey rear extension located on the south side of Southampton Way. The property is being used as a children's day nursery which caters for approximately 20 children aged 3 months - 4 years old and it had the opening hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays. However, under recent planning permission ref: 14/AP/4259 (granted by Planning Sub-Committee A in May 2015), the nursery has been granted the following extension of opening hours:

**07:00 to 19:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays**

4. To the west of the property is a vacant site owned by Family Mosaic that has been granted planning permission for housing development under ref: 14/AP/0764 and to the east is a row of residential properties. To the north are a row of two storey properties that comprise a mix of commercial properties on the ground floor with residential above. To the south of the site is Melbury Drive that comprises a cul-de-sac

of residential dwellings with a car park directly to the south of the site. The car park is not for private use.

5. The application property is not located within a Conservation Area. However it is a Grade II listed building and is part of a group including numbers 192 and 194 Southampton Way.
6. In July 2004 planning permission was granted by the Camberwell Community Council for a change of use of the ground floor of the single family dwelling house to provide a children's day nursery for under 2's for a temporary period of one year.
7. In September 2005 planning permission was granted by the Camberwell Community Council for a continued use of the ground floor of the single family dwelling house as a day nursery for children aged 3 months to 4 years and increases in the number of children from 12 to 20 for a temporary period of one year. Subsequent to this, under ref. 08/AP/1376, permission was granted on appeal for the entire property to be used as a children's day nursery, subject to conditions. One of these conditions, condition 3, stipulated that the hours of operation for the nursery were to be 08:00 to 18:00 Monday to Friday with no operation on Saturday, Sunday and Bank Holiday.
8. On 12/11/2014, a planning application was submitted under ref: 14/AP/4259 to extend the opening hours of the nursery granted under ref: 08/AP/1376 to allow opening:

**07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.**

9. This application was approved by Plans sub Committee A on 12 May 2015 subject to conditions, that allowed the longer hours sought during the week but maintained no operation at weekends and bank holidays to protect the amenity of neighbouring residents. Condition 3 of this permission therefore reads:

**The day nursery use hereby permitted shall not be carried on outside of the hours 7am - 7pm Mondays - Fridays and not at all on Saturdays, Sundays and Bank Holidays.**

10. Following the above, a second planning application under ref: 15/AP/2180 for *Variation of condition 3 of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08/AP/1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: 07:00 to 19:00 on Monday to Friday and to allow further extension of opening hours: 09:30 to 17:30 on Saturdays.* This application was refused under officers' delegated powers on 28/07/2015 on the following grounds:

Reason: 1

*The proposed extension of the operating hours of the existing day nursery on Saturdays would be detrimental to the amenities of the occupiers of the neighbouring residential properties by reason of increased activity, noise and disturbance associated with it, as residents will have a greater expectation of peace and quietness at weekends. The proposal as such would be contrary to the NPPF Core Planning Principles, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.*

### Details of proposal

11. This application is now seeking planning permission for Variation of condition 3 of planning permission ref: 14/AP/4259 granted on 13 May 2015 to allow further extension of opening hours of existing nursery from **07:00 to 20:30 Monday to Friday and from 09:30 to 17:15 on Saturdays.**
12. The applicant advises that this is to enable the nursery to respond to increased demand for child care at weekends, due to increased flexible working from parents. The applicant has also submitted the 3 petitions in support for the application which are summarised below:
  - Petition with names of 15 parents requesting Saturday nursery places
  - Petition with 12 signatures/names from local businesses in support of change in nursery opening hours.
  - Petition with 9 signatures/names from local residents in support of change in nursery opening hours.
13. Additionally, a letter has been received from the applicant dated 24 September 2015 saying they are prepared to undertake sound insulation works, accept a 6 month trial period and use transport to take children out on a regular basis. Further, they have advised that they have met with residents and local businesses to explain the rationale behind this application.

### Planning history

14. The application premises have a fairly lengthy planning history as summarised above, and below. However, the planning history relating to planning application refs: 15/AP/2180, 14/AP/4259 and 08/AP/1376 is most relevant to the current proposal.
15. **04/AP/0320** Temporary planning permission was granted in July 2004 for the change of use of ground floor of single family dwelling house to provide a children's day nursery for under 2's.
16. **04/AP/1665** Planning permission was granted in January 2005 for the installation of 1.8m high gate to provide new pedestrian access into Melbury Drive in connection with use of ground floor of building as a nursery.
17. **05/AP/0725** Planning permission granted for continued use of ground floor as a day nursery for children age 3 months to 4 years and increase in number of children from 12-20.
18. **06/AP/0976** Application type: Full Planning Permission (FUL)  
Continued use of the ground floor as a day nursery for 20 children aged 3 months to 4 years.  
  
Decision date 28/11/2006 Decision: Granted (GRA)
19. **08/AP/1376** Application type: Full Planning Permission (FUL)  
Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery.  
  
Decision date 23/12/2008 Decision: Refused (REF) Appeal decision date: 17/11/2009  
Appeal decision: Planning appeal allowed (ALL)

## Reasons for refusal:

1. The proposal will result in the loss of a three bedroom residential unit of which there is a significant need for in the Borough. The proposal is therefore contrary to Policy 4.6 'Loss of Residential Accommodation' of The Southwark Plan July 2007.

The appeal lodged against the refusal of a planning permission under ref: 08/AP/136 was allowed subject to following five conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The use hereby permitted shall not begin until an evaluation of the potential for noise transmission has been carried out and full particulars and details of any measures necessary to insulate the premises against the transmission of airborne and impact sound have been submitted to and approved in writing by the Local planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.
  3. The use hereby permitted shall not be carried out outside the hours of 0800 to 1800 Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.
  4. Notwithstanding the provisions of the Part D of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendments or enactment of those Orders) the use hereby permitted shall not include any use within Class D1 other than a children's day nursery.
  5. The use of the first floor as an extension to the ground floor day nursery shall not commence before details of the arrangements for the storing of refuse have been submitted to and approved in writing by the Local Planning Authority and the facilities approved have been provided and available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and for no other purpose.
20. **07/EN/0329** Enforcement type: Unauthorised building works (UBW)  
Erection of a large orange type porta-cabin in garden, roof above garden wall  
Sign-off date 10/12/2009 Sign-off reason: Final closure - no breach of control (FCNB).
21. **14/AP/4259** Application type: S.73 Vary/remove conds/minor alterations (VAR)  
Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow opening: 07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.
- Decision date 13/05/2015 Decision: Granted (GRA) but with no opening allowed on Saturdays, Sundays or Bank Holidays
22. **15/AP/2180** Application type: S.73 Vary/remove conds/minor alterations (VAR)  
Variation of condition 3 of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: 07:00 to 19:00 on Monday to Friday and not at all on

Saturdays, Sundays and Bank Holidays: to allow further extension of opening hours: 09:30 to 17:30 on Saturdays.

Decision date 28/07/2015 Decision: Refused (REF)  
Reason(s) for refusal is as follows:

"The proposed extension of the operating hours of the existing day nursery on Saturdays would be detrimental to the amenities of the occupiers of the neighbouring residential properties by reason of increased activity, noise and disturbance associated with it, as residents will have a greater expectation of peace and quietness at weekends. The proposal as such would be contrary to the NPPF Core Planning Principles, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007."

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

184-188 Southampton Way/5A Havil Street SE5 7EU located to the west of the application site

23. 14/AP/0764 – Erection two new buildings, the first fronting on Havil Street being up to five storeys in height, with the second fronting onto Southampton Way and being up to four storeys in height together comprising 24 residential units (10 x 1 bed, 11 x 2 bed and 3 x 3 bed) with associated balconies and terraces, wider landscaping and cycle / refuse stores" Was granted subject to Section 106 Agreement.

### **KEY ISSUES FOR CONSIDERATION**

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

24. The main issues to be considered in respect of this application are:
- a) Impact of proposed development on amenity of adjoining occupiers
  - b) Traffic issues.

#### **Planning policy**

National Planning Policy Framework (the Framework) 2012

25. The following "Core Planning Principles" of the NPPF are relevant to the proposal:
- always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings contribute to conserving and enhancing the natural environment and reducing pollution.

Section 11, conserving and enhancing the natural environment is also relevant to this application.

London Plan 2015 (consolidated with alterations since 2011)

26. Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
Policy 3.18 Education Facilities

#### Core Strategy

27. Strategic Policy 2 – Sustainable transport  
Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles

## Strategic Policy 13 - High Environmental Standards

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

28. The Council's cabinet on 19 March 2013, as required by paragraph 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.

2.2 - Provision of new community facilities

3.2 - Protection of amenity

5.2 - Transport impacts

5.3 - Walking and cycling

### **Principle of development**

29. The principle of development has been established as the use of all of the existing premises as a day nursery (Use Class D1) was granted under previous planning permission ref: 08/AP/1376. The only changes sought here are for longer opening hours, as such there are no land use changes. The nursery falls within the D1 planning use class and therefore can be considered to be a 'community facility'. There is support for the enhancement of community facilities in Strategic Policy 4 of the Core Strategy. The previous planning application ref: 14/AP/4259 for the first time sought planning permission to provide greater flexibility for parents in providing increased hours of operation during the week, and weekend and bank holiday. However, only increased hours of operation during the week has been approved due to its adverse impact on the amenity of neighbouring occupiers during weekends and bank holidays.
30. Following the conditional approval of application ref. 14/AP/4259, which maintained the restriction of no weekend and bank holiday operation, the applicants again sought some weekend operation via application ref. 15/AP/2180. This sought additional Saturday operation from 09:30 to 17:30 and was refused on amenity grounds as explained above. The current application is the third attempt therefore to secure some weekend operation (from 09:30 to 17:15 on Saturdays) but also a further extension of weekday hours (from 07:00 to 20:30 hours). As with the previous applications ref: 14/AP/4259 and 15/AP/2180, it is important that this is considered alongside the requirement to protect amenity and conditions of highway safety. This assessment is set out below.

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

31. The application property forms part of a group with Nos. 192 and 194 Southampton Way to the east which are also two-storey Grade II listed, and are in residential use. A vacant site (No. 184-188 Southampton Way/5A Havil Street) owned by Family Mosaic is located to the west of the application site and it has been granted planning permission for housing development under ref: 14/AP/0764 which is to start imminently. To the south of the application site is Melbury Drive, a cul-de-sac of residential dwellings with a car park directly to the south of the site. To the north of the application site (i.e. across the road) lie two storey residential properties including those containing commercial units on the ground floor.



32. The application is proposing extension of the opening hours of existing day nursery use from 07:00 to 19:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow further extension of opening hours of the existing nursery from 07:00 to 20:30 Monday to Friday and from 09:30 to 17:15 on Saturdays but not on Sundays and Bank Holidays.
33. Given that the application property is surrounded by residential properties on the east and south and will have new residential properties built close to the western boundary, additional noise from the proposed extension of operating hours needs to be carefully considered. The front of the site is already relatively noisy given that Southampton Way is a fairly busy road throughout the day. However, the rear of the site is quieter as here the application site faces various residential properties, and it is here that the main outside play area for the children is located. Therefore, it is considered that the play times give rise to the greatest impact on neighbours' amenity.
34. The proposed extension of opening hours from 07:00 to 20:30 Monday to Friday and from 09:30 to 17:15 on Saturdays would increase the opening hours of nursery granted under ref: 14/AP/4259 by further 1.5 hours in the evening during weekdays (i.e. Monday to Friday). The application is also seeking to open nursery on Saturday from 09:30 to 17:15. It should be noted that this is the third application seeking extension of opening hours of nursery during weekdays and weekends and of that one hour longer than the Saturday opening hours that were unacceptable under ref: 14/AP/4259 and 15 minutes fewer than the Saturday opening hours refused under ref: 15/AP/2180.
35. The proposed extension of opening hours of nursery beyond 07:00 to 19:00 Monday to Friday allowed under ref: 14/AP/4259 and Saturday opening hours from 09:30 to 17:15 would be a cause for concern. This is because residents will, quite reasonably, have a greater expectation of peace and quiet at weekends and after 19:00 Monday to Friday as surrounding background noise after 19:00 is more likely to subside. During Saturdays play times will clearly be required (as during the week) which will inevitably result in increased noise and potential disturbance at the rear of the property, and to a lesser extent at the front, which it is considered will have a significant impact on neighbours' amenity as they are more likely to be at home during this time, and to have an expectation of greater peace and quiet during these times. Furthermore, by extending the hours of operation beyond 19:00 during the week is also considered to have an undue impact on neighbours' amenity as children may still seek to play outside at that time (particularly during summer months when it is still light outside) and even if they are kept inside noise from the nursery will still be discernible. Operating until 20:30 on weekdays would result in some parent pick-ups not occurring until this time, with the consequent noise that comes with such activity. Given that some children will have been dropped at the premises at 07:00, overall this is considered to be too long a period of operation taking into account neighbouring amenity. For this reason, the extension of opening hours after 19:00 during weekday and Saturdays is not acceptable. The applicant was advised by officers in the previous application ref: 14/AP/4259 that the variation of hours sought for weekends (including Saturdays) and Bank Holiday operation could not be recommended. As a result, extension of opening hours by the applicant was revised to allow the longer weekday hours (i.e. 07:00 to 19:00) and only Saturday operation. However, as extension of longer weekday hours (i.e. 07:00 to 19:00) could be justified but not for Saturday, the previous application ref: 14/AP/4259 was granted planning permission to allow only the longer weekdays hours but not Saturday. Also, for the same reason, planning application ref: 15/AP/2180 seeking planning permission for extension of Saturdays opening hours from 09:30 to 17:30 was refused.
36. This application for the same reason as the previous applications, refs: 14/AP/4259 and 15/AP/2180, is not supported as it is considered to have a detrimental impact on

the amenity of the neighbouring occupiers as they are more likely to be at home during this time, and to have an expectation of greater peace and quiet during these times. As set out below, careful consideration has been given to the representations made in support of the application and to the proposed mitigation measures proposed by the applicant, however these are not considered to outweigh/overcome the amenity concerns set out above.

37. The application is supported by 3 petitions of which one contains names of 15 people requesting Saturday nursery places, one contains 12 names/signatures of people from local businesses and one contain 9 names/signature of people residing in SE5, SE22 and SE15. Furthermore 19 representations have been received including support from a representative for the Havill Street and Southampton Way Development Project on behalf of Family Mosiac (the Housing Association responsible for redeveloping vacant land to the west of the application site). However, whilst support from these parties is noted and it is appreciated that there is demand for greater flexibility of hours from children's nurseries like this; overall it is not considered that this outweighs the particular harm identified with these extended hours that will impact upon the residential occupiers nearest this site. It is considered that the extended weekday hours granted under permission 14AP4259 represent the appropriate balance between flexibility of operation and the need to maintain a reasonable level of amenity.
38. With regards to the mitigation measures proposed by the nursery. The soundproofing offered would not mitigate the noise from the children playing outside, which is a key concern, and the installation would be complicated by the fact that this is a listed building. The proposal to take the children away from the premises to play was explored as part of application 14AP4259 but discounted as it is not considered to be practical and would be difficult to enforce and monitor. A trial period is not considered to be appropriate as once the longer hours are embedded and parents have agreed work patterns accordingly it will be very difficult to revert back to the previous hours if required, and in any event it is considered that undue harm would result in the interim.

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

39. As the neighbouring uses are predominantly residential, it is not envisaged that the occupiers and users of proposed development would be adversely affected.

#### **Transport issues**

40. The applicant had previously advised that the proposal for extension of the opening hours of the existing day nursery would not result in an increase in the number of children attending the day nursery. Previously it is also confirmed that at present the majority of children to the day nursery are dropped off and picked up by their parents who use either public transport or arrive on foot as they reside within close proximity to the nursery.

#### *Car Parking*

41. The application property at present has a vehicular access to its frontage which is hard surfaced and therefore it is capable of providing off-street car parking for 1 or 2 cars. However, the existing frontage of the nursery has play equipment and is gated and therefore it does not appear to be used for providing off-street car parking.
42. Accordingly, vehicle drop off will need to be on-street. However, it is important to take into account that on-street drop off is an existing and long established situation with this nursery. The number of children attending the nursery is not forecast to significantly increase as a result of this extension of hours, indeed the longer hours

should spread arrival/departure times.

#### *Cycle Storage*

43. The existing day nursery has no cycle parking/storage provision. It is not proposed to significantly increase the number of children attending the nursery as a result of this variation in hours and therefore the number of staff and parents at the site/dropping off should not significantly change. For this reason it is not considered reasonable or necessary to impose a condition securing cycle parking as part of this recommendation.

#### *Trip Generation/Highway Impact*

44. An assessment of additional trips has not been undertaken. It can be assumed that travel patterns will be similar to the existing given the comments from the applicants that they do not intend to significantly expand their numbers as a result of this variation in hours. In the circumstances therefore this is not considered to be a cause of concern.

#### *Travel Plan*

45. A travel plan was not required under the previous permissions at this site. In the circumstances as the recommendation is only to vary the condition to allow additional hours during weekdays and on Saturdays, it is not considered necessary or reasonable to impose a travel plan condition in this situation.

#### **Design issues**

46. The proposal does not give rise to any design issues as the application proposal only relates to extension of the operating hours of the existing day nursery which is restricted by condition 3 of the previous planning application ref: 14/AP/4259.

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

47. The application property is not located within Conservation Area. However it is a Grade II listed building and is part of a group including neighbouring numbers 192 and 194 Southampton Way.
48. As mentioned in the above paragraph, the application relates to extension of the opening hours of the existing day nursery with no alterations proposed to the building. Given this, there are no material considerations relating to the listed building, or those adjacent, arising out of the application

#### **Sustainable development implications**

49. The site is situated in an established residential area with some local transport provision. The proposal will increase the hours of operation which will enable greater flexibility for parents in terms of hours of drop off and pick up. The nursery can be considered to be a 'community facility' and, as mentioned above, there is support for community facilities in Development Plan policy, particularly in sustainable and accessible locations, provided that this is balanced against the need to consider impacts on local amenity.

#### **Other matters**

50. 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 and Southwark 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. While Southwark's CIL will provide for infrastructure that supports growth in Southwark. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

### **Conclusion on planning issues**

51. For the reasons set out above, the nursery does not raise land use issues as it is an existing use. Moreover, it is important to recognise that there is support in Development Plan policies for enhanced community facilities. However, this needs to weigh against the need to protect neighbours' amenity and conditions of highway safety. Given the context of the site, with the close proximity of neighbouring residential properties, there is concern that late evenings (i.e. after 19:00) during weekdays and weekend (i.e. Saturdays in this case) operation will cause an undue impact on neighbours' amenity. Indeed, late evenings after 19:00 and Saturday operation would cause an undue impact as it is not considered to be reasonable or enforceable to impose a condition restricting hours of play time. The proposal is therefore recommended for refusal.

### **Community impact statement**

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

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

### **Consultation**

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

### **Consultation replies**

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

### Summary of consultation responses

55. In total 20 responses have been received following consultations of the proposal. Of which 19 responses are in support of this application saying that the application proposal would meet their required need for their child care provision to enable them to work more flexible hours. However, one response received raises objection to the proposal on the following grounds:

*Our objection to this application remains the same as to the last two? (14/AP/4259 and 15/AP/2180), referring to the condition attached by The Planning Inspectorate (Appeal/Decision Ref: APP/A5840/A/09/2100924) limiting hours of use on Mondays to Fridays with none at all on Saturdays, Sundays and Bank Holidays? This condition is stated as 'reasonable and necessary to safeguard the living conditions for nearby occupiers'? In the decisions regarding the last two applications, reasons for refusal of permission to open on any days other than weekdays are given as 'to safeguard the amenities of neighbouring residential properties' and that Saturday opening 'would be*

*detrimental to the amenities of the occupiers of the neighbouring residential properties by reason of increased activity, noise and disturbance associated with it, as residents will have a greater expectation of peace and quietness at weekends'? As before, we can see no reason why these conditions should not still apply? When the large residential development to the west of the nursery is occupied there will be many more people affected.*

#### Internal Consultation

56. Environmental Protection comments: This application would cause a loss in amenity from noise to the local residents if granted, therefore I would recommend refusal to the application.

#### **Human rights implications**

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

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2229-186 Application file: 15/AP/3073 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: 0207 525 0585 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Mumtaz Shaikh, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 October 2015	
<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, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	30 October 2015	

**APPENDIX 1****Consultation undertaken****Site notice date:** 21/08/2015**Press notice date:** 13/08/2015**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 18/08/2015**Internal services consulted:**

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

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

n/a

**Neighbour and local groups consulted:**

Flat 4 84-86 Brook Drive SE11 4TS	Flat 2 155 Southampton Way SE5 7EJ
Email	Flat 3 155 Southampton Way SE5 7EJ
Flat 1 Orange Tree Court SE5 7LS	Unit 5 2 Sedgmoor Place SE5 7SE
Flat 2 Orange Tree Court SE5 7LS	Unit 6 2 Sedgmoor Place SE5 7SE
Flat 9 Beacon House SE5 7ET	Unit 9 2 Sedgmoor Place SE5 7SE
137 Southampton Way London SE5 7EW	Flat A 167 Southampton Way SE5 7EJ
179 Southampton Way London SE5 7EJ	Room 8 2 Sedgmoor Place SE5 7SE
Flat 6 Orange Tree Court SE5 7LS	Top Flat 173 Southampton Way SE5 7EJ
Flat 7 Orange Tree Court SE5 7LS	Room 1 2 Sedgmoor Place SE5 7SE
Flat 8 Orange Tree Court SE5 7LS	Room 2 2 Sedgmoor Place SE5 7SE
Flat 3 Orange Tree Court SE5 7LS	Room 7 2 Sedgmoor Place SE5 7SE
Flat 4 Orange Tree Court SE5 7LS	Flat 3 165 Southampton Way SE5 7EJ
Flat 5 Orange Tree Court SE5 7LS	First Floor Flat 190 Southampton Way SE5 7EU
Flat 8 Beacon House SE5 7ET	Flat 2 165 Southampton Way SE5 7EJ
161b Southampton Way London SE5 7EJ	163b Southampton Way London SE5 7EJ
Flat 1 Beacon House SE5 7ET	Flat 1 165 Southampton Way SE5 7EJ
Flat 10 Beacon House SE5 7ET	173 Southampton Way London SE5 7EJ
149 Southampton Way London SE5 7EW	175 Southampton Way London SE5 7EJ
2 Sedgmoor Place London SE5 7SE	177 Southampton Way London SE5 7EJ
161a Southampton Way London SE5 7EJ	167 Southampton Way London SE5 7EJ
Flat 5 Beacon House SE5 7ET	169 Southampton Way London SE5 7EJ
Flat 6 Beacon House SE5 7ET	171 Southampton Way London SE5 7EJ
Flat 7 Beacon House SE5 7ET	141 Southampton Way London SE5 7EW
Flat 2 Beacon House SE5 7ET	143 Southampton Way London SE5 7EW
Flat 3 Beacon House SE5 7ET	145 Southampton Way London SE5 7EW
Flat 4 Beacon House SE5 7ET	181 Southampton Way London SE5 7EJ
Second Floor And Third Floor Flat 181 Southampton Way SE5 7EJ	194 Southampton Way London SE5 7EU
Second Floor Flat 177a Southampton Way SE5 7EJ	139 Southampton Way London SE5 7EW
First Floor And Second Floor Flat 169 Southampton Way SE5 7EJ	165 Southampton Way London SE5 7EJ
First Floor Flat 177a Southampton Way SE5 7EJ	Unit 13 2 Sedgmoor Place SE5 7SE
First Floor Flat 181 Southampton Way SE5 7EJ	Unit 14 2 Sedgmoor Place SE5 7SE
159b Southampton Way London SE5 7EJ	Unit 15 2 Sedgmoor Place SE5 7SE
159c Southampton Way London SE5 7EJ	Unit 11 2 Sedgmoor Place SE5 7SE
159a Southampton Way London SE5 7EJ	Unit 12 To Unit 15 2 Sedgmoor Place SE5 7SE
First Floor And Second Floor Flat 171 Southampton Way SE5 7EJ	Unit 12 2 Sedgmoor Place SE5 7SE
Flat 12 Orange Tree Court SE5 7LS	163 Southampton Way London SE5 7EJ
157a Southampton Way London SE5 7EJ	149a Southampton Way London SE5 7EW
157b Southampton Way London SE5 7EJ	153 Southampton Way London SE5 7EJ
Flat 9 Orange Tree Court SE5 7LS	35 Mile End Road London E1 4TP
Flat 10 Orange Tree Court SE5 7LS	Eform
Flat 11 Orange Tree Court SE5 7LS	Flat 10, Wiseman Court, Woodland Road SE19 1PQ

190 Southampton Way London SE5 7EU  
Caretakers Flat 2 Sedgmoor Place SE5 7SE  
First Floor And Second Floor Flat 163 Southampton Way SE5 7EJ  
179a Southampton Way London SE5 7EJ  
151 Southampton Way London SE5 7EJ  
179b Southampton Way London SE5 7EJ  
147 Southampton Way London SE5 7EW  
Unit 10 2 Sedgmoor Place SE5 7SE  
Unit 3 2 Sedgmoor Place SE5 7SE  
Unit 4 2 Sedgmoor Place SE5 7SE  
Flat C 167 Southampton Way SE5 7EJ  
Flat D 167 Southampton Way SE5 7EJ  
Flat B 167 Southampton Way SE5 7EJ  
Flat 1 155 Southampton Way SE5 7EJ

13 Strudwick Court Binfield Road Sw4 6te  
12 Mistral House Sceaux Gardens Eastate SE5 7DR  
Flat 6 75 Blakes Road London Se15 6HE  
13b Mundania House  
19 Marchwood Close London SE5 7HD  
Flat 46 Bentley House London SE5 7NB  
13 Strudwick Court Binfield Road SW4 6TE  
Flat 12 Mori Court 61 Edmund Street Se5 7fj  
Flat 4 84-86 Brook Drive London SE11 4TS  
89 Southampton Way SE5 7EU  
201 Southampton Way Camberwell SE5 7EU  
14 Matthews Street London SW11 5AB  
194 Southampton Way London SE5 7EU  
190 London se5 7eu  
1 Elizabeth House Reedworth Street SE11 4NN

**Re-consultation:** n/a



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

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Caretakers Flat 2 Sedgmoor Place SE5 7SE  
 Flat 10, Wiseman Court, Woodland Road SE19 1PQ  
 Flat 12 Mori Court 61 Edmund Street Se5 7FJ  
 Flat 4 84-86 Brook Drive London SE11 4TS  
 Flat 46 Bentley House London SE5 7NB  
 Flat 6 75 Blakes Road London SE15 6HE  
 Room 7 2 Sedgmoor Place SE5 7SE  
 1 Elizabeth House Reedworth Street SE11 4NN  
 12 Mistral House Sceaux Gardens Eastate SE5 7DR  
 13 Strudwick Court Binfield Road SW4 6TE  
 13 Strudwick Court Binfield Road SW4 6TE  
 13b Mundania House  
 14 Matthews Street London SW11 5AB  
 161b Southampton Way London SE5 7EJ  
 175 Southampton Way London SE5 7EJ  
 19 Marchwood Close London SE5 7HD  
 190 London SE5 7EU  
 190 London SE5 7EU  
 194 Southampton Way London SE5 7EU  
 201 Southampton Way Camberwell SE5 7EU  
 89 Southampton Way SE5 7EU

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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>	Ms Nicole Bennett	<b>Reg. Number</b>	15/AP/3073
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/2229-186
<b>Recommendation</b>	Refuse permission		

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### Draft of Decision Notice

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

Variation of Condition 3 'Opening Hours' of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: Monday to Friday 7:00 to 20:30 and Saturdays 09:30 to 17:15hrs

**At:** 190 SOUTHAMPTON WAY, LONDON, SE5 7EU

**In accordance with application received on 03/08/2015 08:03:39**

- **and Applicant's Drawing Nos.** Site Location Plan
  - Petition with names of 15 parents requesting Saturdays nursery places
  - Petition with 12 signatures/names from local businesses in support of change in nursery opening hours.
- Petition with 9 signatures/names from local residents in support of change in nursery opening hours.

**Reason for refusal:**

The proposed extension of the operating hours of the existing day nursery during Monday to Friday and on Saturdays would be detrimental to the amenity of the occupiers of the neighbouring residential properties by reason of the increased activity, noise and disturbance associated with it. The proposal as such would be contrary to the Section 11 of the National Planning Policy Framework 2012 and its Core Planning Principles, Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan July 2015, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity 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.

The application was not considered to be in accordance with the relevant development plan policies and as such the development was not acceptable.

Ordnance Survey

Date 29/10/2015



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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.2	Open	11 November 2015	Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/4405 for: Full Planning Permission  <b>Address:</b> NEW HIBERNIA HOUSE, WINCHESTER WALK, LONDON SE1 9AG  <b>Proposal:</b> Demolition of the roof extension and replacement with a part one and part two storey extension to contain a single three bedroom dwelling and associated roof terrace; change of use of the ground floor from offices (Use Class B1) to a restaurant (Use class A3) and alterations to the ground floor facade.		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 29/12/2014		<b>Application Expiry Date</b> 23/02/2015	
<b>Earliest Decision Date</b> 28/02/2015			

### RECOMMENDATION

1. That members grant full planning permission subject to conditions.

### BACKGROUND INFORMATION

2. This application was presented to Planning Sub-Committee A on 21 July 2015. Members deferred determination of the application in order to undertake a site visit. This took place on 15 September 2015. The applicant has also submitted amendments to the scheme following the meeting on 21 July 2015 to reduce the height of part of the southerly part of the roof and the reduce its mass close to the bedroom terrace of 12 Tennis Court, amendments which are discussed in more detail below.

### Site location and description

3. The site is a former warehouse of five storeys, the top floor covering only part of the site. It is presently used as an office. Built in the early 20th century, its style is that of 19th century industrial buildings. It is a building with architectural merit and in a historic commercial setting with Borough Market immediately opposite. It was converted to offices in the 1970s. The site has the following planning designations:
4. Air Quality Management Area  
 Bankside and Borough District Town Centre  
 Bankside, Borough and London Bridge Strategic Cultural Area  
 Bankside, Borough and London Bridge Opportunity Area  
 Borough High Street conservation area  
 Borough, Bermondsey and Rivers Archaeological Priority Zone  
 Central Activity Zone

## Details of proposal

5. The proposal is for a change of use of the ground floor from office to a restaurant with alterations to the ground floor facade to restore some original features of the former warehouse. The top attic floor would be demolished and replaced with a part single and part two storey extension that would contain the three bedroom dwelling. This extension would be modern and consist of five 'volumes' on the fifth floor and two smaller ones on the sixth floor. They would have generous south facing glazing but otherwise be constructed using cor-ten. There would also be a terrace that would wrap around the eastern and southern part of the top floor. The amendments that have been made to the scheme following the meeting on 12 July 2015 are:

- Reduction in the height of the forward five volumes by 50cm
- Reduction in the height of the part of the roof in front of the bedroom terrace for 12 Tennis Court by approximately 50cm to be the same height as the terrace floor and a brown roof covering for it
- A tapering of the roof in front of the bedroom terrace, rising in height to the south
- A set-in of part of the higher volume close to the bedroom terrace
- A green wall and access door on the western flank of the higher volume for maintenance.

## 6. Planning history

<p>07/AP/0853 Application type: Full Planning Permission (FUL) Affix three retractable awnings to the existing building's frontage at fascia level on the front elevation</p> <p>Decision date 27/06/2007 Decision: Refused (REF)</p> <p>Reason for refusal: The awnings, by reason of their appearance, are inappropriate to the character of the building and therefore do not preserve or enhance the special interest or historic character of the building and the surrounding conservation area. The proposal is therefore unacceptable and is contrary to Policy E.4.3 Proposals Affecting Conservation Areas of the adopted Plan 1995 and Policies 3.12 Quality in Design, 3.13 Urban Design, 3.15 Conservation of the Historic Environment and 3.16 Conservation Areas of the emerging Southwark Unitary Development Plan March 2007.</p>
<p>10/AP/3171 Application type: Full Planning Permission (FUL) Demolition of the existing roof space used as ancillary office space, to be replaced with a two storey extension, comprising 3 residential units and extension to an existing flat within Tennis Court building. Other works include the building up of a parapet to eastern end to match detailing of western end and minor alterations to the ground floor entrance</p> <p>Decision date 18/05/2011 Decision: Refused (REF)</p> <p>Reasons for refusal:</p> <ol style="list-style-type: none"> <li>1. This proposal involves the loss of the traditional pitched slate roof from a key unlisted building within the conservation area. The replacement development is an excessively scaled extension that incorporates out-of-character detailing, which un-balances the composition of the building and appears incongruous within the historic streetscape. The proposal will thereby fail to preserve the character or appearance of the conservation area, as well as the setting of the nearby Grade I listed cathedral. The proposal is therefore contrary to Saved</li> </ol>

<p>Policies 3.16 Conservation Areas, 3.17 Listed Buildings, 3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites of the Southwark Plan and Core Strategy 2011, Strategic Policy 12 – Design and conservation.</p> <p>2. The proposal will result in loss of office floorspace (Use Class B1) resulting in the loss of available job opportunities within the borough. The proposal is contrary to Core Strategy 2011, Strategic Policy 10 – Jobs and businesses and Saved Policy 1.4 Employment Sites outside the Preferred Office Locations.</p>
<p>10/AP/3172 Application type: Conservation Area Consent (CAC) Demolition of the existing roof structure.</p> <p>Decision date 18/05/2011 Decision: Refused (REF)</p> <p>Reason(s) for refusal:</p> <p>There is no acceptable proposed replacement scheme, and no justification for the complete demolition of the roof of a key un-listed building in the Borough High Street Conservation Area which makes a positive contribution to the appearance and character of the conservation area. The proposal would neither preserve or enhance the character or appearance of the conservation area nor the setting of the Southwark Cathedral, a Grade I listed building and is therefore contrary to saved Policies 3.15 'Conservation of the Historic Environment', 3.16 'Conservation Areas', and 3.18 'Setting of Listed Buildings, Conservation Areas and World Heritage Sites' of The Southwark Plan 2007, Strategic Policy 12 'Design and Conservation' of The Core Strategy 2011 and PPS5 Planning and the Historic Environment.</p>
<p>14/EQ/0034 Application type: Pre-Application Enquiry (ENQ) Proposal includes: change of use on the ground floor from B1 to A3 minor internal demolition to accommodate a new internal stair and lift, demolition of existing roof space used as ancillary office space, to be replaced with a part one, part two storey roof extension comprising of a single residential unit (class c3, approximately 150m<sup>2</sup>) and extension of an terrace to an existing flat within the Tennis Court Building. A further roof terrace is provided at the top level for the residential unit. (All as previously submitted with the exception of the reduction in floor area of the residential unit).</p> <p>Decision date 24/07/2014 Decision: Pre-application enquiry closed (EQC). The reply to this enquiry is included as Appendix 3.</p>

### Relevant planning history of adjoining sites

Rear of New Hibernia House, Winchester Walk, London SE1 9AG

7. 02/AP/2181. Planning permission granted on 17/03/2003 for:  
The erection of a six storey building comprising a Class A3 unit at ground floor with 12 residential units on upper floors following demolition of existing single storey building.

Flat 12, Tennis Court, 7 Winchester Square, London SE1 9BN

8. 12/AP/1147, planning permission granted on 18/08/1012 for:  
Renewal of planning permission reference 09AP0611 dated 30/6/2009, to construct a single storey extension at sixth floor level to the existing flat at 12 Tennis Court with part sedum roof and part terrace (and associated balustrading) area.

16 Winchester Walk, London SE1 9AQ

9. 11/AP/3510. Planning permission granted on 21/03/2012 for:  
Removal and replacement of roof by addition of one mansard floor, reconfiguration of internal floor levels, to allow refurbishment in connection with providing 3 floors of office space (1,121sqm) in basement, ground and first floors. Six residential flats at second and newly created third floor levels, to include 2 x 1 bedroom, 2 x 2 bedroom and 2 x 3 bedroom flats. Alterations to fenestration on all facades.
10. 12/AP/0427. Planning permission refused on 15/11/2013 for:  
Change of use of the first floor office space (Use Class B1) to 1 x 1 bedroom unit and 2 x 3 bedroom units.

Reason for refusal:

The loss of office floorspace is unacceptable as it would undermine the provision of protected employment floorspace within the CAZ, and no convincing viability or other argument has been presented which would justify this loss. The proposal is therefore contrary to sections 1 'Building a strong competitive economy' and 2 'Ensuring the vitality of town centres' of the NPPF 2012; Saved Policy 1.4 'Employment Sites Outside the Preferred Office Locations and Preferred Industrial Locations' of the Southwark Plan 2007 and Strategic Policy 10 'Jobs and Businesses' of the Core Strategy 2011.

1 Cathedral Street, London

11. 07/AP/0482, planning permission granted on 17/04/2007 for:  
Refurbishment (replacement of timber entrance doors and replacement of windows with new timber framed windows), extension and alteration including replacement and extension of third storey and alterations necessary to allow for the construction of an evacuation route and access lift. Regularisation of the use of the building as a community facility (within D1 use class).

This permission has expired but is a material consideration.

12. The objection on behalf of the occupiers of 12 Tennis Court has referred to two planning applications, one at 38 Stoney Street and one at 1-13 Park Street. regard has been had to these applications but there are not considered to be material to the present application which must be considered on its own merits.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

13. The main issues to be considered in respect of this application are:
  - a. Principle of the development with regard to land use
  - b. Impact of the development on the amenity of neighbours
  - c. Design and conservation issues (including the impact on heritage assets)
  - d. Transport issues

### **Planning policy**

#### National Planning Policy Framework (the Framework)

14. This application should be considered against the Framework as a whole, however the following sections are particularly relevant:
  1. Building a strong, competitive economy

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

#### London Plan July 2015

- 15. Policy 3.5 Quality and design of housing developments
- Policy 6.3 Assessing the effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

#### Core Strategy 2011

- 16. Strategic Policy 1 Sustainable development
- Strategic Policy 2 Sustainable transport
- Strategic Policy 7 Family homes
- Strategic Policy 10 Jobs and businesses
- Strategic Policy 12 Design and conservation
- Strategic Policy 13 High environmental standards

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

- 17. The Council's cabinet on 19 March 2013, as required by paragraph 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.
- 18. Policy 1.4 Employment sites outside the preferred office locations and preferred industrial locations:
  - Policy 3.1 Environmental Impacts
  - Policy 3.2 Protection of amenity
  - Policy 3.11 Efficient use of land
  - Policy 3.2 Quality in design
  - Policy 3.13 Urban design
  - Policy 3.14 Designing out crime
  - Policy 3.15 Conservation of the historic environment
  - Policy 3.16 Conservation areas
  - Policy 3.17 Listed buildings
  - Policy 3.18 Setting of listed buildings, conservation areas, and world heritage sites.
  - Policy 4.2 Quality of residential accommodation
  - Policy 5.2 Transport impacts

Borough High Street conservation area appraisal 2006



### **Summary of consultation responses.**

19. A total of 17 representations have been received for this application, 15 of which are objections. Most are from neighbours of the site but objections have also been received from Historic England and the Fabric Advisory Panel of Southwark Cathedral. Along with other neighbour objections, a detailed objection received on behalf of the occupiers of 12 Tennis Court is of particular note as this is the property that would be most affected by the development. The main issues raised in objection are:
- Loss of employment floorspace
  - Impact of the development (roof extension and restaurant) on local amenity
  - Design of the scheme, including its impacts on heritage assets
  - Highway impacts, including that from servicing.
20. Following the submission of amendments to the scheme, a further consultation was undertaken. Comments were received from Historic England advising that their previous concerns remain and from the Fabric Advisory Committee of Southwark Cathedral advising that their objection remains.

### **Principle of development**

21. The development would result in a net loss of office floorspace. Saved policy 1.4 of the Southwark Plan protects office floorspace in the Central Activity Zone (CAZ). It does allow for a loss of floorspace to other town centre uses, including restaurants (A3) and where the development would address the street and provide an active frontage. The change of use of part of the ground floor to a restaurant is therefore acceptable in principle.
22. There would also be a loss of the office accommodation on the fifth floor. This would amount to a loss of 36sq.m. An additional area of 35sq.m. would be lost on the ground floor to accommodate the entrance, cycle and refuse storage space for the office and residential uses on the upper floors.
23. Seldom used other than for meetings, the office space on the top floor is poor quality and has poor layout. Nonetheless, there is the potential to retain this floorspace within this development, but this would be at the expense of residential floorspace. Changes proposed to the internal layout of the lower floors mean that the net office area on these floors would increase because the western core would be removed. Each floor would see an increase in the net internal area of office floorspace from 136 to 147sq.m. This, together with the A3 floorspace would balance the loss of net internal area (NIA) office floorspace, meaning no overall commercial floorspace loss.
24. Additional information has also been submitted regarding the expected employment the A3 use would generate. The agent's calculation shows that it would provide between 31 and 27 full time equivalent (FTE) jobs. There is a discrepancy between this and the employment expected using the calculation in the Employment Densities Guide by the Homes and Communities Agency which provides a result of 7.3 FTE jobs.
25. While the proposed loss of office space has not been fully justified in accordance with policy 1.4, it is considered that the relatively modest loss is acceptable in this instance considering the net employment space would not decrease (including the A3 space), the benefit of providing an active frontage to this site and the reinstatement of historical features (see below).

## **Environmental impact assessment**

26. Not required for an application of this scale

### **Impact of proposed development on amenity of neighbours**

27. A number of objections received from neighbours refer to the impact that the proposed development may have on their amenity. Issues include the impact of noise and disturbance from the A3, sunlight and daylight and potential for the development to have an overbearing effect. These are discussed below.

#### *Noise*

28. The proposed hours of operation for the restaurant are between 08:00 and 22:00 as detailed in the letter to the council on 12 May 2015 that included the calculation of expected job numbers. Such hours are not unusual for restaurants in the area. There are dwellings nearby and the potential impact of the restaurant on their occupiers requires careful consideration.
29. One source of noise is that from plant, particularly the kitchen exhaust system. Its flue would be routed up through the building itself and it would protrude above the top, eastern volume and be 6m from the nearest noise sensitive window, that for the bedroom of flat 12 Tennis Court. A proximity that is common in dense urban locations, the compliance condition recommended to control noise emission would ensure that there would be no harm to amenity from noise. The height of the flue would be sufficient to ensure that it would not cause an adverse impact on the existing amenity of nearby residents and the amenity area for 12 Tennis Court approved under planning permission reference 12/AP/1147. No information has been provided as detailed in Defra's guidance document for kitchen exhaust systems but this is not uncommon where the end user of a cafe/restaurant has not been identified. Noise can be mitigated though insulation and crucially the flue would be of a sufficient height to allow standard odour control measures protect amenity.
30. Being a restaurant, one would not expect high levels of amplified music to be played within the premises. Sound from patrons could escape from the premises, particularly with the openings in at the ground floor that would be created. The area is busy during warmer times of the year when one would expect the openings to be used. There is, for example, a public house to the southwest of the site- The Rake- which has limited internal space. There are often many customers outside the premises in Borough Market, as well as visitors to the market itself. Similarly, there would be some noise from patrons arriving and leaving the premises but the majority of these would arrive and leave on foot because of the excellent public transport links for the site. There may be some private vehicles and taxis for customers which is not uncommon in a central London location. In this context, and with consideration to the hours of use of use proposed, noise from the restaurant is not expected to give rise to a significant impact on residential amenity.

#### *Daylight and sunlight*

31. The increase in the built form for the site would be limited to the roof extension and the premises that would be most affected is the top floor flat on Tennis Court: number 12. Other dwellings in the area would be sufficiently removed from the extension not to be affected. A daylight and sunlight analysis has been undertaken for the impact on the bedroom window [sliding door] for this property which is behind where the western, volumes would be. The Vertical Sky Component (VSC) for this window is presently 35.21 per cent and would reduce to 32.9 per cent while the Annual Probable Sunlight Hours (APSH) is presently 73 per cent and would be reduced to 71 per cent. The VSC

would be remain above 27 per cent, below which a change in daylight would be notable while the APSH would be above 25 per cent, below which an adverse impact may occur. There would thus be no adverse impact with respect to daylight or sunlight on this bedroom window according to the Building Research Establishment guidance.

*Potential for the development to be overbearing*

32. Again, the primary impact on with this issue would be on the occupiers of 12 Tennis Court- the extension would be built both in front of and to the east of the balcony of a bedroom. The amendments submitted by the applicant following deferral of a decision for this application on 21 July 2015 have sought to mitigate this impact. Of note is the change that would mean the roof would be no higher than the floor of the terrace to a distance of 2.5m from it. Rising at shallow angle away from the terrace, it would reach a height of 50cm above the terrace floor at a distance of approximately 6.5m.
33. This amendment would result in a much lesser impact of the roof immediately in front of the terrace which coupled with the brown roof proposed would maintain a good outlook immediately in front. The taller volumes that would flank the terrace would be of the same height as that proposed previously and while there would be some impact from this element of the proposal, the primary outlook which is to the south would be maintained.
34. The primary living area of 12 Tennis Court would not be affected by the proposed scheme. It is a living room which is served by a terrace with a westerly aspect. Thus, while there may be a degree of impact on the outlook from the bedroom, the overall amenity of the occupiers of 12 Tennis Court would not be unreasonably compromised.
35. It is not unusual for development in urban environments to have some impact on neighbours but for the reasons above, it is considered that the impact of the proposed development would be acceptable.
36. While the southern part of the terrace would overlook Winchester Walk, the eastern part of it could have an impact on the development potential for the adjacent site at 1 Cathedral Street. Planning application reference 07/AP/0486 (see above) although expired is a material consideration. The terrace or indeed the window proposed on the eastern elevation would not stymie development on the adjacent site unreasonably. The window would be 4m from the boundary which is not unusual in dense urban locations. Further, any impact from mutual overlooking could be mitigated through reasonable screening or design for any development that may be forthcoming at 1 Cathedral Street.

**Quality of residential accommodation proposed**

37. A dwelling of almost 120sq.m would provide for generous living accommodation. Coupled with a good quality outdoor space, the quality of the dwelling would be good. Its occupiers would have access to a cycle storage facility at ground floor level.

**Design and conservation issues (including the impact on heritage assets)**

38. Most of the objections received make reference to the design of the proposal and its impact on the two heritage assets that would be affected: Southwark Cathedral which is Grade I listed and the Borough High Street conservation area. Historic England and the Victorian Society have urged refusal and the Fabric Advisory Committee for Southwark Cathedral after advising initially that the development would have minimal, if any, impact on views of the cathedral, revised their comments to strongly object to the scheme. Also a matter for objection is the concern that the scale, mass and

materials proposed would be incongruous with the building and the area. These issues are discussed below.

*Scale massing and design*

39. The extension has been designed to take references from the original building which has both vertical and horizontal elements. In five volumes, the two tallest would be above the two western bays of the existing building while three shorter volumes would be above the three eastern bays, respecting the drop down in height established by the parapet at roof level. All five proposed volumes have been reduced in height by 50cm compared to the previous iteration of the scheme. Two other volumes would sit above the two western-most shorter volumes with a set back of 3.5m, effectively hiding them from many areas of the public realm at ground floor level. So from street level in views in which the whole building would be appreciated such as along Winchester Walk, the massing would not be overly excessive and would respect the composition of the facade height dropping to the east.
40. A design that is unashamedly modern, the extension would provide extensive areas of glazing on the southern facade while giving a modular appearance with an unusual material: cor-ten. This is a material that was traditionally used for industrial buildings but has recently become more fashionable for contemporary architecture in cities.
41. A characteristic of this area of the borough is the narrow streets which channel one's views of the urban landscape laterally. Views of the proposed development provided by the applicant suggest that views of the whole building itself are limited to Winchester Walk itself. Views from further a field would generally be limited to the upper storeys because existing buildings and structures would screen the existing building. Within Winchester Walk, the balance of the building would not be altered too detrimentally because of the set backs proposed for the volumes. Following the demolition of the existing roof, the highest part of the extension proposed would constitute one third of the building's height. On the face of it, such an increase in height would seem excessive but the highest part of the extension would be across approximately a third of its width, with a height of approximately 3.5m to lessen its impact. The extension will not be disproportionate to the host building because of the set backs and limited views.
42. Similarly, the use of cor-ten would introduce a material that has not previously been used in this historic part of the borough. The views of the material would be limited to the extension's flank and would rarely be seen in isolation. It would provide interest and result in a good balance between the cor-ten and the generous glazing proposed. Cor-ten can come in a number of different hues ranging from orange to darker browns, depending on the amount of exposure and weathering. It is important that the precise colour of the material would be appropriate and for this reason a condition is recommended to ensure that samples are presented on site for approval. An extension of high architectural merit, it would provide a clean and proportionate addition to the roofscape. It is a very different scheme from the one refused (reference 10-AP-3171) which proposed an extension that was excessively scaled.
43. Objection has also been received regarding the proposed opening up of the ground floor bays and the installation of awnings, indeed the awnings were considered to be inappropriate to the character of the building by the council in 2007 which is why application reference 07/AP/0853 was refused. The facade was remodelled in the 1970s when the building was converted to offices. Awnings and loading bays were removed and brickwork and arches introduced at ground floor level. The proposal is for the removal of these later alterations and to reinstate the awnings and provide a better street frontage. Such changes would restore the ground floor to something closer to its original form; the applicant has submitted photographic evidence that

awnings were previously in place at ground floor level (page 3 of the design and access statement).

#### *Significance of heritage assets*

44. It is important to understand the significance of the heritage assets that would be affected to fully understand the potential impact that this development would have. The significance of the heritage assets is summarised below.

#### Southwark Cathedral

45. Southwark Cathedral is one of, if not the most significant heritage asset in the borough. Its significance very much connected with its wider historical context as a relic of a medieval townscape in addition to its aesthetic and communal value. The significance of the Riverside sub-area of the of the conservation area lies in its Medieval core, warehouse and wharf development. New Hibernia House contributes to the setting of the cathedral, limiting the effect that the open area to the south has on it within the context of the narrow streets to the west.

#### The Borough High Street Conservation Area

46. Being in the Riverside sub-area of the conservation area, the significance of this part of the heritage asset is derived to a large degree by the presence and indeed the dominance of the cathedral. Later additions of significance are the warehouses which, along with the narrow streets, are so characteristic of this type of 19th century development. The site is within the Winchester Square area and Winchester Walk is a significant east-west link to which New Hibernia House makes a positive contribution.

#### *Impact on heritage assets*

47. One of the reasons for the refusal of the previous application on this site (10/AP/3171) was that the loss of the roof would have caused harm because its replacement would not have been acceptable. The roof is traditional and is the original roof for the building; its loss would only be acceptable if it were to be replaced by an alternative of sufficient quality.
48. After considering the significance of heritage assets (see above), the next phase in the tiered approach of the Framework with respect to heritage assets is whether substantial harm would be caused and, if it would, whether the benefits of the scheme would outweigh the harm. In this case, because of the limited views that would be afforded of the extension, its impact on the conservation area would not amount to substantial harm. In the context of the cathedral, the extension would only be seen from the railway viaduct to the south of the site other than as a peripheral element in the view of the cathedral from Winchester Walk looking east. Views from the viaduct are not as sensitive as views of the cathedral from street level where most people would appreciate it. Such fleeting views of the cathedral would include a view of the extension which would be of high architectural quality. There would be sufficient separation between the extension and the cathedral for it not to cause substantial harm to the heritage asset. Higher up, the extension would form part of a diverse roofscape in the area and provide an example of good quality architecture in the context of somewhat utilitarian roofs. Many views of the cathedral would therefore be preserved while some may even be enhanced. The same can be said for the conservation area, particularly when one considers the works proposed on the ground floor.
49. As referred to above, one of the public benefits of the development would be the reinstatement of the historic frontage at ground floor level. Further, an active frontage

would be introduced which would provide activity and natural surveillance for the area. Historic England have advised that the introduction of awnings would obscure the arched window detail above and interrupt the vertical orientation and rhythm of the facade. Any harm caused by this alteration would be outweighed by the benefit described above and the fact that awnings were previously in place.

50. In accordance with the policy framework of the London Plan, the significance of both the conservation area and the cathedral would be conserved partly because of the limited views of the extension in the context of views of the cathedral and its separation from it. Furthermore, it would add a high quality building element to a local roofscape that is presently lacking in such a feature.
51. Local planning policy requires that development either preserves or enhances heritage assets and/or their setting taking into account the guidance in the adopted conservation area appraisal. The scale and massing is considered to be acceptable in this location, taking into account the tight streets and limited views. It would be of architectural interest from further away, seen against a backdrop of diverse roofscapes retaining the vertical articulation called for by the conservation area appraisal. Indeed, it would arguably provide a better visual backdrop than the extensive blank southern wall of 2 Cathedral Street. It would enhance both the conservation area and the setting of the cathedral.

#### **Transport issues**

52. Objections received refer to the lack of cycle storage for end users of the development and the potential impact from servicing. Amendments have been made to the proposed development that shows cycle storage. There are two cycle storage spaces shown for the residential development and three for the restaurant, both in accordance with the standards in the London Plan. No cycle parking is shown for customers and the constraints of the site mean that it would be difficult to provide suitable provision. Cycle parking provision does exist for customers, there are several stands on Park Street to the west and a number close by to the east. Two spaces are shown for the office use but as this is an existing use, no additional requirements would be needed.
53. According to the initial submission, vehicles servicing the site would park in the car park opposite which is part of Borough Market. The site presently has approximately 7 deliveries per day and this is likely to continue because the occupier of the office space (the applicant) would consolidate staff within the remaining office space. An additional 3 to 4 deliveries are expected for the restaurant. There is room on Winchester Walk for a van to be parked and another to pass by it, and while there are double yellow lines on both sides of the street, they are not accompanied by chevrons meaning that deliveries could take place from the street. An additional 3 to 4 deliveries to the site is not expected to result in significant transport or indeed amenity issues because of the low number and the control of hours that is recommended as a condition.

#### **Community infrastructure levy (CIL)**

54. The development would be subject to both mayoral and local CIL at a charge of £2,281 and £22,800 respectively.

#### **Sustainable development implications**

55. The proposal would result in a more economically sustainable use with the addition of a restaurant and the rationalisation of the remaining office floorspace. Social impacts such as the potential loss of amenity would be limited and benefits would include the addition of an active frontage and additional housing for the borough.

Environmentally, it would improve the frontage of the building at ground floor level.

### **Other matters**

56. Amendments to the scheme were sought and received including suitable areas for refuse for all three uses in the building and for cycle storage, in addition to the reduction in height following the meeting on 21 July 2015. The detailed objection on behalf of the occupiers of 12 Tennis Court also refers to the validation process and that there were some errors on the drawings, lack of a scale bar and other drawings. The latest set of drawings is of sufficient detail to allow suitable assessment and interpretation of the proposal.

### **Conclusion on planning issues**

57. There would be a net loss of employment floorspace but this is considered to be acceptable on balance considering the quality of the floorspace in question, the employment that would be generated by the proposed restaurant; the internal rationalisation of the remaining office floorspace and the public benefit of the active frontage and re-instatement of historical features. The site would continue to contribute to the local economy by providing employment and the addition of a restaurant. The new dwelling would also contribute to much needed housing in the borough. There would be some impact on the amenity of the occupier of 12 Tennis Court but this would be limited and within acceptable levels.

### **Community impact statement**

58. In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the protected characteristics identified above is expected as a result of this development.

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

61. 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.
62. This application has the legitimate aim of providing new residential accommodation and a restaurant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: 1146-B  Application file: 14/AP/4405  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 1778 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-application reply
Appendix 4	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Dipesh Patel, Team Leader – Major Applications	
<b>Version</b>	Final	
<b>Dated</b>	30 October 2015	
<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, finance and governance	No	No
Strategic director, environment and leisure	Yes	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		30 October 2015



**APPENDIX 1****Consultation undertaken****Site notice date:** 14/01/2015**Press notice date:** 05/02/2015**Case officer site visit date:** 14/01/2015**Neighbour consultation letters sent:** 15/01/2015**Internal services consulted:**

n/a

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

English Heritage (now Historic England)  
 The Georgian Group  
 The Victorian Society

**Neighbour and local groups consulted:**

15 Winchester Walk London SE1 9AG	9 Tennis Court 7 Winchester Square SE1 9BN
Basement 1 Cathedral Street SE1 9DE	Flat 5 3 Winchester Square SE1 9BH
2 Cathedral Street London SE1 9DE	Flat 4 3 Winchester Square SE1 9BH
Second Floor 1 Cathedral Street SE1 9DE	Flat 3 3 Winchester Square SE1 9BH
First Floor 1 Cathedral Street SE1 9DE	7 Tennis Court 7 Winchester Square SE1 9BN
Ground Floor 1 Cathedral Street SE1 9DE	First Floor Front West 16 Winchester Walk SE1 9AG
The Rake 14a Winchester Walk SE1 9AG	First Floor Front East 16 Winchester Walk SE1 9AG
First Floor Former Meeting Room 16 Winchester Walk SE1 9AG	Second Floor Front 16 Winchester Walk SE1 9AG
Conference Rooms Southwark Cathedral SE1 9DA	5 Tennis Court 7 Winchester Square SE1 9BN
Flat 13 Tennis Court SE1 9BN	10 Tennis Court 7 Winchester Square SE1 9BN
First Floor Rear East 16 Winchester Walk SE1 9AG	1 Tennis Court 7 Winchester Square SE1 9BN
Part Ground Floor Front East 16 Winchester Walk SE1 9AG	9 Winchester Square London SE1 9BP
First Floor Centre East 16 Winchester Walk SE1 9AG	18 Winchester Walk London SE1 9AG
Second Floor Rear West 16 Winchester Walk SE1 9AG	Gift Shop Southwark Cathedral SE1 9DA
Second Floor Rear East 16 Winchester Walk SE1 9AG	Refectory Southwark Cathedral SE1 9DA
First Floor Rear West 16 Winchester Walk SE1 9AG	Southwark Cathedral Montague Close SE1 9DA
First Floor Centre 16 Winchester Walk SE1 9AG	Flat 8 Tennis Court SE1 9BN
Second Floor Front 14 Winchester Walk SE1 9AG	Flat 12 Tennis Court SE1 9BN
First Floor 14 Winchester Walk SE1 9AG	Flat 11 Tennis Court SE1 9BN
Fish Cathedral Street SE1 9AL	Flat 6 3 Winchester Square SE1 9BH
Ground Floor Rear 16 Winchester Walk SE1 9AQ	Flat 6 Tennis Court SE1 9BN
Ground Floor Front West 16 Winchester Walk SE1 9AP	Flat 4 Tennis Court SE1 9BN
Second Floor Rear 14 Winchester Walk SE1 9AG	Flat 3 Tennis Court SE1 9BN
2 Tennis Court 7 Winchester Square SE1 9BN	Malthouse Farm Rockbourne SP6 3NA
Flat 2 3 Winchester Square SE1 9BH	18 Eatonville Road London SW17 7SL
Flat 1 3 Winchester Square SE1 9BH	124 Cardamom Building 31 Shad Thames SE1 2YR
	8 Southwark Street London SE1 1TL

**Re-consultation:** 20/05/2015

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

None

**Statutory and non-statutory organisations**

English Heritage  
The Victorian Society

**Neighbours and local groups**

Eform  
Email representation  
Email representation  
Flat 11 Tennis Court SE1 9BN  
Flat 12 Tennis Court SE1 9BN  
Flat 12 Tennis Court SE1 9BN  
Flat 12 Tennis Court SE1 9BN  
Flat 12 Tennis Court SE1 9BN  
Flat 12 Tennis Court SE1 9BN  
Flat 12 Tennis Court SE1 9BN  
Flat 2 3 Winchester Square SE1 9BH  
Flat 2 7 Winchester Square SE1 9BN  
Flat 3 Tennis Court SE1 9BN  
Flat 3 3 Winchester Square SE1 9BH  
Flat 6 Tennis Court SE1 9BN  
Flat 6 3 Winchester Square SE1 9BH  
Flat 8 Tennis Court SE1 9BN  
Malthouse Farm Rockbourne SP6 3NA  
Southwark Cathedral Montague Close SE1 9DA  
Southwark Cathedral Montague Close SE1 9DA  
Southwark Cathedral Montague Close SE1 9DA  
Southwark Cathedral Montague Close SE1 9DA  
124 Cardamom Building 31 Shad Thames SE1 2YR  
18 Eatonville Road London SW17 7SL  
18 Winchester Walk London SE1 9AG  
8 Southwark Street London SE1 1TL



**Chief executive's department**  
 Planning division  
 Development management (5th floor - hub 2)  
 PO Box 64529  
 LONDON SE1P 5LX

Ms Julie Greer  
 Greer Pritchard Planning & Urban Design  
 P.O. Box 59536  
 London  
 SE21 7BS

**Your Ref:**  
**Our Ref:** 14/EQ/0034  
**Contact:** Dipesh Patel  
**Telephone:** 020 7525 1778  
**E-Mail:** [planning.applications@southwark.gov.uk](mailto:planning.applications@southwark.gov.uk)  
**Web Site:** <http://www.southwark.gov.uk>

**Date:** 24/07/2014

Dear Ms Greer

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)**  
**PRE-APPLICATION ENQUIRY**

**At:** NEW HIBERNIA HOUSE, WINCHESTER WALK  
**Proposal:** Proposal includes: change of use on the ground floor from B1 to A3 minor internal demolition to accommodate a new internal stair and lift, demolition of existing roof space used as ancillary office space, to be replaced with a part one, part two storey roof extension comprising of a single residential unit (class c3, approximately 150m2) and extension of an terrace to an existing flat within the Tennis Court Building. A further roof terrace is provided at the top level for the residential unit. (All as previously submitted with the exception of the reduction in floor area of the residential unit).

**New Hibernia House**

I write further to your pre-application enquiry received on 17 March 2014 that was submitted subsequent to a meeting with Dipesh Patel and Norman Brockie in December 2013. The scheme has been revised twice following the initial previous submission in 2013 (13-EQ-0196) and these this letter is based on the latest submission: HIBERNIAHOUSEREVISIONWMA 140504.

**Description of proposal**

The proposal is for a change of use of the ground floor from offices to a restaurant/cafe, and associated changes to the facade and a change of use of the top floor from office to residential along with a roof extension to accommodate the dwelling.

**Policies**

The Development Plan is made up of the London Plan 2011, Core Strategy 2011 and Southwark Unitary Development Plan 2007 saved policies, along with Supplementary Planning Documents. The National Planning Policy Framework is a material consideration.

**Key issues**

- Principle of development including proposed change of use
- Quality of residential accommodation
- Impact of proposed development on amenity of adjoining occupiers and surrounding area

- Transport
- Design and impact on the Borough High Street conservation area and the setting of nearby listed buildings

## **Principle**

Being in the Central Activity Zone, office use is protected by saved Policy 1.4 of the Southwark Plan. However, within the Bankside and Borough District Town Centre, a suitable Class A use may be permitted subject to compliance with saved Policy 1.7. The principle of a change of use of the top floor to residential is less certain. It appears that clause a of Policy 1.4 has not been met which means that this part of the development would need to comply with clause b.

## **Quality of residential accommodation**

The 3 bed apartment proposed exceeds the minimum dwelling size for a 3 bedroom flat, as it would seem do the individual room sizes. Outlook would be effectively be from a single aspect, however considering the constraints of the site, this is acceptable. The terrace area shown on the lower and upper floors would provide generous outdoor amenity space.

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

### Restaurant/cafe

Details will be required on how this commercial unit would be serviced and from where to ensure that hours and method of servicing would not cause harm to local amenity. Similarly, consideration will need to be given for suitable plant and in particular to controlling noise and odour.

### Residential

The proposed roof extension seems to be sufficiently distant to existing residential uses to the north and east to ensure that daylight and sunlight would not be affected. Drawings showing 25 and 45 degree lines for windows opposite and at right angles to the proposed extension would however be required to confirm this in accordance with the Residential Design Guidance.

## **Transport**

### Parking

No car parking is proposed and this is appropriate for a site in the CAZ. Cycle parking would be required. Two spaces for the residential property which would need to be accommodated within the ground floor envelope be secure and separate from cycle parking for the A3 use which would need 1 one cycle parking space per 20 staff plus one per 20 customers.

### Servicing

Winchester Walk has double yellow lines which although it does not have kerb 'blips', seems too narrow to allow servicing along it without causing traffic disruption. This is a matter that will need detailed consideration. Details of the location for servicing will need to be included with any application.

## **Design**

### Ground floor

The proposal to reinstate the original rectangular openings at the ground floor and enlarge them to the ground to create a new active frontage is welcome. Shop windows in multi-paned crital type would be a significant improvement to the street level presence of the building. Changes to the ground floor elevation are likely to enhance the Borough High Street conservation area.

### Upper floors

#### Scale and Massing

A two-storey roof-top extension is proposed for a new residential unit. The proposed extension is arranged in 5 geometric bays to echo the bay design of the existing building. The western bays from

the double-height living space of the residential unit and correspond with the gabled western bays of the existing building. The remaining three bays are set forward and terraced back on two floors to accommodate the bedroom wing of the proposed unit.

In terms of its height, the proposal steps back on the upper-most floor to reduce its visibility from within the conservation area and to limit any incursion into views of the Cathedral. In its scale this appears appropriate and will appear as a predominantly single attic storey at the top of this building which is appropriate in this context.

The massing of the proposed unit is deliberately broken down and articulated in bays that work well with the bayed arrangement of the existing building. However, in the most recent views of the proposal, the three eastern bays appear to be as tall as the two double-height western bays. This has an impact on the hierarchy of the facade which appears incongruous at first sight. A slight adjustment in the height of the three eastern-most single storey bays will reinstate that hierarchy and will ensure that the building appears to step down more deliberately as the viewer approaches the Cathedral especially when viewed from Winchester Walk and Bedale Street.

On closer inspection it appears that these three bays are raised to around 1 ½ storey to hide the handrail of the upper floor terrace. However, this does not mitigate the impact of this height on the conservation area and fails to preserve the hierarchy of the existing facade as noted above. Officers would instead suggest a handrail set-back from the southern edge and a reduction the height of the three eastern bays on the fifth floor.

The sixth floor design follows the bayed design and is set back further on the roof. The western-most bay on the sixth floor, is omitted to provide a roof-top terrace which is a welcomed improvement on the earlier design which rose sharply over two storeys at the party wall nearest the Cathedral and would have had a more overt impact on its sensitive historic setting. The further proposal to enclose that bay with a lattice-like frame is not welcomed and could add further bulk and mass in this sensitive location. Accordingly the lattice-like frame and should be omitted.

The rendered local views demonstrate that the proposal is visible from the public realm in the conservation area. Its materiality a combination of metal core-ten cladding with large expanses of glass. This will ensure that extension will appear like a recessive attic storey and not an overly dominant or harmful intrusion. Whilst distinctive, the core-ten cladding is a strident and earthy incursion and remains sensitive in this historic context.

### Materials

The balance of glazing and a heavier cladding could work well with the correct detailing, detailed architectural design and choice of cladding material are likely to be reserved by condition should planning permission be granted.

### Setting of the Borough High Street conservation area and listed buildings.

The Grade I listed Southwark Cathedral is the most significant heritage asset nearby and most sensitive to changes that might affect its setting. Core-ten as a choice for cladding is a concern as it would affect the setting of this listed building, particularly as the extension would frame views to the cathedral from the west. A more muted material akin to traditional roof cladding such as dark zinc or lead could still result in a confident design while respecting the cathedral's setting. Changes to the massing recommended above would also lessen this impact.

### **Mayoral Community Infrastructure levy**

With a new residential dwelling, the development would be subject to a financial contribution under the Community Infrastructure Levy, presently £35 per m<sup>2</sup> of new floorspace.

### **Sustainable development implications (environmental)**

The dwelling would need to be designed to comply with Code for Sustainable Homes Level 4. Extensive glazing to the south may result in overheating during the summer and loss of heat during

colder months, this matter will need detailed design consideration.

**List of documents required at application stage**

The following link will take you to the council's webpage where you can view the list of documents that should accompany the application:

[https://www.southwark.gov.uk/downloads/download/2021/full\\_planning\\_permission](https://www.southwark.gov.uk/downloads/download/2021/full_planning_permission)

**Conclusion**

The scheme proposed is broadly acceptable with the introduction of an active frontage at ground floor level particularly welcome. With some amendments to the massing of the upper floors proposed, the impact on local views, including views to Southwark Cathedral, would be acceptable.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Yours sincerely

**Gary Rice**

Head of Development Management

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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 Mark Lamb Davis Harriss Lamb LLP	<b>Reg. Number</b>	14/AP/4405
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/1146-B
<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:**

Demolition of the roof extension and replacement with a part one and part two storey extension to contain a single three bedroom dwelling and associated roof terrace; change of use of the ground floor from offices (Use Class B1) to a restaurant (Use class A3) and alterations to the ground floor facade.

**At:** NEW HIBERNIA HOUSE, WINCHESTER WALK, LONDON, SE1 9AG

**In accordance with application received on 24/11/2014 08:02:10**

**and Applicant's Drawing Nos.** Design and access statement  
Flood Risk Assessment  
Letter from agent dated 12 May 2015 with restaurant employment projection.  
Planning statement  
Servicing statement  
Revised roofscape package

**Drawings**

Existing:	Proposed
201 (Location Plan)	321
311	322
312	323
313	324
314	325
315	326
316	327
410	401
510	402
	403
	501
	502

**Subject to the following nine conditions:**

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

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

321  
322  
323  
324  
325  
326  
327  
401

402  
403  
501  
502

Reason:

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

- 2 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.

**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 Prior to the commencement of that part of development:

sample materials of the roof extension shall be presented on site to and details submitted to the local planning authority for approval  
detailed drawings (1:20) detailing works to the ground floor facade shall be submitted to the local planning authority for approval.

The development shall only proceed in accordance with any details approved.

Reason:

In order to ensure that samples and detailed work 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; Policy 7.8 heritage assets and archaeology of the London Plan 2015; Strategic Policy 12 design and conservation of the Core Strategy 2011 and saved policies 3.12 quality in design; 3.13 urban design; 3.15 conservation areas and 3.17 listed buildings of the Southwark Plan 2007.

**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.

- 4 Prior to the occupation of the ground floor restaurant, details of a scheme of sound insulation shall be submitted for approval to the local planning authority detailing how the rating noise level from the kitchen exhaust system shall be controlled to be at least 10dB(A) below the lowest relevant background sound level 1m from nearby noise sensitive windows and how noise from it would be controlled to ensure that it would not exceed NR20 Leq, 5 min within the dwelling within the same building.

Reason:

To ensure that and occupiers of the development and occupiers of neighbouring premises and the dwelling within the same building do not suffer a loss of amenity from noise in accordance with The National Planning Policy Framework 2012, Policy 7.15 reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan 2015; Strategic Policy 13 high environmental standards of the Core Strategy 2011 and saved Policy 3.2 protection of amenity 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 Any deliveries, unloading and loading to the restaurant on the ground floor shall only be between the following hours: 07:00 - 20:00

To safeguard the amenity of neighbouring residential properties in accordance with the National Planning Policy Framework 2012; Policy 7.15 reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan 2015; Strategic Policy 13 high environmental standards of the Core Strategy 2011 and saved Policy 3.2 protection of amenity of the Southwark Plan 2007.

- 6 The restaurant hereby permitted on the ground floor shall only be open to customers between 08:00-22:00.



**Reason:**

To safeguard the amenity of neighbouring residential properties in accordance with the National Planning Policy Framework 2012; Policy 7.15 reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan 2015; Strategic Policy 13 high environmental standards of the Core Strategy 2011 and saved Policy 3.2 protection of amenity of the Southwark Plan 2007.

- 7 No plant shall be placed on the roof immediately in front of the bedroom terrace of 12 Tennis Court.

**Reason**

In order to ensure that no additional plant is placed on the roof of the building in the interest of the visual amenity of the occupiers of 12 Tennis Court in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

- 8 The dwelling hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 30dB LAeq, T \* and 45dB LAFmax

Living rooms - 30dB LAeq, T \*\*

\* - Night-time 8 hours between 23:00-07:00

\*\* - Daytime 16 hours between 07:00-23:00.

**Reason**

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2012; Policy 7.15 reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan 2015; Strategic Policy 13 high environmental standards of the Core Strategy 2011 and saved Policy 3.2 protection of amenity of the Southwark Plan 2007

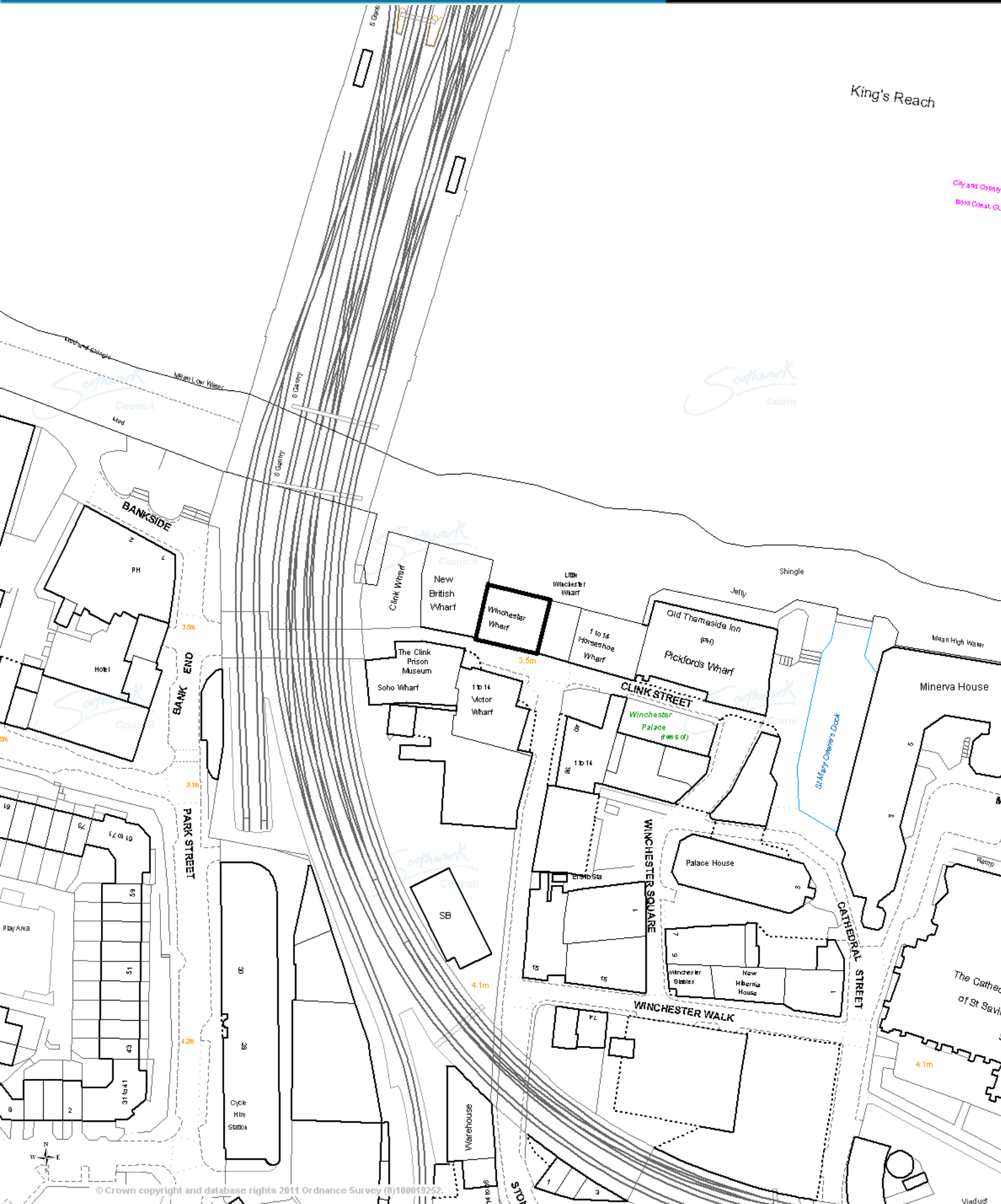
- 9 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

**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**

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.



<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.3	Open	11 November 2015	Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b>		
	Applications 15/AP/3502 for: Advertisement Consent and 15/AP/3877 for: Listed Building Consent		
	<b>Address:</b> RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON SE1 9DL		
	<b>Proposal:</b> Display of 19mm thick lettering fixed to the wall by concealed 20mm stand-off fixings.		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Sarah Parsons		
<b>Application Start Date</b> 01/09/2015		<b>Application Expiry Date</b> 27/10/2015	
<b>Earliest Decision Date</b> 28/10/2015			

## RECOMMENDATION

1. To GRANT advertisement consent.

## BACKGROUND INFORMATION

### Site location and description

2. The application site is Unit 1, Winchester Wharf, 4 Clink Street. The unit is currently in use as a retail shop selling tourist gifts, known as the 'Red Bus Shop'. The building is listed Grade II and the statutory list description is as follows:

*"Warehouse buildings, formerly two buildings later linked. Built after 1814 and probably soon after 1827 as two buildings, A to the west and B to the east. B has an internal timber dated 1836 with the initial NR. Painted brick, mainly in Flemish bond with English bond interior but some C20 patching, with hipped slate roof of two parallel ranges to A, former hipped roof to B removed in late C20. Four storeys. A has cambered openings with C20 windows and central bay of loading doors. Ground floor has C20 door and right window inserted into larger altered opening with flat cement lintel. Rear elevation is similar built central hoists have been filled in with brickwork, B with engineering brick, though A retain wooden support. Interior has original floorboards, dragon ties and roof with scientific kingpost with carvings too elaborate to be carpenters marks. B is of 3 x 3 bays with similar chamfered upright posts but the head posts are straight and some beams have elaborate secondary supports. Waterfront warehouses of this date in London are now a rarity and so are wooden supports".*

3. The application site is located close to the Grade II\* listed remains of Winchester Palace and within the site of the wider Winchester Palace Scheduled Ancient

Monument. Winchester Wharf is also located in the Borough High Street Conservation Area. On the northern side, Winchester Wharf fronts directly onto the River Thames and the building's southern elevation is located on Clink Street. Clink Street is a narrow shared surface, providing both vehicular and pedestrian access.

4. The application site is located in the following designated areas: Bankside, Borough and London Bridge Opportunity Area, Central Activity Zone, Strategic Cultural Area, Archaeological Priority Zone, Air Quality Management Area, District Town Centre and Borough High Street Conservation Area, as designated on the Adopted Policies Map (March 2012).

#### **Details of proposal**

5. Advertisement Consent is sought for the display of 19mm thick lettering fixed to the wall above the main entrance to the shop by concealed 20mm stand-off fixings. The sign would read '*RED BUS SHOP London Gifts*'.
6. Running concurrently to this application are three other applications:
  - 15/AP/3504 - Full Planning Consent for the removal of non historic louvres in the two ground floor windows fronting onto Clink Street. Retrospective Planning Consent for the removal of non historic louvres from the fan lights above the two doorways;
  - 15/AP.3505 – Listed Building Consent for the removal of non historic louvres in the two ground floor windows fronting onto Clink Street. Retrospective Listed Building Consent for the removal of non historic louvres from the fan lights above the two doorways and the installation of a glass lobby behind the left hand entrance door; and
  - 15/AP/3877 – Listed Building Consent for the applied lettering above the main doorway to the shop.
7. For clarity, this report addresses all of the issues relating to the proposed signage (LBS ref 15/AP/3502 and 15/AP/3877). The issues associated with the removal of the louvres and installation of the glass lobby are addressed in another report for 15/AP/3504 and 15/AP/3505.
8. **Relevant Planning history**

<p>07/AP/1572 Application type: Listed Building Consent (LBC) Internal works comprising the removal of non loadbearing internal walls and timber floorboards and erection of new non loadbearing internal walls together with replacement of timber floor with oak floorboards.</p> <p>Decision date 22/08/2007 Decision: Granted (GRA)</p>
<p>08/AP/1442 Application type: Listed Building Consent (LBC) Alteration to existing window/doors facing Clink Street to include glazing in keeping with existing window/doors in properties above</p> <p>Decision date 10/10/2008 Decision: Granted (GRA)</p>
<p>09/EN/0455 Enforcement type: Breach of Condition (BOC) Unauthorised signage (illuminated)</p> <p>Sign-off date 22/12/2009 Sign-off reason: Final closure - breach ceased (FCBC)</p>

<p>11/AP/0400 Application type: Listed Building Consent (LBC) Proposed internal works to ground floor of the building</p> <p>Decision date 16/06/2011 Decision: Granted (GRA)</p>
<p>15/AP/0940 Application type: Advertisement Consent (ADV) Display of x2 illuminated painted signs on external wall and x2 illuminated projecting hanging signs</p> <p>Decision date 06/05/2015 Decision: Refused (REF)</p> <p>Reason(s) for refusal: The proposed signage, owing to the excessive and unsympathetic number of signs, design, size and illumination would be unduly obtrusive, harmful to the amenity of the area and therefore fail to preserve or enhance the special architectural and historic interest of the Grade II listed building, have a harmful impact on the character and appearance of the Borough High Street Conservation Area, and fail to preserve or enhance the setting of the nearby Grade II* listed building Remains of Winchester Palace .</p>
<p>15/AP/0936 Application type: Full Planning Permission (FUL) Removal of louvres to existing window openings and installation of new windows. Lowering of existing window cill to create a larger opening. Opening up existing blocked up window open, installation of new window and alterations to downpipe. Removal of panels to entrance doors. Installation of canopies over each of the existing door openings (Revised description).</p> <p>Decision date 08/05/2015 Decision: Refused (REF)</p> <p>Reason(s) for refusal: The proposed introduction of glazed canopies, the removal of the existing louvres, the introduction of double glazed windows, alterations to the proportions of an existing opening and the introduction of an additional window, due to the cumulative impact on the listed building and wider street scene setting, would be harmful to the amenity of the area, would cause harm to the architectural and historic significance of the Grade II listed building, the setting of the Grade II* Remains of Winchester Palace and the wider Borough High Street Conservation Area.</p>
<p>15/AP/0937 Application type: Listed Building Consent (LBC) Removal of louvres to existing window openings and installation of new windows. Lowering of existing window cill to create a larger opening. Opening up existing blocked up window open, installation of new window and alterations to the downpipe. Removal of panels to entrance doors. Installation of canopies over each of the existing door openings. Remodelling of the internal layout. Installation of 2x illuminated projecting and 2 x illuminated painted signage to existing façade (Revised description).</p> <p>Decision date 08/05/2015 Decision: Refused (REF)</p> <p>Reason(s) for refusal:</p> <p>1. The proposed introduction of glazed canopies, the removal of the existing louvres, the introduction of double glazed windows, alterations to the proportions of an existing opening and the introduction of an additional window, due to the cumulative impact on the listed building and wider street scene, would cause harm to the architectural and historic significance of the Grade II listed building, the setting of the Grade II* Remains of Winchester Palace and the wider Borough High Street Conservation Area.</p>

2. The proposed signage, owing to the excessive and unsympathetic number of signs, design, size and illumination would be unduly obtrusive, harmful to the amenity of the area and therefore fail to preserve or enhance the special architectural and historic interest of the Grade II listed building, have a harmful impact on the character and appearance of the Borough High Street Conservation Area and fail to preserve or enhance the setting of the nearby Grade II\* listed Remains of Winchester Palace .

3. Insufficient supporting documentation and detail has been provided by the applicant in order to assess any potential harm to the heritage asset that will be caused by the proposed internal works (installation of new partitions) and external works (removal of panels to entrance doors, treatment of new windows).

15/EN/0187 Enforcement type: Unauthorised building works (UBW)  
WORKS TO LISTED BUILDING  
Sign-off date 05/06/2015 Subject to detailed Planning Application and LBC  
Application to follow

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

9. None of relevance.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues for advertisement consent**

10. The main issues to be considered in respect of this application for Advertisement Consent (LBS ref 15/AP/3502) are:
- a) The impact of the signage on the amenity of the area; and
  - b) The impact of the signage on public safety.

#### **Summary of main issues for listed building consent**

11. The main issue to be considered in respect of the application for Listed Building Consent (LBS ref 15/AP/3877) is:
- a) the desirability of preserving the special architectural and historic interest of the Listed Building.

### **Planning policy**

#### National Planning Policy Framework (NPPF)

12. The National planning policy framework (NPPF) was published in March 2012 and establishes the Government's strategy for delivering sustainable development. It is a material consideration in the determination of planning applications.
13. Section 7 of the NPPF sets out a range of guidance relating to good design. In particular, with regard to advertising, paragraph 67 states:

*"Poorly placed adverts can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and orientation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of*

*cumulative impacts."*

14. Of relevance to the application for Listed Building Consent are:

Section 7: Requiring good design

Section 12: Conserving and Enhancing the Historic Environment

London Plan 2015 consolidated with alterations since 2011

15. None relating directly to advertisement consent, but the following are of relevance to the application for Listed Building Consent:

Policy 7.4: Local Character

Policy 7.6: Architecture

Policy 7.8: Heritage Assets and Archaeology

Core Strategy 2011

16. Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

17. The Council's cabinet on 19 March 2013, as required by paragraph 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.

Policy 3.2 - Protection of amenity

Policy 3.12 - Quality in design

Policy 3.13 - Urban design

Policy 3.16 - Conservation areas

Policy 3.17 - Listed Buildings

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

Policy 3.23 - Outdoor advertisements and signage

Policy 5.2 - Transport impacts

### **Summary of consultation responses**

18. For clarity, all responses received to the four associated applications are summarised here. A letter of objection signed by 118 local residents and businesses was received in objection to 15/AP/3504, 15/AP/3505 and 15/AP/3502. The issues raised are also pertinent to 15/AP/3877, which was received and advertised after the petition was received. One additional objector has also stated that they would have signed the petition but were away at the time.

19. Broadly, the issues raised in this letter are as follows:

- The submitted material is incomplete and does not give an accurate representation of the works proposed or those already carried out without permission;
- The advertising application (15/AP/3502) fails to mention seven items of

advertising in the public realm (those identified: large coloured doormats, red and blue neon signs towards the rear of the unit but visible from the street, two 'A' frames, use of doors/ facade as display space, three coloured balloons, multi-coloured changing floodlight just inside the western door);

- The proposals fail to preserve and enhance the Grade II listed building, the Conservation Area, the setting of the Scheduled Ancient Monument and the distinctive local character;
  - The visibility of neon lighting and merchandise displays within the shop would be increased if the louvres are removed;
  - The glass lobby blocks a fire escape;
  - New pipes, flues, vents etc. could be required for ventilation following the removal of the louvres;
  - The signage should be black, not 'heritage red' and its position relative to the arch above the fanlight is uncomfortable;
  - Writing/transfers could be fixed to the windows once the louvres are removed;
  - The hours of operation would result in additional light pollution, noise and anti social behaviour;
  - Customers block the street;
  - Conflict between pedestrians and delivery vans; and
  - The applicant's history of non compliance and the distress caused to residents.
20. Two other objections from residents were also received in response to LBS re 15/AP/3505. These raise similar issues to those in the petition, including:
- The previous non compliance of the applicant;
  - The size, colour and location of the signage; and
  - Failure to preserve or enhance the listed building and character of the local area.
21. One of these objections was also logged in response to 15/AP/3504 and 15/AP/3502. The other also requested that, if consent were to be granted, a condition to forbid any external advertising and display including A-boards and a condition requiring deliveries and servicing to take place between 7am (later at weekends) and 11pm only should be imposed.
22. At the time of writing, two further responses have been received to LBS ref 15/AP/3877. One objection states that the signage proposed is inappropriate for the Listed Building, that it should be black and on a single line. This objector also raised concerns about the quality of the material proposed for the lettering. The other is neutral on the content of the application itself, but raises the issue of the other advertising that is not included in the submitted material.
23. One further objection was received in response to 15/AP/3502 (also stated objection to 15/AP/3504 and 15/AP/3505 as part of this response). This states that the level of advertising currently employed seriously detracts from the Conservation Area and causes a nuisance/ danger to the public. The signage should be non illuminated and black and the trader should not be allowed to put merchandise or sandwich boards on



the street

24. Southwark Cathedral wrote in objection to LBS ref 15/AP/3504. Their response stated that, whilst they acknowledge that the applicant has made some modifications, they remain concerned about the impact on the historic character of the area and the settings of the cathedral and Winchester Palace. They also expressed concern about the removal of the louvres, explicit merchandising and garish lighting.
25. Southwark Cathedral also wrote in response to 15/AP/3502. This is not an objection, but notes that they remain of the view that the signage should not be illuminated.
26. The Trustees of Borough Market (TBMS) also objected to LBS ref 15/AP/3502, 15/AP/2504 and 15/AP/3505. Broadly, their objections are as follows:
  - The established trader principles are not being upheld;
  - The proposals would harm to the character of the market, listed building, conservation area and setting of Winchester Wharf; and
  - The signage should be limited to one line of lettering.
27. They also requested conditions seeking the following:
  - Details of the proposed method of fixing the signage to the listed building;
  - A sample of the proposed lettering (to ensure that it is not bright red);
  - Prevention of the display of further advertisements within the windows or fanlights; and
  - Prevention of the display of advertisements in front of the property.
28. TBMS noted that, whilst they own the freehold to Winchester Wharf, they do not currently control the leasing of the building.
29. The Port of London Authority responded that they have no objection to the proposal.
30. The Council for British Archaeology responded, stating that the Committee *"had no objections as the proposal would have little or no impact on significance. Clarification of signage was needed and an informative might be appropriate."* (15/AP/3877)
31. Officer Response

Where material planning considerations relating to the applications under consideration here (LBS ref 15/AP/3502 and 15/AP/3877), the issues raised above are addressed in full in the main body of this report. Where material planning considerations relating to the applications for the removal of the louvres and installation of the glass lobby, (15/AP/3504 and 15/AP/3505) the issues raised above are addressed in full in the main body of the relevant reports.

32. It should be noted that LBS ref 15/AP/3877 was submitted to clarify the impact of the signage on the Listed Building. It is considered that this addresses the concern raised by the Council for British Archaeology.

### **Principle of development**

33. It is recognised that appropriate signage is essential to the economy and to retail use in particular. Saved policy 3.23 Outdoor advertisements and signage states that advertisement consent will be permitted for new signs provided they:
  - i) Do not harm amenity or compromise safety, including security; and
  - ii) Do not obscure highway sightlines and allow the free movement along the

public highway by all its users, including people with disabilities especially the visually impaired: and

- iii) Are designed (including size, type and any illumination) to be appropriate within the context of the site and to be an integral and unobtrusive part of the character and appearance of the site and surrounding area; and
  - iv) Do not cause light pollution
34. The use of the application property as a retail shop is considered lawful. There is no requirement for planning permission for A3 uses (restaurants and cafes) to change to A1 uses (shops). As such, there are no land use issues associated with the application and no objection in principle to the proposals, subject to compliance with the policies set out above. Furthermore, as a result of this, it is not considered that objections raised in relation to noise, anti social behaviour, transport and servicing are not material to these applications.

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

35. The Town and Country Planning (Control of Advertisements) Regulations (2007) enables amenity and public safety to be considered in determining applications for advertisement consent. Paragraph 67 of the NPPF also provides guidance and states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.
36. In terms of local policy, strategic policy 12 of the Core Strategy is relevant, and saved policy 3.23 of the Southwark Plan sets out the Council's criteria for determining applications for determining applications for advertisement consent.
37. The proposed signage would take the form of applied letters affixed to the wall above the main entrance to the shop. It would not project from the wall (beyond the depth of the letters and concealed fixings) and would not be illuminated. The top row, reading 'RED BUS SHOP' would be 266mm high and 2604mm long. The bottom row, reading 'London Gifts' would be 172mm high and 1338mm long. They would sit comfortably in relation to the other features on the elevation. The letters would be painted 'heritage red'. It is not considered that the signage would harm amenity or compromise safety or security; obscure highway sightlines or prohibit free movement along the public highway; or cause light pollution. Furthermore, the design is considered appropriate within the context of the site.

### **Impact(s) on public safety**

38. The proposed signage would not be illuminated and would be mounted against the wall at a high level. It is therefore not considered that it would result in any harmful impacts on public safety.
39. Additional advertising was noted during a site visit to the application property on 18th September 2015. This included two 'A' framed signs, merchandise displayed in the glass lobby and three coloured balloons. These are not shown in the submitted material under consideration here. If the applicant intends to continue to display these forms of advertising, further Advertisement Consent will be required. An informative setting this out has been added to this recommendation. A further informative also notes that the 'A' boards require a licence from the Highways department if they are to

protrude into the public highway.

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

40. Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. It is considered that the significance of Winchester Wharf lies in the building's external facing walls onto the river and Clink Street and internal supporting system, where it survives. The significance of Winchester Wharf also lies in contribution to the street scene as a legible reminder of the area's industrial and trading past. The small quarter of riverside warehousing around Clink Street still retains the characteristics of the 19th Century London dockland streets, a narrow street hemmed in by tall building elevations. Warehouse buildings such as Winchester Wharf were built in this way to maximise building areas for storing goods coming off the ships and were simple utilitarian buildings. Despite conversion of Winchester Wharf into a mix of residential and commercial units, the 19th century warehouse aesthetic is still discernible, with the central vertical slot originally for the loading doors and the regular pattern of arched window openings still evident.
41. Paragraph 134 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."* Due to its relatively modest size and unobtrusive design, it is not considered that the proposed signage would be harmful to the character of the listed building or conservation area. However, in order to ensure that the quality of the materials used and the proposed 'heritage red' colour is appropriate, a condition requiring a sample of the lettering to be approved prior to commencement of works should be imposed. In order to avoid duplication, this condition is only recommended for the Listed Building Consent 15/AP/3877. Subject to satisfactory discharge of this condition, it is considered that the proposed signage would result in less than substantial harm to the significance of the listed building and wider conservation area. In accordance with the NPPF, this would be outweighed by the public benefit of securing the optimum viable use of the ground floor of the listed building as a retail shop.

### Comparison With the Previously Refused Scheme:

42. The previously refused proposals included two illuminated fascia and hanging signs. Officers were concerned that this created an inappropriate *"shop front language"* to the warehouse building. As described above, the number of signs has been reduced to only one and it would not be illuminated. As such, it is considered that the proposals are now acceptable and both Advertisement Consent (15/AP/3502) and Listed Building Consent (15/AP/3877) should be granted.
43. Strategic Policy 12, 'Design and Conservation' of the Southwark Core Strategy, Saved Policy 3.15 'Conservation of the Historic Environment', Saved Policy 3.16 'Conservation Areas', Saved Policy 3.17, 'Listed Buildings' and Saved Policy 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Local Plan all expect development to conserve or enhance the special architectural or historic interest of listed buildings and conservation areas. It is considered that the proposals under consideration would comply with the requirements of these local policies as the special architectural and historic interest of the listed building, the wider Borough High Street Conservation Area and the setting of the Grade II\* Remains of Winchester Palace would be preserved or enhanced. There would be no loss of important historic fabric and the proposed design would relate sensitively to the host building.

44. Southwark's local policies are reinforced by London Plan Policy 7.8, 'Heritage Assets and Archaeology'. It is considered that the works proposed would comply with London Plan Policy 7.8.

#### **Other matters**

45. This application is not CIL liable.

#### **Conclusion on planning issues**

46. It is not considered that the proposed signage would harm amenity or compromise safety or security; obscure highway sightlines or prohibit free movement along the public highway; or cause light pollution. Furthermore, the design is considered appropriate within the context of the site. It would preserve or enhance the special architectural and historic interest of the listed building, the wider Borough High Street Conservation Area and the Grade II\* Remains of Winchester Palace. Any less than substantial harm that would be caused to the heritage significance of these assets would be outweighed by the public benefits of the scheme. As such, it is recommended that both Advertisement Consent and Listed Building Consent should be granted.

#### **Community impact statement**

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

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

#### **Consultations**

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

#### **Consultation replies**

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

#### **Human rights implications**

50. 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.
51. This application has the legitimate aim of altering a listed building. 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.

#### **REASONS FOR DELAY**

52. An extension of time until 25 November 2015 was agreed in order to allow the applications to be decided by Planning Sub-Committee A.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/ADV-1153-2  Application file: 15/AP/3502 and 15/AP/3877  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: 0207 525 7194 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation 15/AP/3502
Appendix 4	Recommendation 15/AP/3877

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Sarah Parsons, Team Leader, Design and Conservation	
<b>Version</b>	Final	
<b>Dated</b>	30 October 2015	
<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, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		30 October 2015

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

**Site notice date:** 11/09/2015

**Press notice date:** 17/09/2015

**Case officer site visit date:** 19/09/2015

**Neighbour consultation letters sent:** 05/10/2015

**Internal services consulted:**

n/a

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

n/a

**Neighbour and local groups consulted:**

Flat 6 Horseshoe Wharf SE1 9FE  
8 Southwark Street London SE1 1TL  
Flat 4 Winchester Wharf 4 Clink Street SE1 9DL

2 Little Winchester Wharf 5 Clink Street SE1 9DL  
Southwark Cathedral London Bridge SE1 9DA  
7 Horseshoe Wharf Apartments 6 Clink Street SE1 9FE

**Re-consultation:** n/a

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

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Flat 4 Winchester Wharf 4 Clink Street SE1 9DL

Flat 6 Horseshoe Wharf SE1 9FE

Southwark Cathedral London Bridge SE1 9DA

2 Little Winchester Wharf 5 Clink Street SE1 9DL

7 Horseshoe Wharf Apartments 6 Clink Street SE1 9FE

8 Southwark Street London SE1 1TL

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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 Stuart Balfour	<b>Reg. Number</b>	15/AP/3502
<b>Application Type</b>	Advertisement Consent	<b>Case Number</b>	TP/ADV-1153-2
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**EXPRESS CONSENT has been granted for the advertisement described as follows:**

Display of 19mm thick lettering fixed to the wall by concealed 20mm stand-off fixings.

**At:** RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL

**In accordance with application received on 27/08/2015 08:01:06**

**and Applicant's Drawing Nos. RB/02 A**

RB/10  
Photograph of previous signage

RB/7  
Clink Street - Proposed Red Bus Shop Signage  
Cover letter dated 26th August 2015

**Subject to the following two conditions:**

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

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
RB/7  
Clink Street - Proposed Red Bus Shop Signage

Reason:

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

- 2 Consent is granted for a period of 5 years and is subject to the following standard conditions:

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.



**Reason:**

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

**Informatives**

- 1 Under the Control of Advertisement Regulations, Advertisement Consent would be required for any proposal to use the reinstated windows or glass lobby hereby approved for the purposes of advertising, including the display of merchandise, illumination or signage of any kind. You are most strongly advised that failure to obtain such consent would represent a breach of planning control and it would be open to the Council to pursue enforcement action to remedy the breach.
- 2 You are advised that a licence must be obtained from the Council for any advertising within or above the highway or footway, including 'A' boards.

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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 Stuart Balfour	<b>Reg. Number</b>	15/AP/3877
<b>Application Type</b>	Listed Building Consent	<b>Case Number</b>	TP/ADV-1153-2
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Listed Building CONSENT was given to carry out the following works:**

Installation of advertisement on a listed building. The advertisement is 19mm thickness lettering fixed to the wall by concealed 20mm stand-off fixings. All lettering finished in Dulux Heritage Red Colour Paint.

**At:** RED BUS SHOP, CLINK WHARF, CLINK STREET, LONDON, SE1 9DG

**In accordance with application received on 23/09/2015 16:00:58**

**and Applicant's Drawing Nos.** RB/02 A

RB/10

Photograph of previous signage

RB/7

Clink Street - Proposed Red Bus Shop Signage

Planing, Heritage, Design and Access Statement dated 23rd September 2015

**Subject to the following two 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 under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

**Pre-commencement 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 any work in connection with implementing this permission is commenced.

- 2 A sample of the applied lettering in 'heritage red' shall be made available on site for inspection by the Local Planning Authority. It shall be approved in writing and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building and wider conservation area in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; and 3.17 Listed Buildings of The Southwark Plan 2007.

Ordnance Survey

Date 29/10/2015



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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.4	Open	11 November 2015	Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b>		
	Applications 15/AP/3504 for: Full Planning Permission and 15/AP/3505 for: Listed Building Consent		
	<b>Address:</b> RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON SE1 9DL		
	<b>Proposal:</b> Removal of louvre panels and replacement with obscured double glazed windows, and removal of louvre panels above the doors to reveal the existing glass fan light		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Sarah Parsons		
<b>Application Start Date</b> 01/09/2015		<b>Application Expiry Date</b> 27/10/2015	
<b>Earliest Decision Date</b> 17/10/2015			

## RECOMMENDATION

1. To GRANT planning consent.

## BACKGROUND INFORMATION

### Site location and description

2. The application site is Unit 1, Winchester Wharf, 4 Clink Street. The unit is currently in use as a retail shop selling tourist gifts, known as the 'Red Bus Shop'. The building is listed Grade II and the statutory list description is as follows:

*"Warehouse buildings, formerly two buildings later linked. Built after 1814 and probably soon after 1827 as two buildings, A to the west and B to the east. B has an internal timber dated 1836 with the initial NR. Painted brick, mainly in Flemish bond with English bond interior but some C20 patching, with hipped slate roof of two parallel ranges to A, former hipped roof to B removed in late C20. Four storeys. A has cambered openings with C20 windows and central bay of loading doors. Ground floor has C20 door and right window inserted into larger altered opening with flat cement lintel. Rear elevation is similar built central hoists have been filled in with brickwork, B with engineering brick, though A retain wooden support. Interior has original floorboards, dragon ties and roof with scientific kingpost with carvings too elaborate to be carpenters marks. B is of 3 x 3 bays with similar chamfered upright posts but the head posts are straight and some beams have elaborate secondary supports. Waterfront warehouses of this date in London are now a rarity and so are wooden supports".*

3. The application site is located close to the Grade II\* listed remains of Winchester

Palace and within the site of the wider Winchester Palace Scheduled Ancient Monument. Winchester Wharf is also located in the Borough High Street Conservation Area. On the northern side, Winchester Wharf fronts directly onto the River Thames and the building's southern elevation is located on Clink Street. Clink Street is a narrow shared surface, providing both vehicular and pedestrian access.

4. The application site is located in the following designated areas: Bankside, Borough and London Bridge Opportunity Area, Central Activity Zone, Strategic Cultural Area, Archaeological Priority Zone, Air Quality Management Area, District Town Centre and Borough High Street Conservation Area, as designated on the Adopted Policies Map (March 2012).

### **Details of proposal**

5. Planning Consent is sought for the removal of non historic louvres in the two ground floor windows fronting onto Clink Street. Retrospective Planning Consent is sought for the removal of non historic louvres from the fan lights above the two doorways.
6. Running concurrently to this application are three other applications:
- 15/AP/3505 - Listed Building Consent for removal of non historic louvres and retrospective permission for removal of louvres over doors and installation of a glass lobby;
  - 15/AP/3502 - Advertisement Consent for applied lettering above the main doorway to the shop; and
  - 15/AP/3877 - Listed Building Consent for the applied lettering above the main doorway to the shop.
7. For clarity, this report addresses all of the issues relating to the removal of the louvres and installation of the glass lobby (LBS ref 15/AP/3505 and 15/AP/3504). The issues associated with the advertisement consent and proposed signage are addressed in another report for 15/AP/3502 and 15/AP/3877.

### **8. Planning history**

<p>07/AP/1572 Application type: Listed Building Consent (LBC) Internal works comprising the removal of non loadbearing internal walls and timber floorboards and erection of new non loadbearing internal walls together with replacement of timber floor with oak floorboards.</p> <p>Decision date 22/08/2007 Decision: Granted (GRA)</p>
<p>08/AP/1442 Application type: Listed Building Consent (LBC) Alteration to existing window/doors facing Clink Street to include glazing in keeping with existing window/doors in properties above</p> <p>Decision date 10/10/2008 Decision: Granted (GRA)</p>
<p>09/EN/0455 Enforcement type: Breach of Condition (BOC) Unauthorised signage (illuminated)</p> <p>Sign-off date 22/12/2009 Sign-off reason: Final closure - breach ceased (FCBC)</p>
<p>11/AP/0400 Application type: Listed Building Consent (LBC) Proposed internal works to ground floor of the building</p> <p>Decision date 16/06/2011 Decision: Granted (GRA)</p>

15/AP/0940 Application type: Advertisement Consent (ADV)  
 Display of x2 illuminated painted signs on external wall and x2 illuminated projecting hanging signs

Decision date 06/05/2015 Decision: Refused (REF)

Reason(s) for refusal: The proposed signage, owing to the excessive and unsympathetic number of signs, design, size and illumination would be unduly obtrusive, harmful to the amenity of the area and therefore fail to preserve or enhance the special architectural and historic interest of the Grade II listed building, have a harmful impact on the character and appearance of the Borough High Street Conservation Area, and fail to preserve or enhance the setting of the nearby Grade II\* listed building Remains of Winchester Palace .

15/AP/0936 Application type: Full Planning Permission (FUL)  
 Removal of louvres to existing window openings and installation of new windows. Lowering of existing window cill to create a larger opening. Opening up existing blocked up window open, installation of new window and alterations to downpipe. Removal of panels to entrance doors. Installation of canopies over each of the existing door openings (Revised description).

Decision date 08/05/2015 Decision: Refused (REF)

Reason(s) for refusal: The proposed introduction of glazed canopies, the removal of the existing louvres, the introduction of double glazed windows, alterations to the proportions of an existing opening and the introduction of an additional window, due to the cumulative impact on the listed building and wider street scene setting, would be harmful to the amenity of the area, would cause harm to the architectural and historic significance of the Grade II listed building, the setting of the Grade II\* Remains of Winchester Palace and the wider Borough High Street Conservation Area.

15/AP/0937 Application type: Listed Building Consent (LBC)  
 Removal of louvres to existing window openings and installation of new windows. Lowering of existing window cill to create a larger opening. Opening up existing blocked up window open, installation of new window and alterations to the downpipe. Removal of panels to entrance doors. Installation of canopies over each of the existing door openings. Remodelling of the internal layout. Installation of 2x illuminated projecting and 2 x illuminated painted signage to existing façade (Revised description).

Decision date 08/05/2015 Decision: Refused (REF)

Reason(s) for refusal:

1. The proposed introduction of glazed canopies, the removal of the existing louvres, the introduction of double glazed windows, alterations to the proportions of an existing opening and the introduction of an additional window, due to the cumulative impact on the listed building and wider street scene, would cause harm to the architectural and historic significance of the Grade II listed building, the setting of the Grade II\* Remains of Winchester Palace and the wider Borough High Street Conservation Area.

2. The proposed signage, owing to the excessive and unsympathetic number of signs, design, size and illumination would be unduly obtrusive, harmful to the amenity of the area and therefore fail to preserve or enhance the special architectural and historic interest of the Grade II listed building, have a harmful impact on the character and

appearance of the Borough High Street Conservation Area and fail to preserve or enhance the setting of the nearby Grade II\* listed Remains of Winchester Palace .

3. Insufficient supporting documentation and detail has been provided by the applicant in order to assess any potential harm to the heritage asset that will be caused by the proposed internal works (installation of new partitions) and external works (removal of panels to entrance doors, treatment of new windows).

15/EN/0187 Enforcement type: Unauthorised building works (UBW)  
WORKS TO LISTED BUILDING

Sign-off date 05/06/2015 Subject to detailed Planning Application and LBC Application to follow.

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

9. None.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues for full planning consent**

10. The main issues to be considered in respect of the application for Full Planning Consent (LBS ref 15/AP/3504) are:
- a) The principle of the development in terms of land use and conformity with strategic policies;
  - b) The impact of the development on the amenity of the adjoining properties;
  - c) Design Quality;
  - d) Impact on the Listed Building and Conservation Area; and
  - e) All other relevant material planning considerations.

#### **Summary of main issues for listed building consent**

11. The main issue to be considered in respect of the application for Listed Building Consent (LBS ref 15/AP/3505) is:
- a) the desirability of preserving the special architectural and historic interest of the Listed Building.

### **Planning policy**

12. National Planning Policy Framework (the Framework)

Section 7 - Requiring good design

Section 12: Conserving and Enhancing the Historic Environment.

13. London Plan 2015 consolidated with alterations since 2011

Policy 7.4 - Local Character

Policy 7.6 - Architecture

Policy 7.8: Heritage Assets and Archaeology.

14. Core Strategy 2011

Strategic Policy 12: Design and Conservation  
Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

15. The Council's cabinet on 19 March 2013, as required by paragraph 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.
16. Of relevance are the following Saved Policies:
- Policy 3.2 - Protection of amenity
  - Policy 3.12 - Quality in design
  - Policy 3.13 - Urban design
  - Policy 3.16 - Conservation areas
  - Policy 3.17 - Listed Buildings
  - Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
  - Policy 5.2 - Transport Impacts

**Summary of consultation responses**

17. For clarity, all responses received to the four associated applications are summarised here. A letter of objection signed by 118 local residents and businesses was received in objection to 15/AP/3504, 15/AP/3505 and 15/AP/3502. The issues raised are also pertinent to 15/AP/3877, which was received and advertised after the petition was received. One additional objector has also stated that they would have signed the petition but were away at the time.
18. Broadly, the issues raised in this letter are as follows:
- The submitted material is incomplete and does not give an accurate representation of the works proposed or those already carried out without permission;
  - The advertising application (15/AP/3502) fails to mention seven items of advertising in the public realm (those identified: large coloured doormats, red and blue neon signs towards the rear of the unit but visible from the street, two 'A' frames, use of doors/ facade as display space, three coloured balloons, multi-coloured changing floodlight just inside the western door);
  - The proposals fail to preserve and enhance the Grade II listed building, the Conservation Area, the setting of the Scheduled Ancient Monument and the distinctive local character;
  - The visibility of neon lighting and merchandise displays within the shop would be increased if the louvres are removed;
  - The glass lobby blocks a fire escape;
  - New pipes, flues, vents etc. could be required for ventilation following the removal of the louvres;
  - The signage should be black, not 'heritage red' and its position relative to the arch above the fanlight is uncomfortable;
  - Writing/transfers could be fixed to the windows once the louvres are removed;
  - The hours of operation would result in additional light pollution, noise and anti



- social behaviour;
  - Customers block the street;
  - Conflict between pedestrians and delivery vans; and
  - The applicant's history of non compliance and the distress caused to residents.
19. Two other objections from residents were also received in response to LBS re 15/AP/3505. These raise similar issues to those in the petition, including:
- The previous non compliance of the applicant;
  - The size, colour and location of the signage; and
  - Failure to preserve or enhance the listed building and character of the local area.
20. One of these objections was also logged in response to 15/AP/3504 and 15/AP/3502. The other also requested that, if consent were to be granted, a condition to forbid any external advertising and display including A-boards and a condition requiring deliveries and servicing to take place between 7am (later at weekends) and 11pm only should be imposed.
21. At the time of writing, two further responses have been received to LBS ref 15/AP/3877. One objection states that the signage proposed is inappropriate for the Listed Building, that it should be black and on a single line. This objector also raised concerns about the quality of the material proposed for the lettering. The other is neutral on the content of the application itself, but raises the issue of the other advertising that is not included in the submitted material.
22. One further objection was received in response to 15/AP/3502 (also stated objection to 15/AP/3504 and 15/AP/3505 as part of this response). This states that the level of advertising currently employed seriously detracts from the Conservation Area and causes a nuisance/ danger to the public. The signage should be non-illuminated and black and the trader should not be allowed to put merchandise or sandwich boards on the street.
23. Southwark Cathedral wrote in objection to LBS ref 15/AP/3504. Their response stated that, whilst they acknowledge that the applicant has made some modifications, they remain concerned about the impact on the historic character of the area and the settings of the cathedral and Winchester Palace. They also expressed concern about the removal of the louvres, explicit merchandising and garish lighting.
24. Southwark Cathedral also wrote in response to 15/AP/3502. This is not an objection, but notes that they remain of the view that the signage should not be illuminated.
25. The Trustees of Borough Market (TBMS) also objected to LBS ref 15/AP/3502, 15/AP/2504 and 15/AP/3505. Broadly, their objections are as follows:
- The established trader principles are not being upheld;
  - The proposals would harm to the character of the market, listed building, conservation area and setting of Winchester Wharf; and
  - The signage should be limited to one line of lettering.
26. They also requested conditions seeking the following:
- Details of the proposed method of fixing the signage to the listed building;
  - A sample of the proposed lettering (to ensure that it is not bright red);
  - Prevention of the display of further advertisements within the windows or fanlights;
  - Prevention of the display of advertisements in front of the property.

27. TBMS noted that, whilst they own the freehold to Winchester Wharf, they do not currently control the leasing of the building.
28. The Port of London Authority responded that they have no objection to the proposal. (15/AP/3877)
29. The Council for British Archaeology responded, stating that the Committee *"had no objections as the proposal would have little or no impact on significance. Clarification of signage was needed and an informative might be appropriate."*
30. Officer Response: Where material planning considerations relating to the applications under consideration here (LBS ref 15/AP/3504 and 15/AP/3505), the issues raised above are addressed in full in the main body of this report. Where material planning considerations relating to the applications for advertisement consent and signage (15/AP/3502 and 15/AP/3877) the issues raised above are addressed in full in the main body of the relevant reports.
31. It should be noted that LBS ref 15/AP/3877 was submitted to clarify the impact of the signage on the Listed Building. It is considered that this addresses the concern raised by the Council for British Archaeology.

### **Principle of development**

32. The use of the application property as a retail shop is considered lawful. There is no requirement for planning permission for A3 uses (restaurants and cafes) to change to A1 uses (shops). As such, there are no land use issues associated with the application and no objection in principle to the current proposals, subject to compliance with the policies set out above. Furthermore, as a result of this, it is not considered that objections raised in relation to noise, anti social behaviour, transport and servicing are material to this application.

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

33. Saved Policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers. This includes privacy, outlook, daylight and sunlight. The area surrounding the application property is mixed in nature, characterised by buildings with commercial premises at ground floor and residential units above. It is not considered that the proposals under consideration would result in any unacceptably harmful impacts on the privacy, outlook, daylight or sunlight of residents surrounding the site.

### **Transport issues**

34. There are no transport issues associated with the proposals under consideration. Although residents note conflict between servicing vehicles and pedestrians in their consultation responses, this would not be affected by the proposals under consideration.
35. Whilst not forming a part of the works for which consent is sought, issues relating to the 'A' boards currently displayed in the street are addressed in the concurrent report on the application for advertisement consent (15/AP/3502).

### **Design issues**

36. The pertinent design issues to these applications relate to the impact of the proposals on the listed building and wider conservation area. They are addressed below. The

design issues relating to the proposed signage are addressed in the report on the applications for the signage (15/AP/3502 and 15/AP/3877).

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

37. Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. It is considered that the significance of Winchester Wharf lies in the building's external facing walls onto the river and Clink Street and internal supporting system, where it survives. The significance of Winchester Wharf also lies in contribution to the street scene as a legible reminder of the area's industrial and trading past. The small quarter of riverside warehousing around Clink Street still retains the characteristics of the 19th Century London dockland streets, a narrow street hemmed in by tall building elevations. Warehouse buildings such as Winchester Wharf were built in this way to maximise building areas for storing goods coming off the ships and were simple utilitarian buildings. Despite conversion of Winchester Wharf into a mix of residential and commercial units, the 19th century warehouse aesthetic is still discernible, with the central vertical slot originally for the loading doors and the regular pattern of arched window openings still evident.
38. Paragraph 134 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."* It is considered that the proposals under consideration would result in less than substantial harm and that this would be outweighed by the public benefit of securing the optimum viable use of the listed building as a retail shop. As such, the proposals are considered to comply with the NPPF. This is discussed in detail below.
39. The proposals under consideration include the removal of non historic louvres from the existing window openings and the removal of non historic louvres from the fanlights above doors on the Clink Street elevation. In place of the louvres in the existing window openings, new hardwood double glazed windows would be installed to match those in the flats above. It is noted that the louvres to the fanlights have already been removed, so this aspect of the proposal is retrospective. Unlike the previously refused application, the size of the openings would remain as existing, thus negating previous concerns that the composition of the elevation would become unbalanced. Furthermore, the window to the left would be obscure glazed. This would negate previous concerns about the internal walls and WC being visible from the street.
40. The removal of the louvres is proposed in order to increase daylight in the shop. The applicant has not shown any additional internal illumination, signage or merchandising in these windows. It is therefore assumed that they would be left clear in order to allow extra daylight into the shop. The proposal to use obscure glazing to the left hand window also means that the use of this window for display of merchandising is unlikely. An informative has been added to the recommendation stating that if these windows are to be used for advertising purposes, including the display of merchandising, signage or illumination, further advertisement consent would be required. As such, it is considered that the proposed alterations are acceptable as they would not harm the aesthetic value, special interest, character or appearance of the listed building.
41. Double glazing is not normally considered acceptable in listed buildings as it alters the profile of the windows and is therefore considered to cause harm. In this specific case however, the proposal is to install windows that match those on the upper floors and thereby enhance the overall cohesion of the building. It is therefore considered that, in

this case, subject to the design of the windows matching those on the upper floors exactly (with the exception of obscure glazing), double glazing would be acceptable. This should be controlled by a compliance condition.

42. In the consultation responses received, concern was raised about the potential need for pipes, ducts, flues etc. in order to ventilate the shop and WC following the removal of the louvres. As none are shown on the drawings, a compliance condition is recommended stating that no new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless approved by this Local Planning Authority in writing before commencement of the works on site.

#### Retrospective Works : Internal Fit Out and Glass Lobby

43. Also shown on the application drawings are the works that have already been carried out to strip out and replace the previous Starbucks fit out of the unit and to install a glass lobby inside the existing left hand door.
44. Officers are satisfied that the strip out of the Starbucks fit out did not affect any features of architectural or historic significance and therefore does not require Listed Building Consent. The work as carried out was inspected by a Design and Conservation Officer on 18th September 2015 and deemed satisfactory.
45. The glass lobby is attached to historic fabric and does impact on the perception of the plan form of the building. As such, it is considered that it does require Listed Building Consent. The lobby is necessary for the functional operation of the shop in order to overcome security concerns whilst allowing light into the unit. It is considered that, given the transparent nature of the lobby and the light touch of the fittings to the historic fabric, whilst the glass lobby does result in less than substantial harm to the heritage significance of the listed building, this is outweighed by the public benefits of enhancing the operation of the shop. The application drawings do not show any lighting, signage or merchandise displays within this lobby. This too would require further advertisement consent, and is noted in the informative described above. The existing external doors would be retained in situ and shut when the shop is closed. As such, retrospective listed building consent for these reversible works should be granted.
46. In their response to the application, residents note that this lobby obstructs a fire escape from the shop. However, as this is an internal change to the unit the only material planning considerations taken into account here are the impact on the special architectural and historic interest of the listed building.

#### Comparison With the Previously Refused Scheme

47. The proposals currently under consideration have been substantially simplified when compared with those that were previously refused. The main elements of concern previously, including the reintroduction of an opening, changes to the size of existing openings and the installation of two glazed canopies have been removed. It is therefore considered that the proposals are now acceptable and both Planning Consent (15/AP/3504) and Listed Building Consent (15/AP/3505) should be granted.

#### Local Policies

48. Strategic Policy 12, 'Design and Conservation' of the Southwark Core Strategy, Saved Policy 3.15 'Conservation of the Historic Environment', Saved Policy 3.16 'Conservation Areas', Saved Policy 3.17, 'Listed Buildings' and Saved Policy 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Local Plan all expect development to conserve or enhance the special architectural or

historic interest of listed buildings and conservation areas. It is considered that the proposals under consideration would comply with the requirements of these local policies as the special architectural and historic interest of the listed building, the wider Borough High Street Conservation Area and the setting of the Grade II\* Remains of Winchester Palace would be preserved or enhanced. There would be no loss of important historic fabric and the proposed design would relate sensitively to the host building.

49. Southwark's local policies are reinforced by London Plan Policy 7.8, 'Heritage Assets and Archaeology'. It is considered that the works proposed would comply with London Plan Policy 7.8.

### **Archaeology**

50. Winchester Wharf is located within the Borough, Bermondsey and Rivers Archaeological Priority Zone. The former warehouse stands within the Scheduled Monument of Remains of Winchester Palace, Clink Street and Waterfront. This scheduled monument covers the remains of the medieval palace of the Bishops of Winchester. The scheduled monument also covers the remains of a major Roman palatial or administrative building that occupies much of the area of the medieval palace. The proposed works for this application concern the fabric of the listed building and would have no impact upon buried archaeological remains.

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

51. This application is not CIL liable.

### **Conclusion on planning issues**

52. The proposals under consideration would have no harmful impact on the amenity of surrounding occupiers. They would preserve or enhance the special architectural and historic interest of the listed building, the wider Borough High Street Conservation Area and the Grade II\* Remains of Winchester Palace. Any less than substantial harm that would be caused to the heritage significance of these assets would be outweighed by the public benefits of allowing the optimum use of the ground floor. As such, it is recommended that both full planning permission and listed building consent should be granted.

### **Community impact statement**

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

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

### **Consultations**

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.

**Human rights implications**

56. 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.
57. This application has the legitimate aim of altering a listed building. 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.

**REASONS FOR DELAY**

58. An extension of time until 25 November 2015 has been agreed in order to allow the applications to be decided by Planning Sub Committee A.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/1153-4  Application file: 15/AP/3504 & 15/AP/3505  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: 0207 525 7194 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation 15/AP/3504
Appendix 4	Recommendation 15/AP/3505

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning		
<b>Report Author</b>	Sarah Parsons, Team Leader – Design and Conservation		
<b>Version</b>	Final		
<b>Dated</b>	30 October 2015		
<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, finance and governance	No	No	
Strategic director, environment and leisure	No	No	
Strategic director, housing and modernisation	No	No	
Director of regeneration	No	No	
<b>Date final report sent to Constitutional Team</b>			30 October 2015

## APPENDIX 1

## Consultation undertaken

**Site notice date:** 18/09/2015

**Press notice date:** 24/09/2015

**Case officer site visit date:** 18/09/2015

**Neighbour consultation letters sent:** 18/09/2015

**Internal services consulted:**

n/a

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

Port of London Authority

**Neighbour and local groups consulted:**

Chair, Borough Market Environs Group C/O 18 Great Guildford St SE1 0FD	5 Winchester Wharf 4 Clink Street SE1 9DL
7 Horseshoe Wharf Wharf Apartments SE1 9FE	1 Winchester Wharf 4 Clink Street SE1 9DL
Flat 10 Victor Wharf SE1 9DW	2 Winchester Wharf 4 Clink Street SE1 9DL
Flat 11 Victor Wharf SE1 9DW	Flat 1 Little Winchester Wharf SE1 9DG
Flat 12 Victor Wharf SE1 9DW	Flat 3 Little Winchester Wharf SE1 9DG
Flat 9 Victor Wharf SE1 9DW	Flat 2 Little Winchester Wharf SE1 9DG
Flat 6 Victor Wharf SE1 9DW	Flat 2 Victor Wharf SE1 9DW
Flat 7 Victor Wharf SE1 9DW	Flat 3 Victor Wharf SE1 9DW
Flat 8 Victor Wharf SE1 9DW	Flat 4 Victor Wharf SE1 9DW
Ground Floor West Winchester Wharf SE1 9DL	Flat 1 Victor Wharf SE1 9DW
Flat 4 Winchester Wharf SE1 9DL	3 Winchester Wharf 4 Clink Street SE1 9DL
Unit 1 Victor Wharf SE1 9DW	4 Winchester Wharf 4 Clink Street SE1 9DL
Flat 13 Victor Wharf SE1 9DW	Bankside Community Space 18 Great Guildford Street SE1 0FD
Flat 14 Victor Wharf SE1 9DW	2 Little Winchester Wharf 5 Clink Street SE1 9DL
The Factory Winchester Wharf SE1 9DL	8 Southwark Street London SE1 1TL
Flat 5 Victor Wharf SE1 9DW	London Bridge London SE1 9DA
	Southwark Cathedral London Bridge SE1 9DA

**Re-consultation:** n/a



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

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Flat 4 Winchester Wharf SE1 9DL  
Southwark Cathedral London Bridge SE1 9DA  
2 Little Winchester Wharf 5 Clink Street SE1 9DL

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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 Stuart Balfour	<b>Reg. Number</b>	15/AP/3504
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/1153-4
<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:**

Removal of louvre panels and replacement with obscured double glazed windows, and removal of louvre panels above the doors to reveal the existing glass fan light

**At:** RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL

**In accordance with application received on 27/08/2015 08:00:46**

**and Applicant's Drawing Nos.** RB/01  
RB/02 A

RB04 A  
RB/03 A

Planning and Heritage Statemnt dated 26th Auguts 2015

**Subject to the following four conditions:**

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

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
RB04 A  
RB/03 A

Reason:

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

- 2 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.

**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 No new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless approved by this Local Planning Authority in writing before commencement of the works on site.

Reason:

In order to ensure that the materials and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

- 4 All new internal/external works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the

drawings hereby approved or as required by any condition(s) attached to this consent. The reinstated windows hereby approved shall match those on the upper floors exactly (with the exception of the obscure glazing)

**Reason:**

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings 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.

**Informative**

Under the Control of Advertisement Regulations, Advertisement Consent would be required for any proposal to use the reinstated windows or glass lobby hereby approved for the purposes of advertising, including the display of merchandise, illumination or signage of any kind. You are most strongly advised that failure to obtain such consent would represent a breach of planning control and it would be open to the Council to pursue enforcement action to remedy the breach.

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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 Stuart Balfour	<b>Reg. Number</b>	15/AP/3505
<b>Application Type</b>	Listed Building Consent	<b>Case Number</b>	TP/1153-4
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Listed Building CONSENT was given to carry out the following works:**

Removal of louvre panels and replacement with obscured double glazed windows, and removal of louvre panels above the doors to reveal the existing glass fan light. PART RETROSPECTIVE

**At:** RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL

**In accordance with application received on 27/08/2015 08:00:46**

**and Applicant's Drawing Nos.** RB/01

RB/02 A

RB04 A

RB/03 A

Planning and Heritage Statemnt dated 26th Auguts 2015

**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 under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

**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.

- 2 All new internal/external works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent. The reinstated windows hereby approved shall match those on the upper floors exactly (with the exception of the obscure glazing)

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings of The Southwark Plan 2007.

- 3 No new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless approved by this Local Planning Authority in writing before commencement of the works on site.

Reason:

In order to ensure that the materials and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

**Informative**

Under the Control of Advertisement Regulations, Advertisement Consent would be required for any proposal to use the reinstated windows or glass lobby hereby approved for the purposes of advertising, including the display of merchandise, illumination or signage of any kind. You are most strongly advised that failure to obtain such consent would represent a breach of planning control and it would be open to the Council to pursue enforcement action to remedy the breach.

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Ordnance Survey

Date 30/10/2015



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VICARAGE GROVE

Scale 1/1250

<b>Item No.</b> 7.5	<b>Classification:</b> Open	<b>Date:</b> 11 November 2015	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/2168 for: Full Planning Permission  <b>Address:</b> 114 BENHILL ROAD, LONDON SE5 7LZ  <b>Proposal:</b> Erection of first floor extension with roof terrace and greenhouse		
<b>Ward(s) or groups affected:</b>	Brunswick Park		
<b>From:</b>	Shanali Counsell		
<b>Application Start Date</b> 01/06/2015		<b>Application Expiry Date</b> 27/07/2015	
<b>Earliest Decision Date</b> 22/07/2015			

### RECOMMENDATION

1. That planning permission be granted subject to conditions.

### BACKGROUND INFORMATION

2. This application is reported to Planning Sub-Committee A following a referral request from members.

### Site location and description

3. This application site comprises a two storey, 'L' shaped detached property located within a courtyard on the western side of Benhill Road. This property is accessed via a long narrow passage way before opening out to the courtyard where the property is located. The existing ground floor comprises a double height living/studio space, store room, bathroom and internal access to a small office/utility area. The main living/dinning/kitchen area is located at ground floor level however is accessed through doubled doors from the courtyard. The first floor comprises a small bedroom at mezzanine level above the double height studio, with a further two bedrooms and bathroom above the main living area at ground floor level. This property appears to have separate functioning space that does not interconnect. Following a site visit it was evident that the property functions as one residential unit (C3) despite its layout.

This site is orientated in such a way that it shares a common boundary with nine rear gardens. The surrounding area is characterised by rows of terraced housing, with the exception of a residential block to the north east of the site. This site is not listed nor is it located within a conservation area.

### Details of proposal

5. This application proposes the erection of a first floor extension over the existing single storey element measuring 11500mm in total depth (8060mm in depth not including the glazed element) 6670mm in width and 5550mm in total height to eaves level and

7530mm total height to ridge.

6. The proposal would include a greenhouse bridging point between the main dwelling and the proposed extension. The glazing would be obscurely glazed allowing light into the studio space below. This element would also create a roof terrace situated within the two brick structures either side
7. The remainder of the extension would extend the existing small bedroom at mezzanine level.
8. A green roof is proposed to be installed to the existing flat roof of the utility area with a maintenance door at first floor level of the proposed extension.
9. **Planning history**

<p>04/EN/0305 Enforcement type: Development (DEV) Erection of outbuilding in front of garden area</p> <p>Sign-off date 25/04/2006 Sign-off reason: Final closure - not expedient to enforce (FCNE)</p>
<p>13/AP/3639 Application type: Certificate of Lawfulness - proposed (CLP) The erection of single storey brick side extension to create a studio ancillary to the main building.</p> <p>Decision date 23/12/2013 Decision: Granted (GRA)</p>

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

10. None of relevance.

#### **Summary of consultation responses**

11. Following consultation, 11 representations were received. The points raised have been summarised below and addressed in the main body of the application.
  - Overbearing
  - Overlooking, noise and loss of privacy
  - Impact on day/sunlight
  - Design
  - The greenhouse would be out of character with the existing building, destruction of butterfly wall parapet line
  - Construction hours.

#### **KEY ISSUES FOR CONSIDERATION**

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

12. The main issues to be considered in respect of this application are:
  - a) The impact of the development on the amenity of the adjoining properties.
  - b) Design quality
  - c) All other relevant material planning considerations.



## Planning policy

13. National Planning Policy Framework (NPPF) 2012  
Section 7 - Requiring good design

London Plan July 2015 consolidated with alterations since 2011

Policy 7.4 - Local Character

Policy 7.6 - Architecture

14. Core Strategy 2011  
Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

15. The Council's cabinet on 19 March 2013, as required by paragraph 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.

Policy 3.2 - Protection of amenity

Policy 3.12 - Quality in design

Policy 3.13 - Urban design

Residential Design Standards SPD (2011)

## Principle of development

16. No land use issues raised as this property will remain as a single family dwellinghouse (C3)

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

17. Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; Strategic Policy 13 High Environmental Standards requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems. The Council's Residential Design Standards SPD 2011 also sets out the guidance for rear extensions which states that development should not unacceptably affect the amenity of neighbouring properties. This includes privacy, outlook, daylight and sunlight.
18. The application site is unusual in the fact that it is bounded by the rear gardens of nine buildings, although the area to be extended is limited to the southern side of the site and is therefore abutted by a smaller number of properties.
19. The proposal would be raising the height of the existing single storey element by 1750mm (eaves height) and would be raising the total height by 1650mm relative to existing ridge height, however would remain lower than the ridge height of the main building.
20. The western elevation shares a common boundary with numbers 3-11 Sansom Street. number 3 and number 5 Sansom Street share their common boundary with the

existing two storey building of number 114 Benhill Road, whereas numbers 7 -11 currently have a single storey building at the rear of the gardens. During a site visit to number 9 Sansom Street, an approximate measurement was taken to establish the distance from the rear outrigger to the common boundary with number 114 Benhill Road, which was 11m. The Residential Design Standards SPD stipulates that where development is proposed which faces affected windows in neighbouring properties, a 25 degree line should be drawn upwards from the centre of the affected window; if the proposed development is higher than this 25 degree line, there may be an unacceptable loss of daylight to the affected window. The submitted drawings (which actually state the separation distance to be only 10.4m from the rear of number 9 Sansom Street), demonstrate that the 25 degree test is not breached by the proposed development. This indicates that there would not be an unacceptable impact on daylight reaching number 9 Sansom Street, and those properties adjacent. It is acknowledged that the shadow cast by the proposal at the bottom of the garden of number 9 Sansom Road and those adjacent would marginally increase. However the afternoon sun would reach the rear gardens of the Sansom Road properties due to their orientation with the site. Given the separation distances to neighbouring properties, and taking into account the relatively modest increase in bulk resulting from this proposal, it is not considered that there will be an undue sense of enclosure through overbearing impact caused by the development on neighbouring properties.

21. The proposed greenhouse would be adjacent to number 7 Sansom Street. However as this element of the build would be lower in height than the main bulk of the proposed development, there would be no significant impact on daylight. The patent glazing would allow light into the studio below however not offer any views into the properties on Sansom Street as the glazing is angled away. The greenhouse would have obscure glazing, which would protect the amenity of the properties to the rear.
22. This application site also shares a boundary with numbers 116, 118 and 120 Benhill Road. Following similar daylight/sunlight tests it has been concluded that there would be no significant detrimental impact on the amount of daylight/sunlight reaching these properties. The windows to the second floor side elevation would allow views across the densely vegetated rear gardens however no direct view to the rear gardens would be possible from this position
23. The new bridging balcony would not result in any additional material impact on overlooking due to the set back from the neighbouring properties on Benhill Road. The existing screening from large trees and position of the proposed balcony in relation to these neighbouring occupiers would only allowed for limited views which would not materially impact on the privacy of these neighbours.
24. In summary, due to the juxtaposition of the site with neighbouring properties, an extension on number 114 Benhill Road would clearly have some impact on neighbouring properties. However, for the reasons set out above, the proposal will not have an undue impact on daylight and sunlight, nor will it result in an unreasonable sense of enclosure or overlooking.

### **Design issues**

25. Strategic Policy 12 of the Core Strategy (2011) seeks to achieve the highest possible standards of design for buildings. Saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design', together, seek to achieve high quality architectural and urban design which enhances the quality of the built environment. The Council's Residential Design Standards 2011 provides general guidance on residential extensions to harmonise their scale, impact and architectural style. Section 7 paragraph 56 of the NPPF states that good design is a key aspect of sustainable development while paragraph 58 goes on to states that *'planning policies and decisions should aim to ensure that*

*developments... respond to local character and history and reflect the identity of local surroundings and materials'.*

26. The proposed works would result in an additional 1750mm in height to eaves level and an additional 1650mm in height to ridge level. Although this would be a discernible increase in bulk to the existing property, it is not considered detrimental to the host building or the surrounding area in design terms.
27. This site is bounded by several rear gardens as previously mentioned, and would be visible from these properties. However it is considered that the proposed design is sympathetic to the host building and to the surrounding area due to the use of materials and proportions in context with the site.
28. The raising of the roofline proposed would remain subservient to the main building. This property is a detached property, not within a terrace therefore there would be no impact on butterfly rooflines (which normally extend across the rear of multiple properties) and the dual pitched roof would be retained. The proposed use of material and glazing would be acceptable and would not detract from the host building.
29. The introduction of a green roof would be welcomed and encouraged by the council. This would warrant the access door from the first floor level. This however should not be used as a roof terrace and a condition to control this is recommended in the interest of neighbouring amenity. As a result of the above, it is anticipated that the proposed works would be in keeping with the form of the host building whilst remaining subservient.

#### **Sustainable development implications**

30. The proposed works would maximise the development potential within this residential site whilst remaining sympathetic to the surrounding area. The use of a green roof, coupled with the existing PV panels would be encouraged by the Council. The proposed development would provide high quality residential accommodation incidental to the main dwelling.

#### **Other matters**

31. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).
32. Construction impacts have been raised as a concern; however these are generally governed by separate environmental health legislation, which stipulate matters such as hours of work.

#### **Community impact statement**

33. The impacts of this application have been assessed as part of the application process with regard to local people in respect of the "protected characteristics", as set out in the Equality Act 2010, the Council's Community Impact Statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.
34. In assessing this application, the Council has consulted those most likely to be affected as part of the application process and considered these protected characteristics where material to this proposal.

**Consultations**

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

**Consultation replies**

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

**Human rights implications**

37. 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.
38. This application has the legitimate aim of providing additional residential accommodation. 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.

**Conclusion on planning and other issues**

39. The proposed development would be acceptable in terms of mass, scale and bulk and would not result in any significant harmful impacts on the amenity of the neighbouring occupiers or surrounding area. The works would remain subservient to the host building and would not detract from the character or appearance of the area. The use of materials is also acceptable, and as such it is recommended that planning permission is granted.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2215-116 Application file: 15/AP/2168 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: 0207 525 1770 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Shanali Counsell, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 October 2015	
<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, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		30 October 2015

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

**Site notice date:** 29/06/2015

**Press notice date:** n/a

**Case officer site visit date:** 30/06/2015

**Neighbour consultation letters sent:** 22/06/2015

**Internal services consulted:**

n/a

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

n/a

**Neighbour and local groups consulted:**

112b Benhill Road London SE5 7LZ  
Ground Floor Flat 120 Benhill Road SE5 7LZ  
7 Sansom Street London SE5 7RD  
9 Sansom Street London SE5 7RD  
Flat 1 116 Benhill Road SE5 7LZ  
Flat 4 116 Benhill Road SE5 7LZ  
122 Benhill Road London SE5 7LZ  
Flat 2 116 Benhill Road SE5 7LZ  
Flat 3 116 Benhill Road SE5 7LZ  
5 Sansom Street London SE5 7RD

First Floor Flat 120 Benhill Road SE5 7LZ  
118 Benhill Road London SE5 7LZ  
112a Benhill Road London SE5 7LZ  
Second Floor Flat 120 Benhill Road SE5 7LZ  
1 Sansom Street London SE5 7RD  
15 Sansom Street London SE5 7RD  
3 Sansom Street London SE5 7RD  
11 Sansom Street London SE5 7RD  
13 Sansom Street London SE5 7RD

**Re-consultation:** n/a

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

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Email representation

Email representation

Flat 1 116 Benhill Road SE5 7LZ

Flat 1 116 Benhill Road SE5 7LZ

Flat 4 116 Benhill Road SE5 7LZ

Ground Floor Flat 120 Benhill Road SE5 7LZ

Ground Floor Flat 120 Benhill Road SE5 7LZ

11 Sansom Street London SE5 7RD

11 Sansom Street London SE5 7RD

118 Benhill Road London SE5 7LZ

118 Benhill Road London SE5 7LZ

13 Sansom Street London SE5 7RD

5 Sansom Street London SE5 7RD

5 Sansom Street London SE5 7RD

5 Sansom Street London SE5 7RD

7 Sansom Street London SE5 7RD

7 Sansom Street London SE5 7RD

7 Sansom Street London SE5 7RD

9 Sansom Street London SE5 7RD

9 Sansom Street London SE5 7RD

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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>	Mrs Penelope Gretton	<b>Reg. Number</b>	15/AP/2168
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2215-116
<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:**

Erection of first floor extension with roof terrace and greenhouse

**At:** 114 BENHILL ROAD, LONDON, SE5 7LZ

**In accordance with application received on 01/06/2015 08:02:02**

**and Applicant's Drawing Nos.** Design and access statement, Planning Drawing 01, Planning Drawing 02, Planning Drawing 03, Planning Drawing 04, Planning Drawing 05, Planning Drawing 06, Planning Drawing 07, Planning Drawing 08, Planning Drawing 09, Planning Drawing 10, Planning Drawing 11, Planning Drawing 12, Planning Drawing 13, Planning Drawing 14, Planning Drawing 15, Planning Drawing 16, Planning Drawing 17.

**Subject to the following four 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:

Planning Drawing 09, Planning Drawing 10, Planning Drawing 11, Planning Drawing 12, Planning Drawing 13, Planning Drawing 14, Planning Drawing 15, Planning Drawing 16, Planning Drawing 17

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 new works blend in with the existing building in the interest of the design and appearance of the building 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

- 4 The green roof hereby permitted shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason

In order that the privacy of neighbouring occupiers may be protected from overlooking from use of the roof area in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental



standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' 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 A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2015-16**

**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 Lorraine Lauder MBE (Chair)	1	Environment & Leisure	1
Councillor Ben Johnson (Vice-Chair)	1	Environmental Protection Team	
Councillor Nick Dolezal	1		
Councillor Anne Kirby	1		
Councillor Eliza Mann	1	Communications	1
Councillor Sandra Rhule	1	Louise Neilan, media manager	
Vacancy			
		<b>Total:</b>	<b>25</b>
<b>(Reserves to receive electronic copies only)</b>			
Councillor Evelyn Akoto		<b>Dated:</b> 29 September 2015	
Councillor David Hubber			
Councillor Sarah King			
Councillor Darren Merrill			
Councillor Kath Whittam			
<b>External</b>			
Libraries	1		
<b>Officers</b>			
Constitutional Officer (Community Councils) Hub 4 (2 <sup>nd</sup> Floor), Tooley St.	12		
Jacquelyne Green/Abrar Sharif, Hub 2 (5 <sup>th</sup> Floor) Tooley St.	3		
Jon Gorst, Legal Services Hub 2 (2 <sup>nd</sup> Floor) Tooley St.	1		