

Planning Committee

Tuesday 1 December 2015

5.30 pm

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

Membership

Councillor Nick Dolezal (Chair)
Councillor Sarah King (Vice-Chair)
Councillor Helen Dennis
Councillor Hamish McCallum
Councillor Michael Mitchell
Councillor Adele Morris
Councillor Kieron Williams

Reserves

Councillor Maisie Anderson
Councillor James Barber
Councillor Catherine Dale
Councillor Tom Flynn
Councillor Kath Whittam
Councillor Jane Lyons

INFORMATION FOR MEMBERS OF THE PUBLIC

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.

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Access

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Contact

Victoria Foreman on 020 7525 5485 or email: victoria.foreman@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 23 November 2015



Planning Committee

Tuesday 1 December 2015

5.30 pm

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

Order of Business

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	PART A - OPEN BUSINESS	
	PROCEDURE NOTE	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES	3 - 8
	To approve as a correct record the Minutes of the open section of the meeting held on 3 November 2015.	

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ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 23 November 2015



PLANNING 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 committee.
3. Your role as a member of the planning 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 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 committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning 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 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 committee 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: General Enquiries
Planning Section, Chief Executive's Department
Tel: 020 7525 5403

Planning Committee Clerk, Constitutional Team
Finance and Governance
Tel: 020 7525 5485



Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 3 November 2015 at 5.30 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Nick Dolezal (Chair)
 Councillor Sarah King
 Councillor Helen Dennis
 Councillor Hamish McCallum
 Councillor Michael Mitchell
 Councillor Jamiile Mohammed
 Councillor Adele Morris
 Councillor Kieron Williams

OTHER MEMBERS PRESENT: Councillor Eleanor Kerslake, Ward Member for Newington

OFFICER SUPPORT: Simon Bevan, Director of Planning
 Yvonne Lewis, Group Manager – Strategic Applications
 Bridin O'Connor, Group Manager – Strategic Applications
 Michael Tsoukaris, Group Manager – Design and Conservation
 Sally Crew, Transport Policy Manager
 Michael Glasgow, Senior Planning Officer
 Kiran Chauhan, Team Leader – Major Applications
 Jon Gorst, Legal Officer
 Jack Ricketts, Planning Officer
 Victoria Foreman, Constitutional Officer

1. APOLOGIES

There were no apologies for absence.

Councillor Kieron Williams was delayed for the start of the meeting and was therefore unable to participate in the debate and vote on item 6.1 Kings Reach Tower, Stamford Street, London SE1 9LS.

2. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the voting members for the meeting.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

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

- Addendum report relating to agenda items 6.1 and 6.2
- Members pack relating to agenda items 6.1, 6.2 and 6.3.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interest or dispensations.

5. MINUTES

RESOLVED:

That the minutes of the meetings held on 24 September 2015 and 6 October 2015 be agreed as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT

RESOLVED:

- i. That the determination of planning applications, for formal observations and comments, the instigation of enforcement action and the receipt of the report included in the agenda be considered.
- ii. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the reports unless otherwise stated.
- iii. 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.

7. KINGS REACH TOWER, STAMFORD STREET, LONDON SE1 9LS

Planning application reference 15/AP/2511.

Report: see pages 21 to 49 of the agenda and pages 1 and 2 of the addendum report.

PROPOSAL

Variation of condition 2 (approved plans) of planning permission 11/AP/3797 (granted on 13 March 2012) for the refurbishment and recladding of the tower and podium buildings, erection of six additional storeys to the tower for residential use and change of use of floors 11 to 30 of the tower from offices to residential, reception of a series of extensions

and additions for office use and creation of retail space, pool and gym on the ground floor, and formation of a new pedestrian route blinking Stamford Street to Upper Group.

The amendments consist of:

- i. alteration and enlargement of the Stamford Street offices
- ii. alternation and enlargement of the tower office entrance on Hatfields;
- iii. introduction of new internal accommodation stair to tower;
- iv. extension of retail units 4 (fronting Hatfields) and 7 (within new pedestrian route);
- v. subdivision of retail unit 5 (within new pedestrian route);
- vi. revised design and layout for the 7th floor Stamford Street office roof terrace.

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

The committee heard representations from objectors to the application and asked questions of the objectors.

The applicant's agent addressed the committee and answered questions arising from their submission.

The committee debated the application and asked questions of the officers.

RESOLVED:

1. That planning permission be granted subject to additional conditions relating to terrace hours and terrace lighting; and
2. That condition number 10 be amended to stipulate that 'the 7th floor roof terrace shall only be in use between the hours of 0800 and 2200 hours on any day.'

8. MANOR PLACE DEPOT SITE, COMPRISING 30-34 PENROSE STREET, 33 MANOR PLACE, 17-21 MANOR PLACE, UNITES 1-21 MATARA MEWS, 38A PENROSE STREET, LONDON SE17

Planning application reference 15/AP/1062.

Report: see pages 50 to 134 of the agenda and pages 2 and 3 of the addendum report.

PROPOSAL

Demolition and redevelopment to provide 2870 residential units (Class C3) within new buildings ranging from 2 to 7 storeys, a refurbished 33 Manor Place (Grade II listed) and 17-21 Manor Place and 3,730sqm (GEA) of commercial floorspace, comprising 1,476sqm (Classes A1/A2/A3/B1/D1/D2) within 9 refurbished railway viaduct arches and 2,254sqm (Class B1) within the refurbished Pool House and Wash House (Grade II Listed), with associated works including disabled car parking spaces, cycle parking, landscaping and access improvements.

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

officer.

The committee heard representations from objectors to the application and asked questions of the objectors.

The applicant's agent addressed the committee and answered questions arising from their submission.

The committee heard representations from the ward councillor and asked questions of the ward councillor.

The committee debated the application and asked questions of the officers.

RESOLVED:

- (i) That planning permission be GRANTED subject to conditions and the applicant entering into an appropriate legal agreements and subject to referral to the Mayor of London.
- (ii) That in the event that the requirements of (i) are not met by 29 January 2016, the Director of Planning be authorised to refuse planning permission for the reasons set out in paragraph 234 of the original report.
- (iii) That Listed Building Consent be GRANTED, subject to conditions.

9. SITE OF THE FORMER LONDON PARK HOTEL, 80 NEWINGTON BUTTS, LONDON SE1 4QU

Planning application reference 15/AP/3515.

Report: see pages 135 to 147 of the agenda.

PROPOSAL

PARTIAL DISCHARGE of Details of external materials pursuant to Condition 22 of planning permission 14/AP;/2207 for: Variation of the approved drawings condition of planning permission 07/AP/0760 (as amended by 14/AP/1017) granted on 1 April 2008 [for: Erection of buildings comprising 1 building of up to 44 storeys (145.5 metres AOD) and a terrace of up to 7 storeys in height to provide 470 residential units (Class C3), theatre (Class D2) and café (Class A3 uses) and a pavilion building for retail/marketing suite purposes (Class A1/Sui Generis) with associated public open space, landscaping, underground car parking for 30 cars and servicing space] to secure the following minor material amendments:

Increase the height of the main building to 152.9 metres Above Ordnance Datum (AOD); and

Removal of the two storey building fronting Newington Butts to be used as a marketing sales suite for future retail unit.

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

officer.

The applicant's agent addressed the committee and answered questions arising from their submission.

The committee debated the application and asked questions of the officers.

RESOLVED:

1. That the submitted details for Condition 22 of planning permission ref: 14/AP/2207 be granted in respect of the Tower including Southwark Playhouse Theatre.
2. That the submitted details for Condition 22 of planning permission ref: 14/AP/2207 be granted delegated authority to Officers in respect of the terrace.

10. TO RELEASE £190,592 FROM THE SECTION 106 AGREEMENT ASSOCIATED WITH 12/AP/1784 FOR 1-16 BLACKFRIARS ROAD, LONDON SE1, TOWARDS IMPROVEMENT WORKS TO NELSON SQUARE

RESOLVED:

That following a request from members for more information, consideration of this item be deferred to the meeting of the Planning Committee to be held on 1 December 2015.

11. RELEASE OF £467,899 S106 MONIES FROM SOUTHWARK PARK AREA TOWARDS THE PLANNED WORKS FOR THE SOUTHWARK PARK MASTER PLAN

RESOLVED:

That the release of £467,899 of section 106 funding towards the planned works for the Southwark Park master plan, including improvements to the Old Nursery Site and relocating the current park office, café and public toilets to the art gallery be authorised, broken down as:

- GRANGE WALK, LONDON, SE1, LEG/RP/PL/S106/63695, a/n 14/AP/2102 - £26,715
- WILLOW WALK, LONDON, SE1, a/n 12/AP/3255 - £15,098
- 19 SPA ROAD, LONDON, LEG/RP/PL/S106/63358, a/n 12/AP/1423 - £39,989
- 126 SPA ROAD, LONDON, LEG/RP/PL/S106/63272, a/n 12/AP/0164 - £55,870
- 150 SPA ROAD, LONDON, LEG/RP/PL/S106/136742, a/n 09/AP/1874 - £31,154
- 171 LONG LANE, LONDON, SE1, LEG/RP/PL/S106/63411, a/n 12/AP/2859 - £16,953

- BLUE ANCHOR LANE/SOUTHWARK PARK ROAD, LONDON, SE16, a/n 12/AP/4049 - £46,124
- PLOUGH WAY, LONDON, SE16, LEG/RP/PL/S106/63484, a/n 13/AP/0568 - £15,884
- ROTHERHITHE NEW ROAD, LONDON, LEG/RP/PL/S106/63474, a/n 13/AP/0065 - £220,112.

12. TO RELEASE £120,000.00 FROM THE S106 AGREEMENT ASSOCIATED WITH 09/AP/1917 FOR 82-84 TANNER STREET AND 62 RILEY ROAD, LONDON SE1 (KNOWN AS THE ARK), TOWARDS IMPROVEMENTS TO THE TANNER STREET TENNIS COURTS

RESOLVED:

That the release of £120,000.00 from the development at 82-84 Tanner Street and 62 Riley Road, London SE1 09/AP/1917 a/c 547, towards the improvement works to the Tanner Street Park Tennis Courts, be authorised.

13. TO RELEASE £568,613.00 FROM THE SECTION 106 AGREEMENTS ASSOCIATED WITH THE BELOW DEVELOPMENTS, TOWARDS IMPROVEMENT WORKS AND INCREASING THE RANGE OF SPORTS FACILITIES AT BURGESS PARK

RESOLVED:

That the release of £587,078 of section 106 funding towards improving and increasing the range of sports facilities at Burgess Park including the proposed installation of two all weather pitches and making improvements to the existing sports centre hub including the creation of much needed training room space be authorised, broken down as:

- | | | | |
|---|------------|-------------------------------------|-------------|
| • | 10/AP/3372 | 231-241 Blackfriars Road SE1 | £400,000.00 |
| • | 14/AP/0669 | 2 Havil Street SE5 | £22,483.00 |
| • | 14/AP/0764 | 184-188 Southampton Way SE5 | £28,048.00 |
| • | 13/AP/1864 | 525-539 Old Kent Rd SE1 | £50,678.00 |
| • | 10/AP/2623 | 30-35 Peckham Rd SE5 | £56,659.00 |
| • | 11/AP/0196 | St Giles Hospital, St. Giles Rd SE5 | £10,745.00. |

The meeting ended at 8.45 pm.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 23 November 2015	Meeting Name: Planning Committee
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		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 and 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	Lesley John 020 7525 7228
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 020 7525 5403

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager		
Report Author	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development		
Version	Final		
Dated	23 November 2015		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Democracy	Yes	Yes	
Head of Development Management	No	No	
Cabinet Member	No	No	
Date final report sent to Constitutional Team			23 November 2015

ITEMS ON AGENDA OF THE PLANNING COMMITTEE
on Tuesday 01 December 2015

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 6/1

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.

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 6/1

Proposal

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

Appl. Type Full Planning Permission
Site RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON, SE1 9DL

Reg. No. 15-AP-3504
TP No. TP/1153-4
Ward Cathedrals
Officer Sarah Parsons

Recommendation GRANT PERMISSION

Item 6/2

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

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 6/2

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

Appl. Type Full Planning Permission
Site TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211 TOOLEY STREET, LONDON, SE1 2JY

Reg. No. 15-AP-3303
TP No. TP/1-209
Ward Riverside
Officer Dipesh Patel

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT AND GLA

Item 6/3

Proposal

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.

ITEMS ON AGENDA OF THE PLANNING COMMITTEE
on Tuesday 01 December 2015

Appl. Type Listed Building Consent

Site TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211
TOOLEY STREET, LONDON, SE1 2JY

Reg. No. 15-AP-3304

TP No. TP/1-209

Ward Riverside

Officer Dipesh Patel

Recommendation GRANT PERMISSION

Item 6/4

Proposal

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.



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Item No. 6.1	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:	Development Management planning application: Applications 15/AP/3502 for: Advertisement Consent and 15/AP/3877 for: Listed Building Consent Address: RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON SE1 9DL Proposal: Display of 19mm thick lettering fixed to the wall by concealed 20mm stand-off fixings.		
Ward(s) or groups affected:	Cathedrals		
From:	Sarah Parsons		
Application Start Date 01/09/2015		Application Expiry Date 27/10/2015	
Earliest Decision Date 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
7.
 - 15/AP/3877 – Listed Building Consent for the applied lettering above the main doorway to the shop.

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) 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> <ol style="list-style-type: none"> 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.</p> <p>3. Insufficient supporting documentation and detail has been provided by the applicant to 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).</p>
<p>15/EN/0187 Enforcement type: Unauthorised building works (UBW) WORKS TO LISTED BUILDING</p> <p>Sign-off date 05/06/2015 Subject to detailed Planning Application and LBC</p> <p>Application to follow</p>

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:
- The impact of the signage on the amenity of the area; and
 - 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:
- 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:
- 19) 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 associated with the use of the property are material to these applications as the principle is already accepted.

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 and 3.

Consultation replies

49. Details of consultation responses received are set out in Appendix 2 and 4.

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.
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.

However, the matter was then deferred for consideration by the Planning Committee on 1 December 2015 as it was felt that the agenda for the meeting of Planning Sub-Committee A on 11 November 2015 was too full.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
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

No.	Title
Appendix 1	Consultation undertaken 15/AP/3502
Appendix 2	Consultation responses received 15/AP/3877
Appendix 3	Consultation undertaken 15/AP/3502
Appendix 4	Consultation responses received 15/AP/3877
Appendix 5	Recommendation 15/AP/3502
Appendix 6	Recommendation 15/AP/3877

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sarah Parsons, Team Leader, Design and Conservation	
Version	Final	
Dated	19 November 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team		19 November 2015

15/AP/3502 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**15/AP/3502 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

15/AP/3877 APPENDIX 3**Consultation undertaken****Site notice date:** 09/10/2015**Press notice date:** 15/10/2015**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 09/10/2015**Internal services consulted:**

n/a

Statutory and non-statutory organisations consulted:

Council for British Archaeology
 Port of London Authority
 The Georgian Group
 The Victorian Society

Neighbour and local groups consulted:

Flat 4 5 Clink Street SE1 9DL
 Studio 1, Clink Wharf, Clink St London SE1 9DG
 Chair, Borough Market Environs Group C/O 18 Great Guildford St SE1 0FD
 7 Horseshoe Wharf Apartments 6 Clink Street SE1 9FE
 Flat 10 Victor Wharf SE1 9DW
 Flat 11 Victor Wharf SE1 9DW
 Flat 12 Victor Wharf SE1 9DW
 Flat 9 Victor Wharf SE1 9DW
 Flat 6 Victor Wharf SE1 9DW
 Flat 7 Victor Wharf SE1 9DW
 Flat 8 Victor Wharf SE1 9DW
 Ground Floor West Winchester Wharf SE1 9DL
 Flat 4 Winchester Wharf SE1 9DL
 Unit 1 Victor Wharf SE1 9DW
 Flat 13 Victor Wharf SE1 9DW
 Flat 14 Victor Wharf SE1 9DW
 The Factory Winchester Wharf SE1 9DL
 Flat 5 Victor Wharf SE1 9DW

5 Winchester Wharf 4 Clink Street SE1 9DL
 1 Winchester Wharf 4 Clink Street SE1 9DL
 2 Winchester Wharf 4 Clink Street SE1 9DL

Flat 1 Little Winchester Wharf SE1 9DG
 Flat 3 Little Winchester Wharf SE1 9DG
 Flat 2 Little Winchester Wharf SE1 9DG
 Flat 2 Victor Wharf SE1 9DW
 Flat 3 Victor Wharf SE1 9DW
 Flat 4 Victor Wharf SE1 9DW
 Flat 1 Victor Wharf SE1 9DW
 3 Winchester Wharf 4 Clink Street SE1 9DL
 5 Bolton Street London W1J 8BA
 Bankside Community Space 18 Great Guildford Street SE1 0FD
 2 Little Winchester Wharf 5 Clink Street SE1 9DL
 8 Southwark Street London SE1 1TL
 London Bridge London SE1 9DA
 2 Little Winchester Wharf 5 Clink Street SE1 9DL
 Horseshoe Wharf Clink Street SE1 9FE

Re-consultation: n/a

15/AP/3877 APPENDIX 4**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

Council for British Archaeology
Port of London Authority

Neighbours and local groups

Flat 2 Little Winchester Wharf SE1 9DG
Flat 2 Little Winchester Wharf SE1 9DG
Flat 4 5 Clink Street SE1 9DL
Horseshoe Wharf Clink Street SE1 9FE
London Bridge London SE1 9DA
5 Bolton Street London W1J 8BA
7 Horseshoe Wharf Apartments 6 Clink Street SE1 9FE
8 Southwark Street London SE1 1TL

RECOMMENDATION

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

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

Draft of Decision Notice

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.

—

RECOMMENDATION

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

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

Draft of Decision Notice

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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Item No. 6.2	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:	Development Management planning application: Applications 15/AP/3504 for: Full Planning Permission and 15/AP/3505 for: Listed Building Consent Address: RED BUS SHOP (UNIT 1), WINCHESTER WHARF, 4 CLINK STREET, LONDON SE1 9DL 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		
Ward(s) or groups affected:	Cathedrals		
From:	Sarah Parsons		
Application Start Date 01/09/2015		Application Expiry Date 27/10/2015	
Earliest Decision Date 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 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 associated with the use of the property are material to these applications as the principle is already accepted.

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 and 3.

Consultation replies

55. Details of consultation responses received are set out in Appendix 2 and 4.

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

However, the matter was then deferred for consideration by the Planning Committee on 1 December 2015 as it was felt that the agenda for the meeting of Planning Sub-Committee A on 11 November 2015 was too full.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
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

No.	Title
Appendix 1	Consultation undertaken 15/AP/3504
Appendix 2	Consultation responses received 15/AP/3504
Appendix 3	Consultation undertaken 15/AP/3505
Appendix 4	Consultation responses received 15/AP/3505
Appendix 5	Recommendation 15/AP/3504
Appendix 6	Recommendation 15/AP/3505

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sarah Parsons, Team Leader, Design and Conservation	
Version	Final	
Dated	19 November 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team	19 November 2015	

15/AP/3504 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

15/AP/3504 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

15/AP/3505 APPENDIX 3**Consultation undertaken****Site notice date:** 11/09/2015**Press notice date:** 10/09/2015**Case officer site visit date:** 18/09/2015**Neighbour consultation letters sent:** 10/09/2015**Internal services consulted:**

n/a

Statutory and non-statutory organisations consulted:

Council for British Archaeology
 Port of London Authority
 The Victorian Society

Neighbour and local groups consulted:

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

Re-consultation: n/a

15/AP/ 3505 APPENDIX 4**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

Council for British Archaeology

Neighbours and local groups

Flat 4 Winchester Wharf SE1 9DL
Studio 1, Clink Wharf, Clink St London SE1 9DG
2 Little Winchester Wharf 5 Clink Street SE1 9DL

RECOMMENDATION

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

Applicant	Mr Stuart Balfour	Reg. Number	15/AP/3504
Application Type	Full Planning Permission	Case Number	TP/1153-4
Recommendation	Grant permission		

Draft of Decision Notice

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.

—

RECOMMENDATION

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

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

Draft of Decision Notice

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 19/11/2015



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Item No. 6.3	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 15/AP/3303 for: Full Planning Permission Address: TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211 TOOLEY STREET, LONDON SE1 2JY Proposal: Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class <i>Sui Generis</i>) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.		
Ward(s) or groups affected:	Riverside		
From:	Director of Planning		
Application Start Date 14/08/2015		Application Expiry Date 13/11/2015	
Earliest Decision Date 04/10/2015			

RECOMMENDATION

1. a. That planning permission is granted subject to a legal agreement.
- b. If a legal agreement is not signed by 15 January 2016, the Director of Planning be authorised to refuse planning permission for the reason in paragraph 64.

BACKGROUND INFORMATION

Site location and description

2. The site is a former magistrates' court and police station which has been vacant since 2013. It is located on the northern side of Tooley Street, east of Tower Bridge Road. It is bound on all sides by residential development: on Boss Street to the east; Queen Elizabeth Street to the north; Tooley Street to the south; and the flats of Crown Apartments and Tower Bridge Road to the west. The building itself and attached railings are Grade II listed and are in an area with the following planning designations:
 - Air Quality Management Area;
 - Borough, Bermondsey and Rivers Archaeological Priority Zone;
 - Public Transport Accessibility Level (PTAL) 6b; and
 - Tower Bridge Conservation Area.
3. Dating from 1906, the building varies from three to four storeys on Tooley Street. The frontage provides a striking representation of the judicial architecture of architect John Dixon Butler, with a combination of red brick and Portland Stone detailing. Behind the main building fronting onto Tooley Street, is built form of a smaller scale; between one

and two storeys. A large part of the site in the northeast is free of buildings as it was the yard for the court and police station, providing an open aspect for neighbouring dwellings overlooking this part of the site.

Details of proposal

4. The proposal is for a change of use of the site to a hotel with 198 rooms. This would involve partial demolition of the listed building, but the parts that would be demolished are to the rear and would not include the elements of the building of most significance. This is discussed in further detail in the report on the associated Listed Building Consent (15/AP/3304).
5. The new build element proposed to the rear of the listed building would be up to seven storeys in height and would be built around a central courtyard. The greater mass would be towards the north of the site, fronting onto Queen Elizabeth Street and away from the remaining listed building.
6. A gym and spa would be provided in the lower ground floor and would be accessible to members of the public through membership. The entrance to the magistrates' court would be used as the main entrance to the hotel. Two separate restaurant areas are proposed, one in Courtroom 1 and the other in the new build element occupying the northeast part of the site bounded by Boss Street and Queen Elizabeth Street with an entrance on the latter of these streets. Two of the cells proposed for demolition would be rebuilt in the restaurant and would function as a private dining area. The entrance on Queen Elizabeth Street would also provide access to the delicatessen/bar area. A service yard is proposed off Queen Elizabeth Street.
7. Other than the uses described above, three meeting rooms are proposed on the mezzanine and first floors that would be available for community groups.

Planning history

8. 05/AP/2513 - Application type: Certificate of Lawfulness - proposed (CLP)

Installation of various works to improve security at the police station namely : A new 3m high palisade fence with 2 separate gated accesses around existing fire escape staircase, a new 3m high palisade fence with rotating raptor spike barrier on top and double gated access in front of the main entrance, new security screens over five low level windows and a new rotating raptor spiked barrier on top of the existing perimeter wall.

Decision date 25/01/2006 Decision: Grant (GRA)

9. 13/EQ/0216 - Application type: Pre-Application Enquiry (ENQ)

Redevelopment of site into a hotel and refurbishment plus a 4 storey extension.

Decision date 21/11/2013 Decision: Pre-application enquiry closed (EQC)

10. 14/EQ/0196 - Application type: Pre-Application Enquiry (ENQ)

Part demolition, alteration and extension of existing building, construction of new build floorspace and excavation to provide a 7 storey building for hotel use (use class C1) at lower ground, ground and 1st to 6th floors (224 bedrooms) restaurant and cafe use (use class A3) hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

Decision date 18/12/2014 Decision: Pre-application enquiry closed (EQC)

11. 15/EQ/0053 - Application type: Pre-Application Enquiry (ENQ)

Part demolition, alteration and extension of existing building, construction of new build floorspace and excavation to provide a 6 storey building for hotel use (use class C1) at lower ground, ground and 1st to 5th floors (206 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

Decision date 14/09/2015 Decision: Pre-application enquiry closed (EQC)

The reply to this enquiry is provided as Appendix 3 to this report.

12. 15/AP/3304 - Application type: Listed Building Consent (LBC)

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

13. The application for listed building consent is associated with this planning application and will be presented to members at the same meeting.

Planning history of adjoining sites

14. None of particular relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

15. The main issues to be considered in respect of this application are:

- a. Principle of the development with respect to land use policies
- b. Potential impact of the development on amenity and living conditions of neighbours
- c. Design of the proposal and impact on heritage assets
- d. Transport impacts
- e. Environmental considerations.

Planning policy

National Planning Policy Framework (the Framework) 2012

16. This application should be assessed against the Framework as a whole, however the following sections are of particular relevance:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
7. Requiring good design

- 8. Promoting healthy communities
- 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.

17. London Plan July 2015

- Policy 3.2 Improving health and addressing health inequalities
- Policy 3.19 Sports facilities
- Policy 4.5 London's visitor infrastructure
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater infrastructure
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

18. Core Strategy 2011

- Strategic Policy 1 Sustainable development
- Strategic Policy 2 Sustainable transport
- Strategic Policy 4 Places for learning, enjoyment and healthy lifestyles
- Strategic Policy 10 Jobs and businesses
- Strategic Policy 12 Design and conservation
- Strategic Policy 13 High environmental standards.

Southwark Plan 2007 (July) - saved policies

19. 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. The following saved policies are particularly relevant to this application:

- Policy 1.12 Hotels and visitor accommodation
- Policy 2.1 Enhancement of community facilities
- Policy 2.2 Provision of new community facilities
- Policy 2.3 Enhancement of educational establishments
- Policy 2.5 Planning obligations

- Policy 3.1 Environmental effects
- Policy 3.2 Protection of amenity
- Policy 3.3 Sustainability assessment
- Policy 3.4 Energy efficiency
- Policy 3.5 Renewable energy
- Policy 3.6 Air quality
- Policy 3.7 Waste reduction
- Policy 3.9 Water
- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in design
- Policy 3.13 Urban design
- Policy 3.14 Designing out crime
- Policy 3.15 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 3.19 Archaeology
- Policy 5.1 Locating developments
- Policy 5.2 Transport impacts
- Policy 5.3 Walking and cycling
- Policy 5.6 Car parking
- Policy 5.7 Parking standards for disabled people and the mobility impaired
- Policy 5.8 Other parking.

Other documents

20. Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD 2015 Tower Bridge Road Conservation Area Appraisal

Summary of consultation responses

21. There has been no objection from any statutory consultee for this application. Historic England has written in support of the scheme. Two other responses in support for the application were received, including one from the Southwark Chamber of Commerce.
22. Objections have been received from local residents concerned about a number of issues including:
 - Impact on amenity and living conditions (daylight/sunlight; noise etc.) from the completed development
 - Impact during construction
 - Design issues including the scale and massing of the proposal
 - Impact on heritage assets
 - Process of consultation
 - Impact of servicing.
23. These matters are addressed in the main body of the report below.

Principle of development

24. While the *Sui Generis* use class of the former police station is not a land use protected though a development plan policy, the D1 class space of the magistrates' court is. Saved policy 2.1 of the Southwark Plan allows for a change of use from D class space

if the community facility is surplus to the requirements of the local community and its replacement meets an identified need or the applicant demonstrates that there is another locally available facility with similar or enhanced provision.

25. The community facility of the magistrates' court was surplus to the requirements of the Ministry of Justice and it was closed in 2013. The nearby Camberwell Magistrates' Court continues as a locally available facility that provides the same service, although the applicant has advised that Croydon Magistrates' Court has taken over the service provision from this site. Nonetheless, it is the D class space that is protected and not the magistrates' court use *per se*. A health and fitness centre is proposed within the development with a discount offered to local residents and meeting rooms for community groups to use free of charge are also proposed. Whilst these D2 uses would not replace all of the D1 floorspace that would be lost, they would provide new community facilities.
26. Also of relevance is the aim of securing the optimum use for the site and the fact that it is a designated heritage asset. As a listed building, the property has constraints that mean it would not lend itself to a full D class use. As a result, the replacement D class space, along with the hotel and other uses proposed is considered to be acceptable with respect to land use.

Environmental impact assessment

27. The proposed development is not a development detailed in Schedule 1 of the Environmental Impact Regulations (2011) and does not meet the threshold for an EIA development in Schedule 2.

Potential impact of the development on amenity and living conditions of neighbours

28. A total of 22 objections have been received for this application from local residents and interested parties. All of them cite the impact that the development would have on the amenity and living conditions of local residents. Potential impacts are discussed below.

Daylight and sunlight

29. The impact on daylight and sunlight is a significant concern for local residents. The applicant has undertaken a detailed assessment of the impact that the development would have on daylight and sunlight, in accordance with the assessment methods detailed in the Building Research Establishment's (BRE) guidance document.
30. With the initial assessment of Vertical Sky Component (VSC), 337 of the 418 windows that were modelled would not lose more than 20% of the existing VSC; a reduction that would not be noticeable. Where VSCs are reduced by more than 20%, a more detailed analysis can be undertaken into the daylight distribution using the No Sky Line (NSL) method - the area of a working plane (at a height of 850mm) from which the sky would be visible. The assessment of the NSL is normally undertaken on rooms rather than windows because it is the area of the room that would be affected by the change in NSL that is of most relevance. Of the 336 rooms modelled, 298 (89%) would have reductions of no more than 20%. There would remain a number of windows and properties with reductions in daylight that would be noticeable and these are discussed below.
31. Of the 418 windows tested for sunlight, 386 (92%) would achieve continue to received good level annual probable sunlight hours (APSH).

Crown apartments (referred to as 200 Tower Bridge Road in the daylight and sunlight report)

32. There are a number flats within this block that face the site and would be affected to differing degrees. There would be some significant reductions in VSCs from between 78% and 30% for 10 of the 26 windows. This is a function of the fact that the dwellings enjoy a relatively open aspect and that balconies projecting above windows currently limit the daylight for windows below, so a small reduction absolute VSC would cause a larger percentage reduction. The BRE guidance allows for the analysis to be undertaken without the effect of balconies and other projections that 'self-limit' the daylight into windows. Using this method, the highest loss of VSC would be 46% and the number of windows with a loss of more than 30% would be reduced to 6, a further 4 seeing a loss of more than 20%.
33. Daylight distribution analysis (with balconies) shows that the NSL would be reduced by more than 20% for three rooms within Crown Apartments, two of which are bedrooms, the other being the living room for the lowest flat- flat 1 which would experience a reduction of 46%. Again, the influence of projecting balconies is of note here because the reduction in the 'without balconies' scenario results in a loss of 21.5%. This analysis demonstrates that daylight to the windows of Crown Apartments is limited by the balconies that over-sail most of the windows and that if the effect of these were removed, the reductions in daylight distribution would be much more modest.
34. An analysis of the APSH annually and for winter has been undertaken which shows that 73% of windows and 86% of rooms would receive acceptable levels of sunlight. Similarly to the case with daylight, the sunlight to windows is limited by balconies above them.
35. The Crown Apartments Management Company, as well as individual owners of the apartment building has commissioned a technical assessment of the sunlight and daylight by Point 2 Surveyors. The analysis submitted includes VSC and has reductions with greater percentage than that detailed in the report submitted by the applicant, although absolute VSCs are broadly similar. The reason for this seems to be that the applicant's consultant's assessment was based on historical drawings while Point 2 had access to some of the flats in Crown Apartments, they do acknowledge that the differences are marginal.
36. An analysis of the 'without balconies' scenario has not been presented because the author of the report states that this is a hypothetical situation and their removal in reality would be improbable. The point of the 'without balconies' assessment however to provide a more nuanced indication of the impact that the development would have were it not for the 'self limiting' effect of projections. The Point 2 report also details what the author considers to be failures in the radiance based study. Radiance studies (Average Daylight Factor) are of limited weight when considering the impact of daylight from a development on existing receptors, not least because of the assumptions that need to be made. For the avoidance of doubt, officers' assessment of the impact on daylight and sunlight from the proposed scheme is based substantively on VSC; daylight distribution and APSH; the radiance studies have not been relied upon.

196 Tower Bridge Road

37. A building on the corner of Tower Bridge Road and Tooley Street, the flats in this property sit above the Pommeler's Rest public house. Of the 15 windows modelled, 9 would have VSC reductions of no more than 20% while a further three would retain VSCs of 0.72; 0.77 and 0.78 their present value; the remaining three windows serve non-habitable rooms. NSL analysis shows that all rooms would retain at least 80% of

their present daylight distribution.

Boss House

38. The VSC analysis shows that 75% of the windows assessed would not have their VSC affected to a noticeable degree while 84% of the rooms would not lose more than 20% of their daylight distribution. The 11 rooms that would be most affected are on the northern part of Boss House and presently enjoy an aspect across an open yard, six of these rooms are bedrooms. The NSL contours show that many of these rooms enjoy extensive daylight distribution because of the open aspect they have. Coupled with the depth of the rooms, this means that any massing comparable to that which is in the area would result in a large reduction in daylight distribution. All windows within 90 degrees of south would be within the guidelines for sunlight in the BRE document.

Candishe House, Queen Elizabeth Street

39. Located on the corner of Horsleydown Land and Queen Elizabeth Street, the windows of this building have quite high VSCs for an urban location, due principally to the fact that they have an aspect over an open yard. Although the reduction in VSC would be large in percentage terms for many windows and thus noticeable, the resultant VSCs would be good with most windows being above 17 which is not uncommon in urban situations. All but three rooms would meet the BRE guidelines with respect to sunlight; the three that would not only doing so because of the loss of winter sun, which being low in the sky would be affected by any reasonably massed development on the site.

3-17A Queen Elizabeth Street

40. Of the 37 windows tested, 16 would not lose more than 20% of their present VSC. A further 6 would retain at least 0.7 of their present value with the remaining 5 retaining between 0.64-0.69. All but two windows would retain VSCs of more than 20 which is considered to be good in urban locations, the remaining 2 having levels of 19.5 and 17.5. No windows would have their sunlight affected to an unacceptable degree.

205 Tooley Street

41. Five of the 12 windows would retain 0.8 their present VSC while another five would retain more than 0.7. The remaining two would be reduced to just below 0.7. Because none of the windows affected face within 90 degrees of south, this property does not need to be assessed for impact sunlight in accordance with the BRE guidance.
42. All other properties assessed meet the BRE guidelines for there to be no noticeable effect from the proposed scheme, they are:
- 19 Queen Elizabeth Street
 - Devon Mansions
 - 206-208 Tower Bridge Road
 - 62-66 Gainsford Street
 - 1-11 Whilstlers House

Conclusion on daylight and sunlight

43. There would be a noticeable reduction in daylight and sunlight for residential dwellings nearby. Impacts on dwellings at Crown Apartments are a function of the development proposed and self-limiting effect of balconies on the residential building. It is also of note that the yard on the site affords an open aspect for many dwellings around, including 196 Tower Bridge Road; Boss House; Candishe House and the terraces to the north of the site on Queen Elizabeth Street.
44. The openness of the rear of the site is unusual in the context of this part of the borough and indeed central London. Any development of more than 2-3 storeys on Boss Street and Queen Elizabeth Street would result in some noticeable impact when compared to the existing situation. Such a scale of development that would be undesirable for a number of reasons, including urban design, matters discussed in more detail below.

Privacy

45. A number of rooms proposed would be quite close to existing dwellings, particularly those proposed on the western part of the site, close to 206 Tower Bridge Road and Crown Apartments. Windows in the existing building serving rooms closest to residential dwellings (to the west) would have a 1.8m high privacy film placed on them to preserve their privacy. The new build element has been designed without windows directly facing Crown Apartments and 206 Tower Bridge Road within a distance of 21m. The two windows closer than 21m face north and south and would only have obtuse views to existing residential properties.
46. New windows within the new build element of the scheme would have views of existing dwellings across streets which would be acceptable as it would replicate existing front to front arrangements in the immediate locale.

Potential for the development to be overbearing

47. A separation from Crown Apartments and 206 Tower Bridge Road would be achieved with a planted roof and courtyard intervening between building elements immediately to the east of Crown Apartments while the northern part of the scheme would step in closer to the dwellings leaving an area of open space immediately in front of the balconies.
48. A height of up to seven storeys on Boss Street and Queen Elizabeth Street would, because of the change in levels, be of a height similar to Crown Apartments and not unusual in the area. Separated from other dwellings by streets, the development would not be overbearing for neighbouring residents in this urban context.

Disturbance, including from noise

49. There would be greater activity from the proposed use, the restaurant, deli and bar proposed fronting Queen Elizabeth Street which has been the cause of particular objection. This part of Queen Elizabeth Street has relatively little activity at present so the addition of an active frontage would be a notable change. There are however similar uses further east on Queen Elizabeth Street. In order to reduce the impact that the A class uses may have on residents it is recommended that a condition be imposed prohibiting the use of the entrance on Queen Elizabeth Street after 22:00. Customers would need to use the main entrance located on Tooley Street which is much busier and noisier. This entrance would also be used by most of the hotel guests.
50. High levels of sound break-out is not expected from the restaurant, deli or bar area and the revolving door would prevent sound breaking out when customers enter or

leave the premises. Some objectors reference the impact from customers smoking on Queen Elizabeth Street. Operational matters such as this can be controlled through the licensing regime.

51. Noise from servicing has also been mentioned in many of the objections. The servicing yard within the site would mean that noise from the deliveries themselves would be constrained. The expected servicing requirements are as follows:
 - 7.5t box van: 2 movements 6 days a week, 1 movement weekly;
 - Refuse lorry: 1 movement 4 days a week;
 - 3.5t/4.6t light van: 1 movement 3 days a week, 1 movement weekly;
 - 3.5t/4.6t light van or 7.5t box van: 1 movement 7 days a week, 2 movements monthly; and
 - Car derived van/3.5t light van: 2 movements 7 days a week.
52. Approximately 7-8 vehicle movements would be expected per day of which the majority would take place between 07:00-12:00. It is recommended that the applicant submit a service management plan prior to the commencement of use as a condition of any permission.
53. Plant is proposed on the roof of the northern part of the site. Details of the precise plant would not normally be available at this stage in the application process so it is recommended that a condition be imposed requiring details of the plant and any noise mitigation required be submitted and approved before its installation. The condition also refers to odour control.

Design of the proposal and impact on heritage assets

54. The report on the associated listed building consent application details the substantive assessment on that heritage asset. It concludes that there would be less than substantial harm to the listed building because of the proposed demolition but this would be outweighed by the public benefit of securing the longer-term future of the building and the public access that would be afforded.
55. Similarly, there would be less than substantial harm to the Tower Bridge Conservation area because of the demolition. The site is within sub-area 3- Tooley Street. Its significance lies within its metropolitan character of which the municipal building on the site is an integral part. The sub-area is also of importance in the approach to Tower Bridge and is characterised by large scale buildings on both sides of Tooley Street, including Devon Mansions and Boss House.
56. While the demolition of part of the listed building would cause less than substantial harm to the conservation area, one of the benefits of the scheme would be an improvement to the enclosure of Queen Elizabeth Street with a continuous and active frontage, replacing the blank boundary wall to the service yard. The resultant sense of enclosure would respond well to the character of the area and be of a scale in-keeping with the general scale of the built form nearby, especially when one considers that the top floor would be set back, reducing its impact on the street scene and wider conservation area.
57. At the north-eastern part of the site, the shoulder would be lower to align with Boss House while at the north-western end; greater height would provide alignment with Crown Apartments. Materials proposed for the new build element of brick reconstituted stone and zinc would of high quality and suitable for this consideration

area. Landscaping works proposed on Boss Street would improve the public realm.

58. The harm on the setting of the listed building would also be less than substantial. Following the reduction in height of the spinal link block, the new build element would read as separate massing from the listed building rather than competing with it. The detailed design would complement the listed building so while there would be some harm from its partial demolition, its setting would be preserved.

Archaeology

59. A number of reports have been submitted relating to the archaeology on the site. The council's archaeologist is in the process of reviewing these documents and further advice on this matter will be provided in the addendum report.

Transport impacts

60. A traffic analysis has been provided by an objector which shows a good level of vehicular and pedestrian movement on Queen Elizabeth Street. There is concern about the potential conflict with both the entrance for the car park for Crown Apartments (to the west of the site); existing servicing arrangements (for refuse) and highway users.
61. A servicing bay located within the site would provide a suitable balance between internal servicing and an efficient use of the land. Vehicles would need to cross a cycle lane and footway but crucially there would be no servicing from the street apart from refuse and recycling. The use of a banks-person has been proposed to mitigate against the potential for safety conflicts. Such measures are considered to be reasonable but it is recommended that they be secured through a condition requiring a service management plan to be submitted for approval.
62. The applicant expects most visitors to arrive by foot or public transport, an assumption that is not unreasonable given the site's excellent transport links. Coach parking has not been proposed and while this is not in accordance with the requirements of the London Plan, site constraints mean that it would be difficult to incorporate such parking without compromising the urban design or efficient use of the site. Coach drop off on Queen Elizabeth Street may conflict with servicing, a matter that will need to be addressed in the service management plan.

Section 106 and community infrastructure levy (CIL)

63. The scheme would attract a payment under both the mayoral and local CIL. An amended CIL form is pending following the amendment removing one storey from the spinal block. Figures for CIL will be reported in the addendum report. The s106 legal agreement is still being negotiated but will include the following matters:
- Employment during construction
 - Employment in the end use
 - Archaeology contribution
 - Public realm works
 - Community use clauses, inclining a discount for gym membership for Southwark residents and the free use of meeting rooms for community groups.
64. Should there be a failure to sign a legal agreement for these matters, it is recommended that the application be refused for the following reason:

The development would fail to mitigate against the loss of D class space and provide suitable public improvements and fail to meet provide other reasonable contributions contrary to the National Planning Policy Framework 2012 saved policies 2.1 Enhancement of community facilities and 3.13 Urban design of the Southwark Plan 2007 and the Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.

65. 20 cycle storage spaces are proposed for staff on the lower ground floor where showering and changing facilities would also be located while six spaces would be provided for visitors on Boss Street, next to the two parking bays for disabled people.

Environmental issues

66. The new build element of the development would be designed to achieve a 40% saving in carbon dioxide emissions over the 2010 Building Regulations which is in general accordance with the London Plan. Energy efficiency savings that can be achieved on the listed building are limited but the use of a centralised combined heat and power (CHP) boiler would make the heating and power more efficient overall.
67. The council's Flood and Drainage Team have provided comments advising that they are satisfied with the information provided. Green roofs and the attenuation tanks proposed would reduce the surface water run off rates from the site.
68. Thames Water have advised that presently there is insufficient waste water infrastructure to accommodate the needs of the proposed development and recommended a condition requiring a drainage strategy to be submitted and approved. As advised above, the surface water drainage would be improved in that discharge would be reduced. There is however a requirement under policy 5.14 of the London Plan for development to ensure that adequate waste water infrastructure capacity is available, a condition is this recommended. Another condition suggested by Thames Water to require a piling method statement is not recommended because this seeks to protect the asset of the utility company, something that is covered by separate legislation.
69. A review of the application has been undertaken by the Environment Agency who have no objection to the scheme. The ecological assessment submitted with the application has assessed the site to have negligible potential to support roosting bats. The same report recommends that the green roof could be made into a biodiversity feature with suitable planting, a sensible suggestion which can be secured through condition.
70. A draft construction phase plan has been submitted which outlines controls that can be implemented to limit disturbance during the process of development. Some degree of disturbance would arise from any development that takes place. Although the site is somewhat constrained by its surroundings, it is not of a scale to require an EIA and in that context the potential for impact locally is limited. A condition is recommended requiring a full CMP to be submitted at a time when more detail about the construction process can be provided. The substantive merits or otherwise of this application should however not be based on construction impacts of the development but the planning merits of the proposed development itself.

Other matters

71. There is local concern about the consultation process that was undertaken as part of this application in that it was not of sufficient duration. Both the initial consultation and re-consultation following the receipt of amendments have been undertaken in accordance with the requirements of The Town and Country Planning (Development

Management Procedure) (England) Order 2015.

Conclusion on planning issues

72. The proposed redevelopment of the site to a hotel; health and fitness centre; restaurant; deli and bar would secure the longer-term future of this listed building within a conservation area. Demolition of a less significant part of the building would result in less than substantial harm which would be outweighed by the public benefits of the scheme while the development as a whole would preserve the conservation area and the remaining listed building. There would be some impact on the amenity and living conditions of some neighbours through a loss of daylight and sunlight, however most neighbouring residential properties would continue not be affected to a noticeable degree.

Community impact statement

73. 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

Consultations

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

Consultation replies

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

Human rights implications

76. 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.
77. This application has the legitimate aim of providing a change of use to a hotel and other uses. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1-209 Application file: 15/AP/3303 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

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-application letter
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Dipesh Patel, Team Leader, Major Applications	
Version	Final	
Dated	19 November 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team		19 November 2015

APPENDIX 1**Consultation undertaken****Site notice date:** 11/09/2015**Press notice date:** 10/09/2015**Case officer site visit date:** 16/09/2015**Neighbour consultation letters sent:** 11/09/2015**Internal services consulted:**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
 Flood and Drainage Team
 Highway Development Management
 Waste Management

Statutory and non-statutory organisations consulted:

Environment Agency
 Metropolitan Police Service (Designing out Crime)
 Thames Water - Development Planning
 Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

81 Boss House 2 Boss Street SE1 2PT	156 Devon Mansions Tooley Street SE1 2NR
80 Boss House 2 Boss Street SE1 2PT	155 Devon Mansions Tooley Street SE1 2NR
79 Boss House 2 Boss Street SE1 2PT	154 Devon Mansions Tooley Street SE1 2NR
84 Boss House 2 Boss Street SE1 2PT	135 Devon Mansions Tooley Street SE1 2NT
83 Boss House 2 Boss Street SE1 2PT	134 Devon Mansions Tooley Street SE1 2NT
82 Boss House 2 Boss Street SE1 2PT	133 Devon Mansions Tooley Street SE1 2NT
78 Boss House 2 Boss Street SE1 2PT	128 Devon Mansions Tooley Street SE1 2NU
74 Boss House 2 Boss Street SE1 2PT	127 Devon Mansions Tooley Street SE1 2NU
73 Boss House 2 Boss Street SE1 2PT	126 Devon Mansions Tooley Street SE1 2NU
70 Boss House 2 Boss Street SE1 2PT	131 Devon Mansions Tooley Street SE1 2NU
77 Boss House 2 Boss Street SE1 2PT	130 Devon Mansions Tooley Street SE1 2NU
76 Boss House 2 Boss Street SE1 2PT	129 Devon Mansions Tooley Street SE1 2NU
75 Boss House 2 Boss Street SE1 2PT	125 Devon Mansions Tooley Street SE1 2NU
94 Boss House 2 Boss Street SE1 2PT	121 Devon Mansions Tooley Street SE1 2NU
93 Boss House 2 Boss Street SE1 2PT	144 Devon Mansions Tooley Street SE1 2NT
92 Boss House 2 Boss Street SE1 2PT	143 Devon Mansions Tooley Street SE1 2NT
97 Boss House 2 Boss Street SE1 2PT	124 Devon Mansions Tooley Street SE1 2NU
96 Boss House 2 Boss Street SE1 2PT	123 Devon Mansions Tooley Street SE1 2NU
95 Boss House 2 Boss Street SE1 2PT	122 Devon Mansions Tooley Street SE1 2NU
91 Boss House 2 Boss Street SE1 2PT	153 Devon Mansions Tooley Street SE1 2NR
87 Boss House 2 Boss Street SE1 2PT	11 Queen Elizabeth Street London SE1 2LP
86 Boss House 2 Boss Street SE1 2PT	201 Tooley Street London SE1 2UE
85 Boss House 2 Boss Street SE1 2PT	17a Queen Elizabeth Street London SE1 2LP
90 Boss House 2 Boss Street SE1 2PT	15 Queen Elizabeth Street London SE1 2LP
89 Boss House 2 Boss Street SE1 2PT	13 Queen Elizabeth Street London SE1 2LP
88 Boss House 2 Boss Street SE1 2PT	Magistrates Court 211 Tooley Street SE1 2JY
69 Boss House 2 Boss Street SE1 2PT	Atlantic Council Part Second Floor 185 Tower Bridge Road SE1 2UF
49 Boss House 2 Boss Street SE1 2PS	Tower Bridge House 198-204 Tower Bridge Road SE1 2UN
48 Boss House 2 Boss Street SE1 2PS	Part Second Floor 185 Tower Bridge Road SE1 2UF
47 Boss House 2 Boss Street SE1 2PS	11a Queen Elizabeth Street London SE1 2LP
54 Boss House 2 Boss Street SE1 2PS	Living Accommodation The River Rat And Brasserie SE1 2UP
53 Boss House 2 Boss Street SE1 2PS	First Floor Part Front And Part Rear 185 Tower Bridge Road SE1 2UF
50 Boss House 2 Boss Street SE1 2PS	149 Devon Mansions Tooley Street SE1 2NR
46 Boss House 2 Boss Street SE1 2PS	148 Devon Mansions Tooley Street SE1 2NR

42 Boss House 2 Boss Street SE1 2PS
 41 Boss House 2 Boss Street SE1 2PS
 40 Boss House 2 Boss Street SE1 2PS
 45 Boss House 2 Boss Street SE1 2PS
 44 Boss House 2 Boss Street SE1 2PS
 43 Boss House 2 Boss Street SE1 2PS
 65 Boss House 2 Boss Street SE1 2PT
 64 Boss House 2 Boss Street SE1 2PT
 63 Boss House 2 Boss Street SE1 2PT
 68 Boss House 2 Boss Street SE1 2PT
 67 Boss House 2 Boss Street SE1 2PT
 66 Boss House 2 Boss Street SE1 2PT
 62 Boss House 2 Boss Street SE1 2PT
 57 Boss House 2 Boss Street SE1 2PS
 56 Boss House 2 Boss Street SE1 2PS
 55 Boss House 2 Boss Street SE1 2PS
 61 Boss House 2 Boss Street SE1 2PT
 60 Boss House 2 Boss Street SE1 2PT
 59 Boss House 2 Boss Street SE1 2PS
 98 Boss House 2 Boss Street SE1 2PT
 4 Candishe House Queen Elizabeth Street SE1 2LP
 3 Candishe House Queen Elizabeth Street SE1 2LP
 2 Candishe House Queen Elizabeth Street SE1 2LP
 7 Candishe House Queen Elizabeth Street SE1 2LP
 6 Candishe House Queen Elizabeth Street SE1 2LP
 5 Candishe House Queen Elizabeth Street SE1 2LP
 1 Candishe House Queen Elizabeth Street SE1 2LP
 Flat 2 203 Tooley Street SE1 2JX
 Flat 1 203 Tooley Street SE1 2JX
 Tower Bridge Police Station 209 Tooley Street SE1 2JX
 Third Floor Flat 185 Tower Bridge Road SE1 2UF
 First Floor And Second Floor Flat 205 Tooley Street SE1 2JX
 Flat 3 203 Tooley Street SE1 2JX
 First Floor Part Front 185 Tower Bridge Road SE1 2UF
 First Floor 185 Tower Bridge Road SE1 2UF
 The Pommelers Rest 192-196 Tower Bridge Road SE1 2UN
 Basement 185 Tower Bridge Road SE1 2UF
 10 Candishe House Queen Elizabeth Street SE1 2LP
 9 Candishe House Queen Elizabeth Street SE1 2LP
 8 Candishe House Queen Elizabeth Street SE1 2LP
 71-72 Boss House 2 Boss Street SE1 2PT
 51-52 Boss House 2 Boss Street SE1 2PS
 11 Candishe House Queen Elizabeth Street SE1 2LP

 Tower Bridge Police Station 4 Queen Elizabeth Street SE1 2JD
 108 Boss House 2 Boss Street SE1 2PT
 107 Boss House 2 Boss Street SE1 2PT
 106 Boss House 2 Boss Street SE1 2PT
 Flat 2 Crown Apartments SE1 2LL
 Flat 1 Crown Apartments SE1 2LL
 109 Boss House 2 Boss Street SE1 2PT
 105 Boss House 2 Boss Street SE1 2PT
 101 Boss House 2 Boss Street SE1 2PT
 100 Boss House 2 Boss Street SE1 2PT
 99 Boss House 2 Boss Street SE1 2PT
 104 Boss House 2 Boss Street SE1 2PT
 103 Boss House 2 Boss Street SE1 2PT
 102 Boss House 2 Boss Street SE1 2PT
 Flat 2 196 Tower Bridge Road SE1 2UN
 Flat 10 Crown Apartments SE1 2LL
 200 Tower Bridge Road London SE1 2UN
 Flat 3 196 Tower Bridge Road SE1 2UN
 Flat 9 Crown Apartments SE1 2LL
 Flat 5 Crown Apartments SE1 2LL
 Flat 4 Crown Apartments SE1 2LL
 Flat 3 Crown Apartments SE1 2LL
 Flat 8 Crown Apartments SE1 2LL
 Flat 7 Crown Apartments SE1 2LL
 Flat 6 Crown Apartments SE1 2LL
 39 Boss House 2 Boss Street SE1 2PS
 139 Devon Mansions Tooley Street SE1 2NT
 138 Devon Mansions Tooley Street SE1 2NT
 137 Devon Mansions Tooley Street SE1 2NT
 142 Devon Mansions Tooley Street SE1 2NT
 141 Devon Mansions Tooley Street SE1 2NT

 140 Devon Mansions Tooley Street SE1 2NT
 136 Devon Mansions Tooley Street SE1 2NT

 147 Devon Mansions Tooley Street SE1 2NR
 152 Devon Mansions Tooley Street SE1 2NR
 151 Devon Mansions Tooley Street SE1 2NR
 150 Devon Mansions Tooley Street SE1 2NR
 146 Devon Mansions Tooley Street SE1 2NR
 5 Queen Elizabeth Street London SE1 2LP
 3 Queen Elizabeth Street London SE1 2LP
 17 Queen Elizabeth Street London SE1 2LP
 145 Devon Mansions Tooley Street SE1 2NR
 9 Queen Elizabeth Street London SE1 2LP
 7 Queen Elizabeth Street London SE1 2LP
 132 Devon Mansions Tooley Street SE1 2NU
 22 Boss House 2 Boss Street SE1 2PS
 21 Boss House 2 Boss Street SE1 2PS
 20 Boss House 2 Boss Street SE1 2PS
 25 Boss House 2 Boss Street SE1 2PS
 24 Boss House 2 Boss Street SE1 2PS
 23 Boss House 2 Boss Street SE1 2PS
 19 Boss House 2 Boss Street SE1 2PS
 15 Boss House 2 Boss Street SE1 2PS
 14 Boss House 2 Boss Street SE1 2PS
 13 Boss House 2 Boss Street SE1 2PS
 18 Boss House 2 Boss Street SE1 2PS
 17 Boss House 2 Boss Street SE1 2PS
 16 Boss House 2 Boss Street SE1 2PS
 35 Boss House 2 Boss Street SE1 2PS
 34 Boss House 2 Boss Street SE1 2PS
 33 Boss House 2 Boss Street SE1 2PS
 38 Boss House 2 Boss Street SE1 2PS
 37 Boss House 2 Boss Street SE1 2PS
 36 Boss House 2 Boss Street SE1 2PS
 32 Boss House 2 Boss Street SE1 2PS
 28 Boss House 2 Boss Street SE1 2PS
 27 Boss House 2 Boss Street SE1 2PS
 26 Boss House 2 Boss Street SE1 2PS
 31 Boss House 2 Boss Street SE1 2PS
 30 Boss House 2 Boss Street SE1 2PS
 29 Boss House 2 Boss Street SE1 2PS
 12 Boss House 2 Boss Street SE1 2PS
 118 Devon Mansions Tooley Street SE1 2NX
 117 Devon Mansions Tooley Street SE1 2NX
 116 Devon Mansions Tooley Street SE1 2NX
 The River Rat And Brasserie 206-208 Tower Bridge Road SE1 2UP
 120 Devon Mansions Tooley Street SE1 2NX
 119 Devon Mansions Tooley Street SE1 2NX
 115 Devon Mansions Tooley Street SE1 2NX
 111 Devon Mansions Tooley Street SE1 2NX
 110 Devon Mansions Tooley Street SE1 2NX
 109 Devon Mansions Tooley Street SE1 2NX
 114 Devon Mansions Tooley Street SE1 2NX
 113 Devon Mansions Tooley Street SE1 2NX
 112 Devon Mansions Tooley Street SE1 2NX
 8 Boss House 2 Boss Street SE1 2PS
 7 Boss House 2 Boss Street SE1 2PS
 6 Boss House 2 Boss Street SE1 2PS
 11 Boss House 2 Boss Street SE1 2PS
 10 Boss House 2 Boss Street SE1 2PS
 9 Boss House 2 Boss Street SE1 2PS
 5 Boss House 2 Boss Street SE1 2PS
 1 Boss House 2 Boss Street SE1 2PS
 Flat 1 196 Tower Bridge Road SE1 2UN
 205 Tooley Street London SE1 2JX
 4 Boss House 2 Boss Street SE1 2PS
 3 Boss House 2 Boss Street SE1 2PS
 2 Boss House 2 Boss Street SE1 2PS
 Flat 12, St Lukes Court 124-126 Tooley St SE1 2TU
 03 Queen Elizabeth Street London SE1 2LP
 299 Oxford Street London W1C 2DZ
 4 Horselydown Lane SE1 2LN
 4 Horselydown Lane SE1 2LN
 33 Lafone Street London SE1 2LX
 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
 2 Queen Elizabeth St London SE1 2LL
 Southwark Chamber Of Commerce Southbank Chamber Of Commerce SE1 6LN
 Flat 37 Boss Street London SE12PS
 22 Stockwell Park Crescent London SW9 0DE
 224 Empire Square West Long Lane SE1 4NL

Re-consultation: 10/11/2015

APPENDIX 2

Consultation responses received

Internal services

Flood and Drainage Team

Statutory and non-statutory organisations

Environment Agency

Metropolitan Police Service (Designing out Crime)

Thames Water - Development Planning

Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups

Flat 1 Crown Apartments SE1 2LL

Flat 1 Crown Apartments SE1 2LL

Flat 12, St Lukes Court 124-126 Tooley St SE1 2TU

Flat 2 Crown Apartments SE1 2LL

Flat 2 196 Tower Bridge Road SE1 2UN

Flat 37 Boss Street London SE12PS

Flat 4 Crown Apartments SE1 2LL

Flat 5 Crown Apartments SE1 2LL

Flat 5 Crown Apartments SE1 2LL

Flat 8 Crown Apartments SE1 2LL

Flat 8 Crown Apartments SE1 2LL

Flat 8 Crown Apartments SE1 2LL

Southwark Chamber Of Commerce Southbank Chamber Of Commerce SE1 6LN

03 Queen Elizabeth Street London SE1 2LP

11 Queen Elizabeth Street London SE1 2LP

2 Queen Elizabeth St London SE1 2LL

22 Stockwell Park Crescent London SW9 0DE

224 Empire Square West Long Lane SE1 4NL

299 Oxford Street London W1C 2DZ

33 Lafone Street London SE1 2LX

4 Horselydown Lane SE1 2LN

4 Horselydown Lane SE1 2LN

42 Boss House 2 Boss Street SE1 2PS

5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL

5 Queen Elizabeth Street London SE1 2LP

5 Queen Elizabeth Street London SE1 2LP

60 Boss House 2 Boss Street SE1 2PT

61 Boss House 2 Boss Street SE1 2PT

7 Queen Elizabeth Street London SE1 2LP

84 Boss House 2 Boss Street SE1 2PT

85 Boss House 2 Boss Street SE1 2PT

85 Boss House 2 Boss Street SE1 2PT

9 Queen Elizabeth Street London SE1 2LP



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

Will Thompson
 CgMs Consulting
 7th Floor
 140 London Wall
 London
 EC2Y 5DN

Your Ref: WT/DF/17246
Our Ref: 14/EQ/0196
Contact: David Cliff
Telephone: 02075 254351
E-Mail: planning.applications@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 18th December 2014

Dear Mr Thompson,

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

At: Former Tower Bridge Magistrates' Court and Police Station, 209-211 Tooley Street, London

Proposal: Part demolition, alteration and extension of existing building, construction of new build floor space and excavation to provide a 7 storey building for hotel use (Use Class C1) at lower ground, ground and 1st to 6th floors (224 bedrooms), restaurant and café use (Use Class A3), hotel bar use (Use Class A4) and leisure use (Use Class D2), with associated vehicle and cycle parking, landscaping, plant and engineering works.

I am writing in response to your pre-application enquiry received on 12th September 2014 and following subsequent discussions with officers at a meeting on 27th October where the proposals were discussed in detail.

Summary of Key Issues

- Loss of the existing community facility needs to be fully addressed. Full justification is required to demonstrate that the facility is surplus to requirements as a community facility.
- To help demonstrate that the benefits of the proposed hotel outweigh the dis-benefits of the loss of the community use, facilities within the hotel need to be secured in perpetuity for the use of the community.

- The extent of demolition of the listed building is unjustified and it is considered that the loss of the holding cells, particularly those that remain largely unaltered on the ground floor to the rear of the magistrates' court, would result in substantial harm to the significance of the listed building. This is contrary to Southwark Policy and the NPPF.
- The addition of a two storey mansard to the listed building would result in substantial harm to its significance and to the wider conservation area.
- The height, scale and massing proposed is excessive. Seven storeys is not appropriate on this part of Queen Elizabeth Street and the construction of even taller elements within the centre of the site would result in an unacceptable impact on the listed building and an insensitive and over developed insertion into the conservation area.
- Features of historic interest within the existing building need to be imaginatively incorporated into the overall designs.
- The architectural language and articulation of the new build elevations is insensitive and does not respond appropriately to the existing listed building or the wider conservation area.
- The massing of the proposals also need to be reconsidered and reduced in order to preserve the reasonable living conditions of existing residential properties adjacent to the site.
- Detailed transport and highway issues need to be addressed.

Principle Land Use Issues

The loss of the existing D1 use:

In terms of land use, the proposal seeks to change the existing D1 use (non-residential institutions) to a hotel use (Class C1) along with restaurant, bar and leisure uses. In response to saved Policy 2.1 (Enhancement of Community Facilities) of the Southwark Plan, the submitted planning appraisal includes the argument that the magistrate's court is surplus to requirements following reviews carried out by the Ministry of Justice which lead to the closure of the court in 2013, with the service being transferred to Croydon Magistrates Court, which, it is argued, is still accessible for residents of Southwark. The appraisal also argues that a magistrate's court use is distinct from other D1 uses and that the use only became D1 in 2006 on the basis that courts have similar planning impacts to other D1 uses. It concludes that the relocation or loss of the previous uses to locations elsewhere in London has not caused harm to the local community.

This assessment does not, however, provide any evidence of whether the existing 'D1' community use of the building is surplus to community requirements, not just the previous specific use of the building as a magistrate's court. This is also required by the Policy 2.1 as concluded by a recent appeal decision at 2 Trundle Street (**APP/A5840/A/13/2208900**) and made clear by Policy 3.16 (Protection and Enhancement of Social Infrastructure) of the London Plan which states that the suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

On the face of it, there appears to be no good reason why the existing building should not be capable of being used by another D1 use of benefit to the local community. I understand that the building has not been previously marketed for D1

use which normally would provide a good indicator of potential uses. In this context, robust justification is required with the application to demonstrate that the existing buildings are not suitable for use for other D1 uses.

Proposed hotel

Policy 1.12 (Hotels and Visitor Accommodation) of the Southwark Plan encourage hotels in areas of high public transport accessibility. As set out in your assessment, and notwithstanding the loss of D1 issue, the site would in principle be a suitable location for a hotel development, though its scale needs to be appropriate to the context and location, a matter I will return to later in this letter as there are significant concerns in this respect.

Bearing in mind the issues set out above regarding the loss of the existing D1 use, I advise that the proposed hotel should include uses which are accessible to the community in the vicinity of the site. I note the inclusion of a gym, bar, restaurant and café within the current proposals, all of which are capable of being used by the wider community as well as just hotel users. Similarly, meeting rooms should be made available for the wider community including for local functions. Such provision would need to be properly secured through a s106 legal agreement, including details to secure open, affordable and long-standing use by the community. This is likely to carry weight in balancing the benefits of the proposal against the dis-benefits of the loss of the existing D1 facility. It would also to help to create an active frontage to this part of Tooley Street.

Design and Conservation

Existing Buildings

The existing building is Grade II listed and found in the Tower Bridge Conservation Area. The site occupies the eastern two thirds of an entire urban block. The western third, outside the red line, is defined by 196 to 200 Tower Bridge Road, buildings that have been identified as making a positive contribution to the Tower Bridge Conservation Area.

The Magistrates' Court and police station wrap around the southern and eastern edges of the block. To the north is a gated service yard, opening onto Queen Elizabeth Street. Whilst addressing Tooley Street very positively, this arrangement results in a lack of street frontage along Queen Elizabeth Street. The sensitive development of this site offers the potential to improve this without harming the significance of the heritage assets.

The existing building is between two and three storeys in height (plus an attic floor). As the ground floor is raised and the internal floor-to-ceiling dimensions are generous, it is perceived as taller than this would suggest. It comprises the former magistrates court and holding cells to the south and east and the former police station and holding cells to the west. It has a grand, decorative, Edwardian baroque style frontage onto Tooley Street with cell blocks to the rear. The predominant material throughout is red brick, but the primary frontage onto Tooley Street also has a heavily rusticated Portland stone base and decorative Portland stone detailing.

Whilst, the condition of the interior differs from room to room, but there are some fine internal features that should be retained and the historic plan form, whilst altered, is clearly discernible throughout. Some of the rooms, including the main entrance to

the magistrates' court, court rooms 1 and 2 and the magistrates' chambers retain particularly significant historic features and fabric that should be retained. In general, the police station has been altered more significantly than the magistrates' court, but the programme of the building remains discernable through the plan form and few remaining internal features, the loss of which would be resisted.

The heritage significance of this listed building is considered to be derived from the quality and completeness of the front elevation, the historic plan form of the building and the historic interest of the complex as a whole, including police station, court building and holding cells. The loss of any constituent part of this complex would be considered to represent substantial harm to its heritage significance.

Impacts of proposals

The proposals under consideration would restore and refurbish much of the existing Grade II listed building, but would also demolish all of the holding cells to the rear of both the police station and magistrates' court. New buildings would be introduced along the Queen Elizabeth Street frontage and on the existing service yard.

As currently proposed, it is considered that the extent of demolition proposed at the former Tower Bridge Magistrates Court would be contrary to the NPPF and Saved Policies 3.15 and 3.17 of the Southwark Plan. Primarily, this is a result of the significant loss of important historic fabric proposed. As stated in paragraph 133 of the NPPF, proposals that would result in substantial harm to a heritage asset should be refused unless it can be demonstrated that "*substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use."*

It is not considered that the demolition of the cell blocks to build hotel rooms and leisure uses would provide substantial public benefit to outweigh the harm to and loss of the heritage asset and it is not considered that **all** of the criteria set out in paragraph 133 of the NPPF apply. The cellblocks, particularly those that remain intact on the ground floor to the rear of the magistrates' courts are considered important historic fabric that contribute to the historic significance and character of the listed building. Whilst it is acknowledged that their conversion would not be as straight forward as other parts of the building, this is not considered sufficient justification for their demolition. Schemes in other parts of the country demonstrate that cellblocks can be incorporated into characterful and successful conversion projects.

Whilst the cells to the rear of the police station have undergone alteration in the past (e.g. cells have been knocked together to form larger spaces), those to the rear of the magistrates' court remain largely in tact. On the ground floor it is apparent that very little alteration has occurred. On the upper floors, whilst the fit out is of the late 20th century, the original fabric and layout of the cells appears to remain, including

the original windows hidden behind suspended ceilings. Other features of interest (whether original or later additions) such as the staircase in the cell blocks also remain and contribute well to the functional language of this space and the way in which it contrasts with the sense of grandeur in the immediately adjacent court building. This is considered to be significant in terms of the character of the complex as a whole.

The proposals would also include the construction of a two-storey mansard roof top addition to the listed building. This would fundamentally change the character of the prominent Tooley Street elevation in a manner that would be detrimental to its special architectural interest and result in substantial harm to the significance of the heritage asset. This elevation is considered to be a complete composition, not only in terms of its architectural articulation, but also in terms of its proportion and scale. It has not had a mansard roof in the past and there is no evidence that the architect intended for it to ever have one. Indeed, the prominent stone attic storey is considered to clearly terminate the building well. The argument that the architect used mansard roofs on other buildings is therefore not considered sufficient justification for this addition. It would therefore not comply with the NPPF and Saved Policies 3.15 and 3.17.

At the front of the listed building are historic railings and pillars that contribute to the defensive and civic language of the court building and police station. The proposals would remove these features in order to provide a 'more welcoming' entrance to the site and a forecourt for taxi drop off. Again, as this involves the loss of important historic fabric that is considered to contribute to the intrinsic language of the court building and police station, this loss would result in harm to its heritage significance. Whilst it is understood that the aspiration is to create a hotel with a welcoming approach, a more sensitive solution is required that would strike an appropriate balance between the retention of this defensive architectural character and the conversion.

On the whole, the proposals to restore and refurbish the interior spaces are acceptable in principle. This is subject to the detailed designs proposed and the extent to which existing features are to be retained. A full internal survey of all internal fabric should be undertaken to inform the development of the scheme. Substantial and unjustified loss of internal historic fabric would be resisted. Its 'imaginative reuse', as discussed on site, may be appropriate - but this too is subject to detailed design. Ultimately the reading of court building (and police station) must be retained and no important historic fabric should be lost.

As discussed on site, the conversion of the magistrates' chambers on the ground floor to hotel rooms could be acceptable in listed building terms, on the understanding that this would not involve the loss of any historic fabric or any significant subdivision of the rooms. The potential insertion of en suite bathrooms to these spaces was discussed on site. If approached with sufficient imagination, creativity and sensitivity this could be achieved without harming the significance of the listed building. In the case of these rooms, the heritage significance is primarily derived from the proportions of the spaces and the retained original features. A 'pod' approach to the en suites, that ensured the rooms could still be read in their entirety and could be returned to their original proportions eventually, could be acceptable,

subject to detailed design. The removal of late 20th century suspended ceilings throughout would be welcomed.

The proposed use of court 2 as conference facility and court 1 as a café/restaurant are both acceptable in principle, subject to detailed design and the appropriate retention of existing features, including benches, panelling, canopies, ironmongery etc. The practicalities of running such facilities in these spaces without causing damage to the heritage asset also need consideration, as does the potential impact of a café/restaurant with no street frontage. The proposal to reopen the skylight in court one is welcomed.

Whilst it is acknowledged that on the upper floors throughout and the ground floor in the police station, many of the original features have been removed, the plan form/programme of the building remains discernible and should be retained in the development proposals. This may necessitate reconsideration of the proposed layout at the entrance to the police station in particular.

In terms of the new build element proposed in place of the holding cells, fronting onto Queen Elizabeth Street and on the existing service yard, the quantum of development and the height, scale and massing are considered insensitive and likely to result in substantial harm to the listed building. They would overwhelm the existing building, resulting in a fundamental alteration to the existing arrangement, character and experience of the site - i.e. the Tooley Street frontage would go from being the most prominent element to the lowest, dwarfed by the new development. Further detail on townscape, scale and massing is provided below.

Notwithstanding the concerns set out above, the current proposals do not demonstrate sufficient sensitivity in terms of the join between the new and old elements.

As with the impact on the listed building, it is considered that the proposals would result in substantial harm to the Tower Bridge Conservation area, contrary to saved Policy 3.16 particularly as a result of the proposed height, scale and massing and elevational treatment. More detail on this matter is set out below.

Urban Design

In principle, the proposal to create a 'perimeter' block arrangement on the site by introducing a new build element along the Queen Elizabeth Street frontage is considered to be an appropriate urban design response to this site. However, at seven storeys (plus lower ground floor) the height, the scale and massing of this new building is considered inappropriate in townscape terms. It is considerably taller than the predominant form of adjacent buildings, including those along Tower Bridge Road that are identified as contributing positively to the conservation area. This part of the site could accommodate a four to five storey building, respecting the scale established by the existing buildings on the corner with Tower Bridge Road and on the other side of Boss Street as well as the listed building on the application site. This is subject to detailed design and the testing of local views showing the impact on the listed building and the wider conservation area. Whilst it is acknowledged that much of the language of the wider Tower Bridge Conservation Area is derived from large warehouse style buildings, this site has to respond first and foremost to the listed building that it contains. It is not considered appropriate therefore to wrap a two-to-

four storey listed building in a seven-storey contemporary warehouse style building. The scale and massing are inappropriate and would subsume the heritage asset, thus causing substantial harm to its significance, and the 'warehouse' language proposed does not respond well to its style or appearance.

The proposal to fill the existing service yard with new building of up to nine storeys (with one below street level) is also considered inappropriate. Again the impact of this on the listed building is insensitive and overwhelming, thus resulting in substantial harm to its heritage significance. Furthermore, it dilutes the strength of the perimeter block approach by filling the entire site in a manner that is considered too dense to respond appropriately to the existing development patterns in this part of the conservation area. It also results in a cramped and uncomfortable layout with hotel rooms facing each other directly over a small, dark and over enclosed courtyard. Officers are unconvinced that the quality of the hotel accommodation would be appropriate and that the impact on neighbouring residential amenity would be acceptable. It is expected that any demolition of a listed building, or a building in a conservation area would need to be replaced with a new building of exceptionally high quality.

In terms of the proposed elevations and layout of the hotel, officers are also concerned that the new build element would not achieve active frontages along Queen Elizabeth Street or Boss Street. For example, the ground floor plan shows hotel rooms on the ground floor along Queen Elizabeth Street, which is likely to result in a frontage of closed curtains and/or small, obscured openings. This is not considered to comply with the requirement for active frontages in Saved Policy 3.13, or to have the potential to deliver attractive, high quality hotel rooms.

The landscape/ streetscape proposals along Tooley Street and Boss Street need to be considered as the setting for the listed building and in terms of their impact on the conservation area. High quality, appropriate materials and planting are therefore required and there is insufficient information to assess this at present. As discussed above, the removal of the railings and pillars from the front elevation raises concerns about the loss of significant historic fabric and the opening up the ground floor of the building in this manner may compromise the defensive articulation that is considered integral to the architectural significance of this building. A particularly well-balanced and sensitive landscape approach will therefore be required.

As well as being considered inappropriate in terms of the development patterns of this part of the conservation area, the construction of a new building on the existing service yard also reduces the opportunity for this site to deliver a new landscape design within the site that could enhance the setting of the listed building and contribute to biodiversity and a higher quality hotel.

Quality in Design

Policy 3.12 asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. When we consider the quality of a design we look broadly at the fabric, geometry and function of the proposal as they are bound together in the overall concept for the design.

A two-tone material/colour palette is proposed, with reconstituted stone/concrete to pick up on the Portland stone of the listed building and Cor-ten steel to pick up on the red brick tones. In principle, this palette is considered acceptable in principle (subject to the actual materials specified and the quality of detailing), as is the principle of using a contemporary architectural language to distinguish the old from the new. However, Officers do have concerns about the way in which this has been approached, as with the exception of the colours in the material palette, very little reference is made to the listed building on the site. The intention is to create a contemporary interpretation of the warehouse buildings elsewhere in the conservation area. Whilst this might be appropriate on another site, it is not considered to show sufficient regard to the style and appearance of the listed building that it would extend. This should be reconsidered accordingly.

As discussed above, the physical scale and massing proposed are considered inappropriate for the unique context of this site. Similarly, the expression of triple height openings in the new build element and the relationship between solid and void are not considered appropriate. Neither responds sensitively to the listed building; the proportions proposed should be reconsidered accordingly. The elevational treatments proposed also have a clear vertical emphasis. Whilst a degree of verticality is welcomed to pick up on the language of the wider conservation area, given the horizontal emphasis of the listed building on the site, a more appropriate and sensitive balance between the vertical and horizontal should be sought. The proposed elevations also lack a sense of 'base, middle and top'. Not only is this a clear feature of the existing listed building and wider conservation area, in more general terms it is an important way of ensuring the buildings have an appropriate sense of architectural order and legible appearance. It also assists in the creation of active and well-animated facades as discussed above.

Efficient use of land

As currently shown, the proposals are considered to represent significant and unjustified overdevelopment of the site. They are not considered to positively respond to the local context, or to comply with all policies relating to design as required by Saved Policy 3.11. The scale and massing is excessive and would result in substantial harm to the listed building and the setting of the conservation area. The extent of demolition of the heritage asset cannot be justified and the quality of the hotel rooms proposed appears very low. Officers are particularly concerned about the hotel rooms proposed around the very tight courtyard in the centre of the site.

The addition of a two-storey mansard to the listed building is also considered to represent overdevelopment of the site as it would cause substantial harm to the heritage asset and the character of the surrounding townscape.

It is considered that a far more appropriate response, given the specific and unique context of this site, would be to complete the urban block with a 4-5 storey block along Queen Elizabeth Street, the retention of the holding cells to the rear of the magistrate's court (possibly with new build wrapping around or even over it, subject to detailed design – particularly at the junction with the listed building) and a focus on creating a landscaped courtyard in the centre of the site, possibly with some low linking building or pavilions.

Signage

Although it was stated during the site visit that the signage shown on the visualisations of the converted building is not intended to form part of an application at this stage, it should be noted that it is considered unacceptable and intrusive in its current form. It would therefore not comply with Saved Policy 3.23, which states that outdoor signage will only be permitted if it is designed 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.

Key Conclusions on Design

- The extent of demolition of the listed building is unjustified and it is considered that the loss of the holding cells, particularly those that remain largely unaltered on the ground floor to the rear of the magistrates' court, would result in substantial harm to the significance of the listed building. This is contrary to Southwark Policy and the NPPF.
- The addition of a two storey mansard to the listed building would result in substantial harm to its significance and to the wider conservation area.
- The height, scale and massing proposed is excessive. Seven storeys is not appropriate on this part of Queen Elizabeth Street and the construction of even taller elements within the centre of the site would result in an unacceptable impact on the listed building and an insensitive and over developed insertion into the conservation area.
- The architectural language and articulation of the new build elevations is insensitive and does not respond appropriately to the existing listed building or the wider conservation area.

Impact on amenity including residential living conditions

Particular concern in relation to impacts on existing residential properties is raised in respect of the impacts upon the rear elevations and balconies of flats on Tower Bridge Road including Crown Apartments. The proposed building immediately adjacent to the west boundary of the site would result in a significantly oppressive and overbearing outlook for existing residents as well as having impacts on day light. The proposed design solution to overcome this is contrived and the impact on residential living conditions would be exacerbated by the overbearing sense of enclosure from the much higher proposed buildings fronting Queen Elizabeth Street and Boss Street.

Further impacts from the excessive massing of the proposed buildings result for existing residential properties on Boss Street and Queen Elizabeth Street, which could potentially be resolved by a reduction in the overall massing of the proposals.

The day/sun light assessment submitted with the application shows that there are several instances of the BRE guidelines not being met. The conclusions of the assessment, that the results are commensurate with an urban location, is not agreed as justification for the proposed scheme. The impacts arising, including those from overbearing and the visually oppressive form of the development, is a further indicator of the overdeveloped form of development for this site and the need for the overall massing of the proposals to be reconsidered.

Details of all plant including extraction will be required to ensure no adverse impacts arise from noise for neighbouring residents.

Transport and Highways

Servicing and Access

The proposal creates a new service access from Boss Street. Whereas the existing servicing arrangements include a turning area allowing vehicles to exit in a forward gear, the proposed access does not, contrary to saved Policies 3.11 (Efficient Use of Land) and 5.2 (Transport Impacts) of the Southwark Plan. Further detail is required on the expected number of vehicle movements, timings etc, the replacement parking spaces on Boss Street, review of existing accident data, and how the safety of pedestrians and other highway users will be protected.

Doors to refuse facilities need to be designed to not open onto the public highway (contrary to what is shown on drawing A-100-101).

A revised on carriageway parking layout is recommended, including repositioning the existing residential permit parking onto Boss Street and the pay and display parking onto Queen Elizabeth Street. Details of this should be included within the planning application, following liaison with Tim Walker (Senior Highways Engineer) (Tel: 0207 525 2021, email: tim.walker@southwark.gov.uk).

You will need to consult with TfL regarding the access onto Tooley Street. The arrangement will lead to an increased number of vehicles crossing the bus lane and at peak times may result in vehicles blocking the bus access.

The proposed (and reinstatement) of cross overs may require the relocation of statutory undertaker's equipment and plant, details of which should be provided with the planning application.

Visibility splays, including pedestrian inter-visibility splays, are required on either side of the disabled bays and service access. Any boundary treatment within the splays should not exceed 600mm.

Changes to existing traffic orders are likely to be required in which case a sum of £2,750 to amend the Traffic Orders need to be provided for through the s106 agreement.

Cycle Parking

A high provision of cycle parking should be provided for both the hotel use and the gym, restaurant and bar uses. Cycle parking standards for hotel need to accord with the London Plan 2011. Cycle parking for the public should be separate from that for staff. It is required to be secure, convenient and weather proof, using Sheffield stands.

Car/Coach Parking

Other than disabled parking, a car free development is supported given the sustainable location of the site.

Details are required with the application of how visiting coaches will be dealt with.

Transport Assessment

The transport assessment to be provided with the application needs to include all the transport impacts of the proposed development along with mitigation for dealing with issues that arise and details of how this will be secured. Particular attention is required in relation to the various uses within the site including the gym, bar, café and restaurant, along with the highway impact of the proposed in/out access onto Tooley Street.

Travel Plan

A workplace travel plan is required for this development, in accordance with TfL's guidance and Southwark's Sustainable Transport SPD. A Travel Plan monitoring fee of £3000 needs to be provided for within the s106 agreement.

Should you wish to discuss any transport matters please contact Craig Newton (Tel. 0207 525 4004).

Archaeology

The proposal site is located within the Borough, Bermondsey and Rivers Archaeological Priority Zone. Adjacent to this site are the remains of Bronze Age field systems. This area of Southwark contains some of the earliest evidence for arable agriculture in the British Isles and as such the remains are of national importance. An archaeological evaluation is required to be undertaken to determine the nature, depth and survival of the field system remains.

Should such remains be present this will constrain the depth that any basement can be constructed to. It will be necessary to preserve in situ the archaeology of the field systems so the archaeological evaluation will provide a maximum depth of impact for pile caps or ground beams. Any foundation design for the extension will need to take the depth of the field system archaeology into account.

Any application of the nature supplied here will need to be accompanied by a desk-based assessment and an archaeological evaluation. The proposal drawings will need to show the AOD heights of the remains of the field systems and demonstrate that the proposal will ensure the preservation in situ of these remains. The archaeological remains of the field system in the north of the Borough are of national importance and wherever they have been identified they have been preserved in situ.

Energy Efficiency

The proposal needs to demonstrate compliance with Strategic Policy 13 (High Environmental Standards) of the Southwark Core Strategy, including the targets set out on page 114 of the Core Strategy and the need for non-residential development to achieve a BREAM 'excellent' rating. Any exceptions to this will need to be robustly justified in your application.

Flooding and Drainage

A flood risk assessment is required for the application which should be prepared in consultation with the Environment Agency. Local surface water drainage issues also need to be addressed, including the need for Sustainable Urban Drainage Systems (SUDS) to be incorporated into the design of the proposals. Please contact the Council's Flood Risk Manager, John Kissi, to discuss this further and to ensure that

appropriate measures are included at an early stage in the design process (Tel. 020 7525 2062).

S106 and CIL

The application needs to include a detailed Heads of Terms setting out the main provisions to be included in the S106 agreement. These should include robust commitments towards enabling the use of hotel facilities for the community.

In addition to the existing Mayoral CIL the Southwark CIL is expected to be adopted by April 2015.

Required Application Documents

Planning Statement (including assessment of alternative community uses)
 Draft S106 Heads of Terms
 Design and Access Statement
 Heritage Statement including structural survey
 Archaeological Assessment/Evaluation
 Day/sun light Assessment
 Flood risk Assessment (including surface water drainage issues)
 Land contamination Assessment
 Air Quality Assessment
 Noise Impact Assessment
 Biodiversity Report
 Transport Statement and draft Travel Plan
 Sustainability and Energy Statement
 Statement of Community Involvement

Conclusion

The primary issues arising from this proposal are the need to properly justify the loss of the existing D1 community facility, the impacts on the existing listed buildings and conservation area and the impacts upon the living conditions of existing residential properties. Notwithstanding the loss of the community use issue, a hotel would generally be appropriate in this location, however saved Policy 1.12 is clear that a hotel's scale needs to be appropriate to its context and location. In this case the scheme as currently proposed does not do this as is evidenced by the concerns raised above. The quantum of development therefore needs to be significantly reduced on the site, the opportunity for integrating key historic and architectural elements needs to be revisited and the proposal needs to demonstrate that facilities will be provided in perpetuity for the use of the community. Transportation/highways issues also need to be addressed.

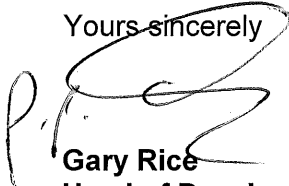
For these reasons I would discourage the submission of an application at this stage as key issues need to be resolved which will require further pre-application submissions. I suggest that a programme for further pre-application submissions and meetings is agreed through a pre-application PPA so these matters can be addressed.

You will appreciate that the above advice is based upon the information you have provided and does not constitute a formal decision of the Council. Following

submission of a planning application, further consultation and publicity will be carried out which may result in additional material issues being raised.

Should you wish to discuss any matter with regard to this advice please contact David Cliff using the contact details at the top of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gary Rice', written over the typed name.

Gary Rice
Head of Development Management

RECOMMENDATION

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

Applicant	DOMINVS HOTELS UK LTD	Reg. Number	15/AP/3303
Application Type	Full Planning Permission	Case	TP/1-209
Recommendation	Grant subject to Legal Agreement and GLA	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.

At: TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211 TOOLEY STREET, LONDON, SE1 2JY

In accordance with application received on 14/08/2015 12:03:34

and Applicant's Drawing Nos. Air quality assessment
 Archaeological Evaluation
 Archaeological desk based assessment
 Written scheme of investigation for archaeological works
 Geo- archaeological fieldwork report
 Built heritage statement
 Daylight and sunlight assessment (28 October 2015)
 Desk study and ground investigation report
 Design and access statement (Revision A)
 Design and access statement addendum
 Draft construction phase plan
 Emergency flood plan
 Environmental acoustic report
 Flood risk assessment (October 2015)
 Planning Statement
 Proposed drainage works report
 Preliminary ecological assessment and preliminary bat roost assessment
 Statement of community involvement
 Statement of community involvement addendum
 Sustainability statement
 Transport statement
 Employee Travel Plan Statement
 Ventilation and extraction statement

and drawings:

Site location plan

A-000-001 Revision P0

Existing	Proposed
	A-050-103 Revision P0
A-025-001 Revision P0	A-100-001 Revision P1
A-025-002 Revision P0	A-100-002 Revision P1
A-025-003 Revision P0	A-100-003 Revision P1
A-025-004 Revision P0	A-100-004 Revision P1

A-025-005 Revision P0	A-100-005 Revision P1
A-025-006 Revision P0	A-100-006 Revision P1
A-025-010 Revision P0	A-100-007 Revision P1
A-025-011 Revision P0	A-100-008 Revision P1
A-025-020 Revision P0	A-100-009 Revision P1
A-025-021 Revision P0	A-110-001 Revision P1
A-025-022 Revision P0	A-110-002 Revision P1
	A-110-003 Revision P1
Demolition drawings:	A-110-004 Revision P1
	A-110-005 Revision P0
A-050-001 Revision P1	A-110-006 Revision P0
A-050-002 Revision P1	A-120-001 Revision P1
A-050-003 Revision P0	A-120-002 Revision P1
A-050-004 Revision P0	A-120-003 Revision P1
A-050-005 Revision P0	A-120-004 Revision P1
A-050-006 Revision P0	A-120-005 Revision P0
A-050-010 Revision P0	A-120-006 Revision P0
A-050-011 Revision P0	A-500-001 Revision P1
A-050-020 Revision P0	A-500-002 Revision P0
A-050-021 Revision P0	
A-050-022 Revision P0	
A-050-101 Revision P0	
A-050-102 Revision P0	
A-050-103 Revision P0	

Subject to the following fourteen 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:

A-050-103 Revision P0
 A-100-001 Revision P1
 A-100-002 Revision P1
 A-100-003 Revision P1
 A-100-004 Revision P1
 A-100-005 Revision P1
 A-100-006 Revision P1
 A-100-007 Revision P1
 A-100-008 Revision P1
 A-100-009 Revision P1
 A-110-001 Revision P1
 A-110-002 Revision P1
 A-110-003 Revision P1
 A-110-004 Revision P1
 A-110-005 Revision P0
 A-110-006 Revision P0
 A-120-001 Revision P1
 A-120-002 Revision P1
 A-120-003 Revision P1
 A-120-004 Revision P1
 A-120-005 Revision P0
 A-120-006 Revision P0
 A-500-001 Revision P1
 A-500-002 Revision P0

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.

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.

- 3 Prior to the commencement of development, a drainage and waste water strategy shall be submitted for approval to the local planning authority in consultation with the sewerage undertaker. The development shall only commence in accordance with any strategy approved.

Reason:

To ensure that there is sufficient wastewater infrastructure capacity for the development in accordance with the National Planning Policy Framework 2012 and policy 5.14 water quality and wastewater infrastructure of the London Plan 2015

- 4 a) Prior to the commencement of any works other than that required as part of a condition of this permission or the related listed building consent, details of a Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

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

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.2 Protection of amenity of the Southwark Plan 2007, strategic policy 13 High environmental standards of the Core Strategy (2011) and the National Planning Policy Framework 2012.

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

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

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with strategic policy 13 `High environmental standards` of the Core Strategy (2011) saved policy 3.2 `Protection of amenity` of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

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.

- 6 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green/brown roof/ living walls/ vertical gardens, terraces and planters, inclining planting and measures to promote biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given, and the green/brown roof/ living walls/ vertical gardens; terraces and planters are to be retained for the duration of the use. Where trees and large shrubs are proposed to be provided within planters, details of irrigation shall be provided such that water is available for the maintenance by mains, grey water or other sustainable drainage specification such as attenuation tanks and automated irrigation systems.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with The National Planning Policy Framework 2012; strategic policies 11 open spaces and wildlife, 12 design and conservation and 13 high environmental standards of the Core Strategy 2011 and saved policies 3.2 protection of amenity, 3.12 quality in design, 3.13 urban design and 3.28 biodiversity of the Southwark Plan 2007.

- 7 Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 8 Section detail-drawings at a scale of 1:5 through the junctions with the existing, listed building shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with National Planning Policy Framework 2012, policy 7.8 heritage assets and archeology of the London Plan 2015, strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 9 Sample panels of all external facing materials to be used in the carrying out of this permission, including 1sqm panels of the proposed brick work, mortar and pointing (featuring both flush and decorative, textured brickwork) shall be presented on site/submitted to the Local Planning Authority and approved in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, strategic policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

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

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

Reason

In order to ensure that satisfactory safe and secure cycle parking and associated facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework 2012; policy 6.9 cycling of the London Plan 2015; strategic policy 2 sustainable transport of the Core Strategy and saved policy 5.3 walking and cycling 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.

- 11 Prior to the commencement of uses hereby authorised, details of sound and odour control from plan shall be submitted to the local planning for approval. The Rating Noise Level (as defined in BS4142: 2014) from plant shall be designed to be at least 10dB below the lowest relevant background level 1m from the facade of nearby noise sensitive receptors.

Reason:

To protect the amenity and living conditions of occupiers of nearby buildings 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.

- 12 Before the commencement of use a Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To secure highway safety and protect the amenity of nearby residents in accordance with National Planning Policy Framework 2012; strategic policies 2 sustainable transport of and 13 high environmental standards of the Core Strategy 2011; policy 7.15 reducing and managing noise, improving and enhancing the acoustic of the London Plan 2015 and saved policies 3.2 protection of amenity and 5.2 transport Impacts 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.

- 13 The doors on Queen Elizabeth Street shall not be used for access and egress after 22:00 on any day except in the case of emergencies.

To protect the amenity and living conditions of occupiers of nearby buildings 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.

- 14 Other than for refuse and recycling, no servicing of the site shall take place from the street.

Reason

To secure highway safety and protect the amenity of nearby residents in accordance with National Planning Policy Framework 2012; strategic policies 2 sustainable transport of and 13 high environmental standards of the Core Strategy 2011; policy 7.15 reducing and managing noise, improving and enhancing the acoustic of the London Plan 2015 and saved policies 3.2 protection of amenity and 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.

Ordnance Survey

Date 19/11/2015



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Item No. 6.4	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 15/AP/3304 for: Listed Building Consent Address: TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211 TOOLEY STREET, LONDON SE1 2JY Proposal: Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class <i>Sui Generis</i>) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.		
Ward(s) or groups affected:	Riverside		
From:	Director of Planning		
Application Start Date 14/08/2015		Application Expiry Date 09/10/2015	
Earliest Decision Date 11/10/2015			

RECOMMENDATION

1. That listed building consent be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is a former magistrates' court and police station which has been vacant since 2013. It is located on the northern side of Tooley Street, east of Tower Bridge Road. It is bound on all sides by residential development: on Boss Street to the east; Queen Elizabeth Street to the north; Tooley Street to the south and the flats of Crown Apartments and Tower Bridge Road to the west. The building itself and attached railings are Grade II listed.
3. Dating from 1906, the building varies from three to four storeys on Tooley Street. The frontage provides a striking representation of the judicial architecture of architect John Dixon Butler, with a combination of red brick and Portland Stone detailing. Behind the main building fronting onto Tooley Street, is built form of a smaller scale; between one and two storeys. A large part of the site in the northeast is free of buildings as it was the yard for the court and police station, providing an open aspect for neighbouring dwellings overlooking this part of the site.
4. The heritage significance of the listed building lies in its external appearance, internal plan form, decorative details and of course its social and historical importance as a

good example of Edwardian judicial architecture. In addition to its flamboyant external appearance, the building contains a number of grand interiors of which the main entrance hall, Courtrooms 1 and 2 and the former magistrates' chambers are fine examples. Less grand but also of historical significance are the cell blocks in the rear part of the building.

5. Historic England have authorised the council to determine the application for listed building consent. That authorisation has been endorsed by the Secretary of State.

Details of proposal

6. Whilst this application is for works to the listed building, including its partial demolition, it is useful to describe the overall proposal for context. A change of use of the building from a police station and magistrates' court to a hotel. The conversion and proposed extension to the rear would result in 198 guest rooms. Other uses proposed include a deli/bar; restaurant and health/fitness centre. The massing of the new build element to the rear would be up to seven storeys on Queen Elizabeth Street but would step down to five storeys where it connects into the listed building. A courtyard would be created in the centre of the site and there would be public realm improvements around the site.

External Works

7. The proposal for the conversion of the site to a hotel and other uses would be facilitated by the demolition of a substantial portion of the rear of the listed building. This demolition would be focused on an area that is presently occupied by the relatively plain and much altered cell blocks and the single storey extension that projects into the yard at the rear of the police station. This would result in the loss of two blocked up fire places and a visible, but substantially altered, chimney. Two of the cells from the demolished cell block would be rebuilt in the proposed restaurant.
8. A new build element would then be constructed to the rear of the remaining listed building, with direct connections between the two created at each floor. The maximum height of the new build element would be seven storeys fronting Queen Elizabeth Street. The 'linking' part of the new build element, where it would directly abut the listed building has been reduced in height by one storey since the initial submission to be five storeys (plus lower ground), which is lower than the height of the listed building.
9. Two mansard roof structures are proposed on top of the main part of the listed building facing Tooley Street. They would be located on the two wings of the main building which would be set back behind the existing balustrade.
10. The works proposed to the highly significant front and side elevations of the main building would be limited to replacement and/or refurbishment of windows. The detail of this would be controlled by a condition requiring a schedule of works and detailed shop drawings of any windows to be replaced. The historic railings and pillars to the front of the building would be retained, but relocated to allow for taxi drop off at the front of the building.

Internal Works

Entrance hall

11. The original timber panelling around the main, double height entrance hall would be mostly retained with some loss where the access point to the new build element would be created. The grand staircase with its iron balustrade would be repaired and

restored, as would the balustrade around the mezzanine. The existing floor patterns, the roof lantern and decorative ceiling mouldings would be restored and low level benches would be retained as far as is possible. Two doors and a window would be filled in at mezzanine level, but these elements do not appear to be original features.

Courtrooms

12. The proposed conversion of Courtroom 1 to a restaurant would necessitate rearranging the existing furniture within. The dock would be refurbished, the dais would be retained and the lantern restored. There is evidence that the courtroom furniture has been moved relatively recently (post 1981), so it is not considered essential for it to be retained in its current arrangement. The details of the proposals can be secured by condition. Further enhancement of historical fabric would be achieved through the exposure of the original parquet floor and restoration of timber panelling.
13. Courtroom 2 would be converted into a meeting room and would be available for community groups, free of charge. Important historical fabric such as the chimney breast; bay window (in the adjacent magistrates' room); timber panelling; roof lantern; dais; and decorative ceiling mouldings would be retained and restored.
14. Courtroom 3 was installed in the 1990s in place of a two bedroom residential apartment over first and second floor. The entire south wing within which courtroom 3 is found was gutted, so there is no remaining historic fabric or original plan form and the proposed conversion of this space to guest rooms is acceptable.

Magistrates' chambers

15. The Magistrates' chambers would be converted into hotel guest rooms. Intervention affecting the historic fabric would be limited by the proposal to insert the bathrooms as central pods within the rooms. Fire places and original windows would be restored.

Upper floors

16. There is limited historic fabric left in the upper floors and the works proposed would not result in loss of any significant fabric. Existing doors would be used and those that have been previously blocked up would be reinstated to provide access. A lift dating from the 1970s would be removed.

Lower ground floor

17. This area was used for servicing and only previously accessed for maintenance. Structural elements would be revealed through the strip out of later additions. There would be some guest rooms created as well as a gym.

Police station

18. The original layout of the police station has been altered considerably over time. As a result, the internal interventions proposed in this part of the building would be greater, thus limiting the need for intervention in the court building. For example, the accessible entrance would go through the former police station.

Planning history

19. 05/AP/2513 Application type: Certificate of Lawfulness - proposed (CLP)

Installation of various works to improve security at the police station namely: A new 3m high palisade fence with 2 separate gated accesses around existing fire escape staircase, a new 3m high palisade fence with rotating raptor spike barrier on top and double gated access in front of the main entrance, new security screens over five low level windows and a new rotating raptor spiked barrier on top of the existing perimeter wall.

Decision date 25/01/2006 Decision: Grant (GRA)

20. 13/EQ/0216 Application type: Pre-Application Enquiry (ENQ)

Redevelopment of site into a hotel and refurbishment plus a 4 storey extension.

Decision date 21/11/2013 Decision: Pre-application enquiry closed (EQC)

21. 14/EQ/0196 Application type: Pre-Application Enquiry (ENQ)

Part demolition, alteration and extension of existing building, construction of new build floorspace and excavation to provide a 7 storey building for hotel use (use class C1) at lower ground, ground and 1st to 6th floors (224 bedrooms) restaurant and cafe use (use class A3) hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

Decision date 18/12/2014 Decision: Pre-application enquiry closed (EQC)

22. 15/EQ/0053 Application type: Pre-Application Enquiry (ENQ)

Part demolition, alteration and extension of existing building, construction of new build floorspace and excavation to provide a 6 storey building for hotel use (use class C1) at lower ground, ground and 1st to 5th floors (206 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

Decision date 14/09/2015 Decision: Pre-application enquiry closed (EQC)

The response to this enquiry is contained in Appendix 3 to this report.

23. 15/AP/3303. Application type: Full Planning Permission (FUL)

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.

24. This is the planning application associated to the LBC for which this report has been prepared and will be presented to members for consideration at the same meeting.

Planning history of adjoining sites

25. None of particular relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

26. The main issues to be considered in respect of this application is:
- a. The impact that the proposal would have on the heritage asset.

Planning policy

27. National Planning Policy Framework (the Framework) 2012

Section 12 conserving and enhancing the historic environment

28. London Plan 2015

Policy 7.8 Heritage assets and archaeology

Core Strategy 2011

Strategic Policy 12 Design and Conservation

Southwark Plan 2007 (July) - saved policies

29. 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. The following policies are relevant to this application:

Policy 3.17 Listed buildings

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

Summary of consultation responses

30. Several objections from local residents have been received in response to this proposal. While they refer mainly to matters relevant to the planning application related to this application for Listed Building Consent, concerns regarding the impact on the listed building have been expressed. These include the impact that the scale of the new building would have on its setting and the potential impact of demolition.
31. The impact on the setting of the listed building is addressed in the report for the planning application whilst the impact of the demolition and works to the listed building are addressed below.
32. The Historic Buildings and Conservation Committee of the London and Middlesex Archaeological Society have no objections to the proposal subject to details, materials and 'making good' conditions. As referred to above, Historic England have authorised the council to determine the application.

The impact that the proposal would have on the heritage asset

33. As required by the Framework, the significance of the listed building has been

identified above. After identifying the significance, the assessment of the impact of development on a heritage asset requires consideration of any harm to that heritage significance and in cases where harm is identified, an assessment of whether the resultant public benefits would outweigh it.

34. The works proposed are described above. The significance of the listed building lies primarily in its ornate external appearance, particularly fronting onto Tooley Street and the surviving historic fabric and plan form, particularly within the magistrates' court.
35. The most significant parts of the building would be retained through this proposal and crucially some internal features would be enhanced, including the lanterns within the entrance hall and courtrooms that are currently obscured. However, demolition is proposed for the historically significant cell blocks to the rear of the listed building. While much of the two cell blocks has been substantially altered in the past, those on the ground floor of the block to the rear of the magistrates' courts retain their original plan form and historic fabric, including cell doors, wooden benches and distinctive internal tiling. There would also be some alterations to the surviving plan form in parts of the building and the loss of some other historic fabric. This would result in some harm to this listed building. The question is: what degree of harm would be caused and would this be outweighed by the public benefits of the proposal?
36. In the terms of reference established by the Framework, it is considered that the harm would be 'less than substantial'. Although the cell blocks would be lost, the fabric of two of the most significant cells would be retained and they would be rebuilt in their original location. Furthermore, the most significant elements of the listed building would be retained. The addition of mansards would similarly cause less than substantial harm, as would the erection of the new build element. The assessment of less than substantial harm is one that is shared by Historic England.
37. The public benefits of the proposal would include bringing the site back into use and securing its longer term future. Another significant public benefit of the proposal would be the creation of public access to a heritage asset to which public access has been necessarily restricted. The entrance hall and Courtroom 1 would be accessible to the general public with the latter being converted to a restaurant. There would be meeting rooms available to community groups and the health and fitness area in the lower ground floor would be open for its members to access. It is therefore the case that the public benefits of the scheme would outweigh the less than substantial harm that would be caused to the listed building. As such, the proposals are considered to comply with the Framework.
38. By preserving, conserving and restoring the most significant parts of the listed building, its special architectural and historic interest would be preserved. Following the reduction in height of the 'linking' structure proposed, the form of the new build element would be perceived as separate from and subordinate to the listed building. The development would thus comply with relevant policies in the council's development plan and it is recommended that consent be given subject to conditions.

Conclusion on planning issues

39. The work to the listed building, including its partial demolition, would result in less than substantial harm to the heritage asset. Such harm would be outweighed by the public benefit of the proposal, including the longer term preservation of the building and the restoration and enhancement of historical fabric. It would also result in the building being available for greater public access.

Community impact statement

40. In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No group with the above protected characteristics are expected to be adversely affected by the proposal.

Consultations

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

Consultation replies

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

Human rights implications

43. 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.
44. This application has the legitimate aim of demolition part of a listed building, external and internal works to it. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1-209 Application file: 15/AP/3304 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

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-application letter
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Dipesh Patel, Team Leader, Major Applications	
Version	Final	
Dated	19 November 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team		19 November 2015

APPENDIX 1**Consultation undertaken****Site notice date:** 11/09/2015**Press notice date:** 10/09/2015**Case officer site visit date:** 16/09/2015**Neighbour consultation letters sent:** n/a**Internal services consulted:**

n/a

Statutory and non-statutory organisations consulted:

Council for British Archaeology
 English Heritage Ancient Scheduled Monuments
 Historic England
 The Georgian Group
 The Victorian Society

Neighbour and local groups consulted:

Flat 8 Crown Apartments SE1 2LL

4 Horselydown Lane SE1 2LN

4 Horselydown Lane SE1 2LN

Flat 5 Crown Apartments 2 Queen Elizabeth Street
SE1 2LLFlat 1 Crown Apartments 2 Queen
Elizabeth Street SE1 2LL

Flat 2 2 Crown Apartments SE1 2LL

Flat 10 Crown Apartments XYZ

Southbank Technopark 90 London Rd
SE1 6LN224 Empire Square West Long Lane
SE1 4NL**Re-consultation:** 10/11/2015**APPENDIX 2****Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

Council for British Archaeology
 Historic England

Neighbours and local groups

Flat 1 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 1 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 10 Crown Apartments XYZ
Flat 2 2 Crown Apartments SE1 2LL
Flat 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 8 Crown Apartments SE1 2LL
Flat 8 Crown Apartments SE1 2LL
Southbank Technopark 90 London Rd SE1 6LN
224 Empire Square West Long Lane SE1 4NL
4 Horselydown Lane SE1 2LN



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

Will Thompson
 CgMs Consulting
 7th Floor
 140 London Wall
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Your Ref: WT/DF/17246
Our Ref: 14/EQ/0196
Contact: David Cliff
Telephone: 02075 254351
E-Mail: planning.applications@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 18th December 2014

Dear Mr Thompson,

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

At: Former Tower Bridge Magistrates' Court and Police Station, 209-211 Tooley Street, London

Proposal: Part demolition, alteration and extension of existing building, construction of new build floor space and excavation to provide a 7 storey building for hotel use (Use Class C1) at lower ground, ground and 1st to 6th floors (224 bedrooms), restaurant and café use (Use Class A3), hotel bar use (Use Class A4) and leisure use (Use Class D2), with associated vehicle and cycle parking, landscaping, plant and engineering works.

I am writing in response to your pre-application enquiry received on 12th September 2014 and following subsequent discussions with officers at a meeting on 27th October where the proposals were discussed in detail.

Summary of Key Issues

- Loss of the existing community facility needs to be fully addressed. Full justification is required to demonstrate that the facility is surplus to requirements as a community facility.
- To help demonstrate that the benefits of the proposed hotel outweigh the dis-benefits of the loss of the community use, facilities within the hotel need to be secured in perpetuity for the use of the community.

- The extent of demolition of the listed building is unjustified and it is considered that the loss of the holding cells, particularly those that remain largely unaltered on the ground floor to the rear of the magistrates' court, would result in substantial harm to the significance of the listed building. This is contrary to Southwark Policy and the NPPF.
- The addition of a two storey mansard to the listed building would result in substantial harm to its significance and to the wider conservation area.
- The height, scale and massing proposed is excessive. Seven storeys is not appropriate on this part of Queen Elizabeth Street and the construction of even taller elements within the centre of the site would result in an unacceptable impact on the listed building and an insensitive and over developed insertion into the conservation area.
- Features of historic interest within the existing building need to be imaginatively incorporated into the overall designs.
- The architectural language and articulation of the new build elevations is insensitive and does not respond appropriately to the existing listed building or the wider conservation area.
- The massing of the proposals also need to be reconsidered and reduced in order to preserve the reasonable living conditions of existing residential properties adjacent to the site.
- Detailed transport and highway issues need to be addressed.

Principle Land Use Issues

The loss of the existing D1 use:

In terms of land use, the proposal seeks to change the existing D1 use (non-residential institutions) to a hotel use (Class C1) along with restaurant, bar and leisure uses. In response to saved Policy 2.1 (Enhancement of Community Facilities) of the Southwark Plan, the submitted planning appraisal includes the argument that the magistrate's court is surplus to requirements following reviews carried out by the Ministry of Justice which lead to the closure of the court in 2013, with the service being transferred to Croydon Magistrates Court, which, it is argued, is still accessible for residents of Southwark. The appraisal also argues that a magistrate's court use is distinct from other D1 uses and that the use only became D1 in 2006 on the basis that courts have similar planning impacts to other D1 uses. It concludes that the relocation or loss of the previous uses to locations elsewhere in London has not caused harm to the local community.

This assessment does not, however, provide any evidence of whether the existing 'D1' community use of the building is surplus to community requirements, not just the previous specific use of the building as a magistrate's court. This is also required by the Policy 2.1 as concluded by a recent appeal decision at 2 Trundle Street (**APP/A5840/A/13/2208900**) and made clear by Policy 3.16 (Protection and Enhancement of Social Infrastructure) of the London Plan which states that the suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

On the face of it, there appears to be no good reason why the existing building should not be capable of being used by another D1 use of benefit to the local community. I understand that the building has not been previously marketed for D1

use which normally would provide a good indicator of potential uses. In this context, robust justification is required with the application to demonstrate that the existing buildings are not suitable for use for other D1 uses.

Proposed hotel

Policy 1.12 (Hotels and Visitor Accommodation) of the Southwark Plan encourage hotels in areas of high public transport accessibility. As set out in your assessment, and notwithstanding the loss of D1 issue, the site would in principle be a suitable location for a hotel development, though its scale needs to be appropriate to the context and location, a matter I will return to later in this letter as there are significant concerns in this respect.

Bearing in mind the issues set out above regarding the loss of the existing D1 use, I advise that the proposed hotel should include uses which are accessible to the community in the vicinity of the site. I note the inclusion of a gym, bar, restaurant and café within the current proposals, all of which are capable of being used by the wider community as well as just hotel users. Similarly, meeting rooms should be made available for the wider community including for local functions. Such provision would need to be properly secured through a s106 legal agreement, including details to secure open, affordable and long-standing use by the community. This is likely to carry weight in balancing the benefits of the proposal against the dis-benefits of the loss of the existing D1 facility. It would also to help to create an active frontage to this part of Tooley Street.

Design and Conservation

Existing Buildings

The existing building is Grade II listed and found in the Tower Bridge Conservation Area. The site occupies the eastern two thirds of an entire urban block. The western third, outside the red line, is defined by 196 to 200 Tower Bridge Road, buildings that have been identified as making a positive contribution to the Tower Bridge Conservation Area.

The Magistrates' Court and police station wrap around the southern and eastern edges of the block. To the north is a gated service yard, opening onto Queen Elizabeth Street. Whilst addressing Tooley Street very positively, this arrangement results in a lack of street frontage along Queen Elizabeth Street. The sensitive development of this site offers the potential to improve this without harming the significance of the heritage assets.

The existing building is between two and three storeys in height (plus an attic floor). As the ground floor is raised and the internal floor-to-ceiling dimensions are generous, it is perceived as taller than this would suggest. It comprises the former magistrates court and holding cells to the south and east and the former police station and holding cells to the west. It has a grand, decorative, Edwardian baroque style frontage onto Tooley Street with cell blocks to the rear. The predominant material throughout is red brick, but the primary frontage onto Tooley Street also has a heavily rusticated Portland stone base and decorative Portland stone detailing.

Whilst, the condition of the interior differs from room to room, but there are some fine internal features that should be retained and the historic plan form, whilst altered, is clearly discernible throughout. Some of the rooms, including the main entrance to

the magistrates' court, court rooms 1 and 2 and the magistrates' chambers retain particularly significant historic features and fabric that should be retained. In general, the police station has been altered more significantly than the magistrates' court, but the programme of the building remains discernable through the plan form and few remaining internal features, the loss of which would be resisted.

The heritage significance of this listed building is considered to be derived from the quality and completeness of the front elevation, the historic plan form of the building and the historic interest of the complex as a whole, including police station, court building and holding cells. The loss of any constituent part of this complex would be considered to represent substantial harm to its heritage significance.

Impacts of proposals

The proposals under consideration would restore and refurbish much of the existing Grade II listed building, but would also demolish all of the holding cells to the rear of both the police station and magistrates' court. New buildings would be introduced along the Queen Elizabeth Street frontage and on the existing service yard.

As currently proposed, it is considered that the extent of demolition proposed at the former Tower Bridge Magistrates Court would be contrary to the NPPF and Saved Policies 3.15 and 3.17 of the Southwark Plan. Primarily, this is a result of the significant loss of important historic fabric proposed. As stated in paragraph 133 of the NPPF, proposals that would result in substantial harm to a heritage asset should be refused unless it can be demonstrated that "*substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use."*

It is not considered that the demolition of the cell blocks to build hotel rooms and leisure uses would provide substantial public benefit to outweigh the harm to and loss of the heritage asset and it is not considered that **all** of the criteria set out in paragraph 133 of the NPPF apply. The cellblocks, particularly those that remain intact on the ground floor to the rear of the magistrates' courts are considered important historic fabric that contribute to the historic significance and character of the listed building. Whilst it is acknowledged that their conversion would not be as straight forward as other parts of the building, this is not considered sufficient justification for their demolition. Schemes in other parts of the country demonstrate that cellblocks can be incorporated into characterful and successful conversion projects.

Whilst the cells to the rear of the police station have undergone alteration in the past (e.g. cells have been knocked together to form larger spaces), those to the rear of the magistrates' court remain largely in tact. On the ground floor it is apparent that very little alteration has occurred. On the upper floors, whilst the fit out is of the late 20th century, the original fabric and layout of the cells appears to remain, including

the original windows hidden behind suspended ceilings. Other features of interest (whether original or later additions) such as the staircase in the cell blocks also remain and contribute well to the functional language of this space and the way in which it contrasts with the sense of grandeur in the immediately adjacent court building. This is considered to be significant in terms of the character of the complex as a whole.

The proposals would also include the construction of a two-storey mansard roof top addition to the listed building. This would fundamentally change the character of the prominent Tooley Street elevation in a manner that would be detrimental to its special architectural interest and result in substantial harm to the significance of the heritage asset. This elevation is considered to be a complete composition, not only in terms of its architectural articulation, but also in terms of its proportion and scale. It has not had a mansard roof in the past and there is no evidence that the architect intended for it to ever have one. Indeed, the prominent stone attic storey is considered to clearly terminate the building well. The argument that the architect used mansard roofs on other buildings is therefore not considered sufficient justification for this addition. It would therefore not comply with the NPPF and Saved Policies 3.15 and 3.17.

At the front of the listed building are historic railings and pillars that contribute to the defensive and civic language of the court building and police station. The proposals would remove these features in order to provide a 'more welcoming' entrance to the site and a forecourt for taxi drop off. Again, as this involves the loss of important historic fabric that is considered to contribute to the intrinsic language of the court building and police station, this loss would result in harm to its heritage significance. Whilst it is understood that the aspiration is to create a hotel with a welcoming approach, a more sensitive solution is required that would strike an appropriate balance between the retention of this defensive architectural character and the conversion.

On the whole, the proposals to restore and refurbish the interior spaces are acceptable in principle. This is subject to the detailed designs proposed and the extent to which existing features are to be retained. A full internal survey of all internal fabric should be undertaken to inform the development of the scheme. Substantial and unjustified loss of internal historic fabric would be resisted. Its 'imaginative reuse', as discussed on site, may be appropriate - but this too is subject to detailed design. Ultimately the reading of court building (and police station) must be retained and no important historic fabric should be lost.

As discussed on site, the conversion of the magistrates' chambers on the ground floor to hotel rooms could be acceptable in listed building terms, on the understanding that this would not involve the loss of any historic fabric or any significant subdivision of the rooms. The potential insertion of en suite bathrooms to these spaces was discussed on site. If approached with sufficient imagination, creativity and sensitivity this could be achieved without harming the significance of the listed building. In the case of these rooms, the heritage significance is primarily derived from the proportions of the spaces and the retained original features. A 'pod' approach to the en suites, that ensured the rooms could still be read in their entirety and could be returned to their original proportions eventually, could be acceptable,

subject to detailed design. The removal of late 20th century suspended ceilings throughout would be welcomed.

The proposed use of court 2 as conference facility and court 1 as a café/restaurant are both acceptable in principle, subject to detailed design and the appropriate retention of existing features, including benches, panelling, canopies, ironmongery etc. The practicalities of running such facilities in these spaces without causing damage to the heritage asset also need consideration, as does the potential impact of a café/restaurant with no street frontage. The proposal to reopen the skylight in court one is welcomed.

Whilst it is acknowledged that on the upper floors throughout and the ground floor in the police station, many of the original features have been removed, the plan form/programme of the building remains discernible and should be retained in the development proposals. This may necessitate reconsideration of the proposed layout at the entrance to the police station in particular.

In terms of the new build element proposed in place of the holding cells, fronting onto Queen Elizabeth Street and on the existing service yard, the quantum of development and the height, scale and massing are considered insensitive and likely to result in substantial harm to the listed building. They would overwhelm the existing building, resulting in a fundamental alteration to the existing arrangement, character and experience of the site - i.e. the Tooley Street frontage would go from being the most prominent element to the lowest, dwarfed by the new development. Further detail on townscape, scale and massing is provided below.

Notwithstanding the concerns set out above, the current proposals do not demonstrate sufficient sensitivity in terms of the join between the new and old elements.

As with the impact on the listed building, it is considered that the proposals would result in substantial harm to the Tower Bridge Conservation area, contrary to saved Policy 3.16 particularly as a result of the proposed height, scale and massing and elevational treatment. More detail on this matter is set out below.

Urban Design

In principle, the proposal to create a 'perimeter' block arrangement on the site by introducing a new build element along the Queen Elizabeth Street frontage is considered to be an appropriate urban design response to this site. However, at seven storeys (plus lower ground floor) the height, the scale and massing of this new building is considered inappropriate in townscape terms. It is considerably taller than the predominant form of adjacent buildings, including those along Tower Bridge Road that are identified as contributing positively to the conservation area. This part of the site could accommodate a four to five storey building, respecting the scale established by the existing buildings on the corner with Tower Bridge Road and on the other side of Boss Street as well as the listed building on the application site. This is subject to detailed design and the testing of local views showing the impact on the listed building and the wider conservation area. Whilst it is acknowledged that much of the language of the wider Tower Bridge Conservation Area is derived from large warehouse style buildings, this site has to respond first and foremost to the listed building that it contains. It is not considered appropriate therefore to wrap a two-to-

four storey listed building in a seven-storey contemporary warehouse style building. The scale and massing are inappropriate and would subsume the heritage asset, thus causing substantial harm to its significance, and the 'warehouse' language proposed does not respond well to its style or appearance.

The proposal to fill the existing service yard with new building of up to nine storeys (with one below street level) is also considered inappropriate. Again the impact of this on the listed building is insensitive and overwhelming, thus resulting in substantial harm to its heritage significance. Furthermore, it dilutes the strength of the perimeter block approach by filling the entire site in a manner that is considered too dense to respond appropriately to the existing development patterns in this part of the conservation area. It also results in a cramped and uncomfortable layout with hotel rooms facing each other directly over a small, dark and over enclosed courtyard. Officers are unconvinced that the quality of the hotel accommodation would be appropriate and that the impact on neighbouring residential amenity would be acceptable. It is expected that any demolition of a listed building, or a building in a conservation area would need to be replaced with a new building of exceptionally high quality.

In terms of the proposed elevations and layout of the hotel, officers are also concerned that the new build element would not achieve active frontages along Queen Elizabeth Street or Boss Street. For example, the ground floor plan shows hotel rooms on the ground floor along Queen Elizabeth Street, which is likely to result in a frontage of closed curtains and/or small, obscured openings. This is not considered to comply with the requirement for active frontages in Saved Policy 3.13, or to have the potential to deliver attractive, high quality hotel rooms.

The landscape/ streetscape proposals along Tooley Street and Boss Street need to be considered as the setting for the listed building and in terms of their impact on the conservation area. High quality, appropriate materials and planting are therefore required and there is insufficient information to assess this at present. As discussed above, the removal of the railings and pillars from the front elevation raises concerns about the loss of significant historic fabric and the opening up the ground floor of the building in this manner may compromise the defensive articulation that is considered integral to the architectural significance of this building. A particularly well-balanced and sensitive landscape approach will therefore be required.

As well as being considered inappropriate in terms of the development patterns of this part of the conservation area, the construction of a new building on the existing service yard also reduces the opportunity for this site to deliver a new landscape design within the site that could enhance the setting of the listed building and contribute to biodiversity and a higher quality hotel.

Quality in Design

Policy 3.12 asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. When we consider the quality of a design we look broadly at the fabric, geometry and function of the proposal as they are bound together in the overall concept for the design.

A two-tone material/colour palette is proposed, with reconstituted stone/concrete to pick up on the Portland stone of the listed building and Cor-ten steel to pick up on the red brick tones. In principle, this palette is considered acceptable in principle (subject to the actual materials specified and the quality of detailing), as is the principle of using a contemporary architectural language to distinguish the old from the new. However, Officers do have concerns about the way in which this has been approached, as with the exception of the colours in the material palette, very little reference is made to the listed building on the site. The intention is to create a contemporary interpretation of the warehouse buildings elsewhere in the conservation area. Whilst this might be appropriate on another site, it is not considered to show sufficient regard to the style and appearance of the listed building that it would extend. This should be reconsidered accordingly.

As discussed above, the physical scale and massing proposed are considered inappropriate for the unique context of this site. Similarly, the expression of triple height openings in the new build element and the relationship between solid and void are not considered appropriate. Neither responds sensitively to the listed building; the proportions proposed should be reconsidered accordingly. The elevational treatments proposed also have a clear vertical emphasis. Whilst a degree of verticality is welcomed to pick up on the language of the wider conservation area, given the horizontal emphasis of the listed building on the site, a more appropriate and sensitive balance between the vertical and horizontal should be sought. The proposed elevations also lack a sense of 'base, middle and top'. Not only is this a clear feature of the existing listed building and wider conservation area, in more general terms it is an important way of ensuring the buildings have an appropriate sense of architectural order and legible appearance. It also assists in the creation of active and well-animated facades as discussed above.

Efficient use of land

As currently shown, the proposals are considered to represent significant and unjustified overdevelopment of the site. They are not considered to positively respond to the local context, or to comply with all policies relating to design as required by Saved Policy 3.11. The scale and massing is excessive and would result in substantial harm to the listed building and the setting of the conservation area. The extent of demolition of the heritage asset cannot be justified and the quality of the hotel rooms proposed appears very low. Officers are particularly concerned about the hotel rooms proposed around the very tight courtyard in the centre of the site.

The addition of a two-storey mansard to the listed building is also considered to represent overdevelopment of the site as it would cause substantial harm to the heritage asset and the character of the surrounding townscape.

It is considered that a far more appropriate response, given the specific and unique context of this site, would be to complete the urban block with a 4-5 storey block along Queen Elizabeth Street, the retention of the holding cells to the rear of the magistrate's court (possibly with new build wrapping around or even over it, subject to detailed design – particularly at the junction with the listed building) and a focus on creating a landscaped courtyard in the centre of the site, possibly with some low linking building or pavilions.

Signage

Although it was stated during the site visit that the signage shown on the visualisations of the converted building is not intended to form part of an application at this stage, it should be noted that it is considered unacceptable and intrusive in its current form. It would therefore not comply with Saved Policy 3.23, which states that outdoor signage will only be permitted if it is designed 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.

Key Conclusions on Design

- The extent of demolition of the listed building is unjustified and it is considered that the loss of the holding cells, particularly those that remain largely unaltered on the ground floor to the rear of the magistrates' court, would result in substantial harm to the significance of the listed building. This is contrary to Southwark Policy and the NPPF.
- The addition of a two storey mansard to the listed building would result in substantial harm to its significance and to the wider conservation area.
- The height, scale and massing proposed is excessive. Seven storeys is not appropriate on this part of Queen Elizabeth Street and the construction of even taller elements within the centre of the site would result in an unacceptable impact on the listed building and an insensitive and over developed insertion into the conservation area.
- The architectural language and articulation of the new build elevations is insensitive and does not respond appropriately to the existing listed building or the wider conservation area.

Impact on amenity including residential living conditions

Particular concern in relation to impacts on existing residential properties is raised in respect of the impacts upon the rear elevations and balconies of flats on Tower Bridge Road including Crown Apartments. The proposed building immediately adjacent to the west boundary of the site would result in a significantly oppressive and overbearing outlook for existing residents as well as having impacts on day light. The proposed design solution to overcome this is contrived and the impact on residential living conditions would be exacerbated by the overbearing sense of enclosure from the much higher proposed buildings fronting Queen Elizabeth Street and Boss Street.

Further impacts from the excessive massing of the proposed buildings result for existing residential properties on Boss Street and Queen Elizabeth Street, which could potentially be resolved by a reduction in the overall massing of the proposals.

The day/sun light assessment submitted with the application shows that there are several instances of the BRE guidelines not being met. The conclusions of the assessment, that the results are commensurate with an urban location, is not agreed as justification for the proposed scheme. The impacts arising, including those from overbearing and the visually oppressive form of the development, is a further indicator of the overdeveloped form of development for this site and the need for the overall massing of the proposals to be reconsidered.

Details of all plant including extraction will be required to ensure no adverse impacts arise from noise for neighbouring residents.

Transport and Highways

Servicing and Access

The proposal creates a new service access from Boss Street. Whereas the existing servicing arrangements include a turning area allowing vehicles to exit in a forward gear, the proposed access does not, contrary to saved Policies 3.11 (Efficient Use of Land) and 5.2 (Transport Impacts) of the Southwark Plan. Further detail is required on the expected number of vehicle movements, timings etc, the replacement parking spaces on Boss Street, review of existing accident data, and how the safety of pedestrians and other highway users will be protected.

Doors to refuse facilities need to be designed to not open onto the public highway (contrary to what is shown on drawing A-100-101).

A revised on carriageway parking layout is recommended, including repositioning the existing residential permit parking onto Boss Street and the pay and display parking onto Queen Elizabeth Street. Details of this should be included within the planning application, following liaison with Tim Walker (Senior Highways Engineer) (Tel: 0207 525 2021, email: tim.walker@southwark.gov.uk).

You will need to consult with TfL regarding the access onto Tooley Street. The arrangement will lead to an increased number of vehicles crossing the bus lane and at peak times may result in vehicles blocking the bus access.

The proposed (and reinstatement) of cross overs may require the relocation of statutory undertaker's equipment and plant, details of which should be provided with the planning application.

Visibility splays, including pedestrian inter-visibility splays, are required on either side of the disabled bays and service access. Any boundary treatment within the splays should not exceed 600mm.

Changes to existing traffic orders are likely to be required in which case a sum of £2,750 to amend the Traffic Orders need to be provided for through the s106 agreement.

Cycle Parking

A high provision of cycle parking should be provided for both the hotel use and the gym, restaurant and bar uses. Cycle parking standards for hotel need to accord with the London Plan 2011. Cycle parking for the public should be separate from that for staff. It is required to be secure, convenient and weather proof, using Sheffield stands.

Car/Coach Parking

Other than disabled parking, a car free development is supported given the sustainable location of the site.

Details are required with the application of how visiting coaches will be dealt with.

Transport Assessment

The transport assessment to be provided with the application needs to include all the transport impacts of the proposed development along with mitigation for dealing with issues that arise and details of how this will be secured. Particular attention is required in relation to the various uses within the site including the gym, bar, café and restaurant, along with the highway impact of the proposed in/out access onto Tooley Street.

Travel Plan

A workplace travel plan is required for this development, in accordance with TfL's guidance and Southwark's Sustainable Transport SPD. A Travel Plan monitoring fee of £3000 needs to be provided for within the s106 agreement.

Should you wish to discuss any transport matters please contact Craig Newton (Tel. 0207 525 4004).

Archaeology

The proposal site is located within the Borough, Bermondsey and Rivers Archaeological Priority Zone. Adjacent to this site are the remains of Bronze Age field systems. This area of Southwark contains some of the earliest evidence for arable agriculture in the British Isles and as such the remains are of national importance. An archaeological evaluation is required to be undertaken to determine the nature, depth and survival of the field system remains.

Should such remains be present this will constrain the depth that any basement can be constructed to. It will be necessary to preserve in situ the archaeology of the field systems so the archaeological evaluation will provide a maximum depth of impact for pile caps or ground beams. Any foundation design for the extension will need to take the depth of the field system archaeology into account.

Any application of the nature supplied here will need to be accompanied by a desk-based assessment and an archaeological evaluation. The proposal drawings will need to show the AOD heights of the remains of the field systems and demonstrate that the proposal will ensure the preservation in situ of these remains. The archaeological remains of the field system in the north of the Borough are of national importance and wherever they have been identified they have been preserved in situ.

Energy Efficiency

The proposal needs to demonstrate compliance with Strategic Policy 13 (High Environmental Standards) of the Southwark Core Strategy, including the targets set out on page 114 of the Core Strategy and the need for non-residential development to achieve a BREAM 'excellent' rating. Any exceptions to this will need to be robustly justified in your application.

Flooding and Drainage

A flood risk assessment is required for the application which should be prepared in consultation with the Environment Agency. Local surface water drainage issues also need to be addressed, including the need for Sustainable Urban Drainage Systems (SUDS) to be incorporated into the design of the proposals. Please contact the Council's Flood Risk Manager, John Kissi, to discuss this further and to ensure that

appropriate measures are included at an early stage in the design process (Tel. 020 7525 2062).

S106 and CIL

The application needs to include a detailed Heads of Terms setting out the main provisions to be included in the S106 agreement. These should include robust commitments towards enabling the use of hotel facilities for the community.

In addition to the existing Mayoral CIL the Southwark CIL is expected to be adopted by April 2015.

Required Application Documents

Planning Statement (including assessment of alternative community uses)
 Draft S106 Heads of Terms
 Design and Access Statement
 Heritage Statement including structural survey
 Archaeological Assessment/Evaluation
 Day/sun light Assessment
 Flood risk Assessment (including surface water drainage issues)
 Land contamination Assessment
 Air Quality Assessment
 Noise Impact Assessment
 Biodiversity Report
 Transport Statement and draft Travel Plan
 Sustainability and Energy Statement
 Statement of Community Involvement

Conclusion

The primary issues arising from this proposal are the need to properly justify the loss of the existing D1 community facility, the impacts on the existing listed buildings and conservation area and the impacts upon the living conditions of existing residential properties. Notwithstanding the loss of the community use issue, a hotel would generally be appropriate in this location, however saved Policy 1.12 is clear that a hotel's scale needs to be appropriate to its context and location. In this case the scheme as currently proposed does not do this as is evidenced by the concerns raised above. The quantum of development therefore needs to be significantly reduced on the site, the opportunity for integrating key historic and architectural elements needs to be revisited and the proposal needs to demonstrate that facilities will be provided in perpetuity for the use of the community. Transportation/highways issues also need to be addressed.

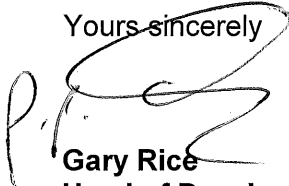
For these reasons I would discourage the submission of an application at this stage as key issues need to be resolved which will require further pre-application submissions. I suggest that a programme for further pre-application submissions and meetings is agreed through a pre-application PPA so these matters can be addressed.

You will appreciate that the above advice is based upon the information you have provided and does not constitute a formal decision of the Council. Following

submission of a planning application, further consultation and publicity will be carried out which may result in additional material issues being raised.

Should you wish to discuss any matter with regard to this advice please contact David Cliff using the contact details at the top of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gary Rice', written over the typed name.

Gary Rice
Head of Development Management

RECOMMENDATION

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

Applicant	Dominvs Hotels Uk Ltd	Reg. Number	15/AP/3304
Application Type	Listed Building Consent	Case	TP/1-209
Recommendation	Grant permission	Number	

Draft of Decision Notice

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

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.

At: TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211 TOOLEY STREET, LONDON, SE1 2JY

In accordance with application received on 14/08/2015

and Applicant's Drawing Nos. Air quality assessment

Archaeological Evaluation

Archaeological desk based assessment

Written scheme of investigation for archaeological works

Geo- archaeological fieldwork report

Built heritage statement

Daylight and sunlight assessment (28 October 2015)

Desk study and ground investigation report

Design and access statement (Revision A)

Design and access statement addendum

Draft construction phase plan

Emergency flood plan

Environmental acoustic report

Flood risk assessment (October 2015)

Planning Statement

Proposed drainage works report

Preliminary ecological assessment and preliminary bat roost assessment

Statement of community involvement

Statement of community involvement addendum

Sustainability statement

Transport statement

Employee Travel Plan Statement

Ventilation and extraction statement

and drawings:

Site location plan

A-000-001 Revision P0

Existing

Proposed

A-025-001 Revision P0

A-050-103 Revision P0

A-025-002 Revision P0

A-100-001 Revision P1

A-025-003 Revision P0

A-100-002 Revision P1

A-025-004 Revision P0

A-100-003 Revision P1

A-100-004 Revision P1

A-025-005 Revision P0	A-100-005 Revision P1
A-025-006 Revision P0	A-100-006 Revision P1
A-025-010 Revision P0	A-100-007 Revision P1
A-025-011 Revision P0	A-100-008 Revision P1
A-025-020 Revision P0	A-100-009 Revision P1
A-025-021 Revision P0	A-110-001 Revision P1
A-025-022 Revision P0	A-110-002 Revision P1
	A-110-003 Revision P1
Demolition drawings:	A-110-004 Revision P1
	A-110-005 Revision P0
A-050-001 Revision P1	A-110-006 Revision P0
A-050-002 Revision P1	A-120-001 Revision P1
A-050-003 Revision P0	A-120-002 Revision P1
A-050-004 Revision P0	A-120-003 Revision P1
A-050-005 Revision P0	A-120-004 Revision P1
A-050-006 Revision P0	A-120-005 Revision P0
A-050-010 Revision P0	A-120-006 Revision P0
A-050-011 Revision P0	A-500-001 Revision P1
A-050-020 Revision P0	A-500-002 Revision P0
A-050-021 Revision P0	
A-050-022 Revision P0	
A-050-101 Revision P0	
A-050-102 Revision P0	
A-050-103 Revision P0	

Subject to the following ten 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 All surviving historic floors and features such as panelling, skirtings, architraves, picture rails, dado rails, cornices and ceiling mouldings to remain in situ, shall be protected during the course of the works and repaired, in filled and reconditioned as required. A scheme of restoration (name of specialist, Method Statement, Schedule of Works and Specification) for their repair shall be submitted to and approved by this Local Planning Authority in writing prior to the commencement of works; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 3 Prior to the commencement of works, a full photographic survey and a photographic and sketch intervention record (record in situ) of all features that would be lost in the course of the works set in context shall be submitted to the Local Planning Authority for approval in writing. This recording shall be undertaken in accordance with a written scheme of investigation submitted to the planning authority in advance of any works or demolition, and approved in writing by the authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may retain a record of those features of heritage significance that would be lost or altered through demolition or the change of use of this building in accordance with the National Planning

Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 4 Samples of the proposed roofing slate shall be made available on site and approved in writing prior to the commencement of works on site; the development shall not be carried out otherwise than in accordance with any such approval given. Roof repairs to be undertaken in natural Welsh slate to match existing in size and colour; the use of artificial slates will not be permitted.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 5 Detailed plans, sections and elevations (scale 1:20) of the proposals for the conversion of courtrooms 1 and 2 and detailed joinery drawings (scale 1:5) showing how the historic furniture, fabric and decorative elements would be reused shall be submitted to the Local Planning Authority for approval prior to the commencement of works; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 6 Shop drawings (scale 1:5) for all new fenestration and doors, including dormer windows in the proposed mansard structures shall be submitted the Local Planning Authority for approval prior to the commencement of works. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 7 Prior to the commencement of any works to the listed building, a Schedule of Condition of all existing windows, doors and roof lanterns (both internal and external) and Schedule of Works for their proposed repair or replacements shall be submitted to the Local Planning Authority for approval. All existing doors, windows, shutter boxes and window cases, shall to be retained, repaired and refurbished unless otherwise agreed in writing. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings 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.

- 8 All repairs to rainwater goods and new pipework runs to be in cast iron and to match existing historic profiles and details. 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 that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 9 All leadwork (including the dormers, roofs, parapet gutters, flashings) to be in accordance with the Lead Development Association/Lead Sheet Association guidelines and BS EN 12588: 2006. New lead to dormer heads and cheeks shall be dressed to window reveals and should not cover the painted timber surrounds to the dormer fronts.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

- 10 All new internal and 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.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with the National Planning Policy Framework 2012, Policy 7.8 heritage assets and archeology of the London Plan 2015, Strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

Item No. 7.	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:		Liberty of the Mint Conservation Area	
Ward(s) or groups affected:		Cathedrals	
From:		Director of Planning	

RECOMMENDATION(S)

1. That Members agree and designate the Liberty of the Mint Conservation Area and boundaries, as shown in Appendix 2.
2. That council officers carry out public consultation with local residents and businesses to obtain their view on the conservation area appraisal (Appendix 1) and boundaries for the Liberty of the Mint Conservation Area and report back to Members.
3. That Members comment on the draft conservation area appraisal and map of the conservation area boundary (Appendix 1).
4. That Members note the Equality Impact Assessment (Appendix 3).

BACKGROUND INFORMATION

5. The Liberty of the Mint Conservation Area is a cohesive townscape comprising of properties from the late 19th and early 20th centuries. The conservation area is generally found in the area bounded by Borough High Street Marshalsea Road and Great Suffolk Street and contains a varied section of Southwark townscape broadly dating from the later 19h century. This consists of a mix of industrial, residential, educational, transport and historic, mixed-use buildings fronting onto Borough High Street. The area has a particular significance due to the rebuilding of much of the area with the construction of Marshalsea Road dating from 1888. The southern parts of the conservation area retain much of the Victorian character of closely packed former industrial and residential buildings defining a tight, well-defined townscape. The historic street layout remains, creating a legible and permeable environment. The intimate scale and high quality and architecturally interesting frontage developments have survived largely intact.
6. The Gladstone Public House on Lant Street is an important local landmark and the subject of a recent planning application for its demolition and replacement. The proposals would result in the loss of an important local building and would have a significant impact upon the character and appearance of the area. The designation of the Liberty of the Mint Conservation Area, would give the Council additional powers over the development and the use of land within it. The Council would be able to exercise a greater degree of control over the demolition or substantial demolition of buildings in the conservation requiring applicants to gain planning permission for any replacement before they can go ahead and

demolish the building. Currently the Council is unable to control the demolition of any of the buildings within the proposed conservation area.

7. The area proposed for designation is defined as follows: The north boundary of the Conservation area follows the centre line of Marshalsea Road, but includes 6-14 (even) and 20-22 (even) Marshalsea Road which are located to the north side of the road. The west boundary follows the east boundary of Mint Street Park, continuing south along Sudrey Street, including the east side of this street. The south boundary runs behind properties on Great Suffolk Street, and heads south to include the public house at 125 Great Suffolk Street. Industrial buildings at the junction of Toulmin Street and Great Suffolk Street are included in the conservation area up to number 131 Great Suffolk Street. The west boundary of the grounds of Charles Dickens School and number 48 Lant Street mark the west extent, before the conservation area boundary continues along Lant Street, crossing south to include the Gladstone Public House. The east boundary of the conservation area then heads north on the west side of Borough High Street including numbers 196-230 (even) Borough High Street meeting the Borough High Street Conservation Area adjacent to St George the Martyr Church.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues of this are:
 - a) the ability of the LPA to designate a new conservation area as an area of special architectural or historic interest

Planning Policy

9. Core Strategy 2011 (April)

Strategic Policy 12 Design and Conservation.

Southwark Plan 2007 (July)

Saved Policy 3.15 Conservation of the Historic Environment

Saved Policy 3.16 Conservation Areas

Saved Policy 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Saved Policy 3.19 Archaeology

London Plan 2011 (July)

Policy 7.9 Heritage-led regeneration

Policy 7.8 Heritage assets and archaeology

Planning Policy Statements

PPS5 Planning for the Historic Environment.

The draft National Planning Policy Framework (NPPF)

Principles of designation and current guidance

10. The conservation area contains predominantly late 19th century early 20th century industrial and warehouse buildings. The layout of the roads in the conservation area generally dates from the 1800s although the buildings fronting the roads are generally later. The conservation area demonstrates the pressure on land during the latter half of the 19th century to accommodate the increase in industrial activities. The streets are generally well enclosed by industrial and warehouse buildings of a high quality and architecturally interesting frontage.
11. The key approaches into the conservation area are: from the north along Marshalsea Road; from the east along Borough High Street and from the south along Great Suffolk Street. Mint Street Park on its western edge, offers views of the area across the historic area. Vistas along the narrow streets within the conservation area are generally closed off by built form and the former Board School (Charles Dickens School) at the centre of the conservation area. Generally views are axial along linear streets however, the bend of Marshalsea Road establishes a dynamic characterful view.
12. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local Planning Authority to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and further allows for those areas to be designated as conservation areas. There is a duty on the local planning authority under Section 69 to review areas from time to time to consider whether designation of conservation areas is called for.
13. In March 2010 the Government issued PPS 5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS 5 requires, in Policy HE2.1, that Local Authorities have evidence about the historic environment and heritage assets within their area, and that this evidence is publically documented. Designation records, such as Conservation Area assessments, should also be taken into account when determining planning applications.
14. In 2011 English Heritage published guidance on conservation area appraisals, 'Understanding Place: Conservation Area Designation, Appraisal and Management'. This sets out the importance of definition and assessment of a conservation area's character and the need to record the area in some detail. The purpose is to provide a sound basis for rational and consistent judgements when considering planning applications within conservation areas. Conservation area appraisals, once they have been adopted by the Council, can help to defend decisions on individual planning applications at appeal. They may also guide the formulation of proposals for the preservation and enhancement of the area.
15. Designation of a conservation area imposes certain duties on planning authorities. These duties are twofold, firstly, to formulate and publish from time to time, proposals for the preservation and enhancement of the conservation areas in their district and submit them for public consultation. Then secondly, in exercising their planning powers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question and therefore there is a presumption against

the demolition of buildings within the area. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

Outstanding Schemes

16. The main focus of development in the area has been focussed on the Borough High Street and Marshalsea Road frontages as well as Vineyard to the rear. Notwithstanding this, the cohesive nature of the townscape has meant that new development opportunities have been limited in scope. In the last five years the only significant new development in the area of the proposed conservation area has been: 218-220 Borough High Street – Ref: 10-AP-2304 – for *Redevelopment of site for a mixed use development comprising six storeys (basement and five floors above ground) including retail/professional services/cafe - restaurant (Use Classes A1/A2/A3) at ground floor and basement and seven residential units.*
17. More recently, a planning application was received in relation to the Gladstone Public House at 64 Lant Street (ref 15-AP-3137) for: *Demolition of existing public house; and erection of ten storey building comprising Class A3/A4 use at ground floor level and 9 residential units (Class C3) across upper floors.* This application is invalid and not started.
18. The council has also received an application from the public for the designation of the Gladstone Public House at 64 Lant Street as an Asset of Community Value (ACV). This was listed as an ACV by the council on 9 September 2015 and it remains on the list for 5 years. The owners requested a review of the decision which has been heard but was not upheld so the listing remains in place. The panel considered it was a valid nomination, there was good evidence that it furthers the social wellbeing of the community and that it is reasonable to think that it could do so. (The list of designated ACVs is published is at this weblink:

http://www.southwark.gov.uk/downloads/download/3226/assets_of_community_value-successful_bids)

Community impact statement

19. The designation will be consulted in accordance with the Statement of Community Involvement. The Statement of Community Involvement sets out how and when the Council will involve the community in the alteration and development of town planning documents and applications for planning permission and was adopted in January 2008. The Statement of Community Involvement does not require the Council to consult when designating a conservation area, but in this instance the Council proposes to follow a similar procedure.
20. It is proposed to hold a public meeting within 12 weeks of this committee and to report any consultation responses received back to Members for consideration.
21. The consultation will seek the views of local residents, businesses and other local interests over the definition of the boundaries and the conservation area appraisal. Notification of the consultation on the proposed designation and the supporting documents will be put in the local press, on the council's website and will be made

available at the Walworth One Stop Shop. This will show how the consultation has complied with the Statement of Community Involvement.

Human rights implications

22. This conservation area may engage 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.
23. This proposal has the legitimate aim of providing for the conservation of the historic environment within the conservation area. The rights potentially engaged by this proposal, include the right to a fair trial and the right to respect for private and family life however both of these are not considered to be unlawfully interfered with by this proposal.

Resource implications

24. Notifying the public of the Liberty of the Mint Conservation Area will not result in resource implications for the staffing of the Department of the Chief Executive.
25. Other resource implications will be the cost of publishing the conservation area appraisal, which can met within the Department of the Chief Executive's revenue budget. The cover price of the document will be fixed to cover production costs.
26. The conservation area could generate additional casework for planning staff. However, given the location and scale of many of the proposals in this area there is already an attention to the design and appearance of the proposals and the designation should not result in significant resource implications for the staffing of the Department of the Deputy Chief Executive.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance

27. A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (*section 69(1), Planning (Listed Buildings and Conservation Areas) Act (LBA) 1990*). A Local Planning Authority (LPA) is under a duty to designate conservation areas within its locality and to review them from time to time (*section 69(2)*).
28. There is no statutory requirement for LPAs to consult with anyone before a conservation area is designated, nor does the Councils Statement of Community Involvement require consultation in respect of designating Conservation Areas. However, English Heritage advises LPAs to consult as widely as possible, not only with local residents and amenity societies, but also with Chambers of Commerce, Public utilities and Highway authorities.
29. There is no formal designation procedure. The statutory procedure simply involves a council resolution to designate being made. The date of the resolution is the date the conservation area takes effect. The designation of conservation areas is reserved to Planning Committee under Part 3F, paragraph 3 of the Constitution, and consultation of Community Council members will take place before the designation is confirmed.

30. There is no statutory requirement on the level of detail that must be considered by an LPA before designation. However, guidance from English Heritage states that it is vital an area's special architectural or historic interest is defined and recorded in some detail. A published character appraisal is highly recommended and can be found at Appendix 1 of this report. The overall impetus for designating a conservation area must be the desire to preserve and enhance the area.
31. Notice of the designation must be published in at least one local newspaper circulating in the LPA's area and in the London Gazette (*section 70(8), LBA 1990*). The Secretary of State and English Heritage must also be notified (*section 70(5)*). There is no requirement to notify the owners and occupiers of premises in the area. The conservation area must be registered as a local land charge (*section 69(4)*).
32. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it and has the following consequences;
- control of demolition of buildings - all demolition will require conservation area consent
 - any new development will need to enhance or preserve the conservation area
 - protection of trees – certain criminal offences arise if trees in the conservation area are cut down or wilfully damaged without the consent of the LPA
 - duty of LPA to formulate and publish from time to time proposals for the conservation and enhancement of conservation areas (e.g., by updating conservation area appraisals)
 - certain permitted development rights are more restricted
 - specific statutory duties on telecommunications operators
 - exclusion of certain illuminated advertisements (although not very relevant in this context)
 - publicity for planning applications affecting the conservation area must be given under Section 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. There is no statutory right of appeal against a building being included in a conservation area. However, it is possible to seek a judicial review of an LPA's decision to designate a conservation area.

Equalities and human rights

34. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
35. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:

- (a) “eliminate unlawful discrimination and harassment and;
- (b) promote the equality of opportunity between men and women.”

Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. The general duties in summary require local authorities to give due regard to the need to:

- (a) “eliminate unlawful discrimination and harassment;
- (b) promote the equality of opportunity; and
- (c) promote good race relations between people of different racial groups”

Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:

- (a) “promote equal opportunities between disabled persons and other persons;
- (b) eliminate discrimination that is unlawful under the Act;
- (c) eliminate harassment of disabled persons that is related to their disabilities;
- (d) promote a positive attitude towards disabled persons;
- (e) encourage participation by disabled persons in public life; and
- (f) take steps to take account of disabled person’s disabilities even where that involves treating disabled persons more favourably than other persons.”

Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have due regard to these duties when we are carrying out our functions.

36. Equalities and Human Rights have been considered as part of the development conservation area appraisal and an Equalities Impact Assessment (EqIA) is in the process of being completed. EqIAs are an essential tool to assist councils to comply with equalities duties and ensure they make decisions fairly.

BACKGROUND DOCUMENTS

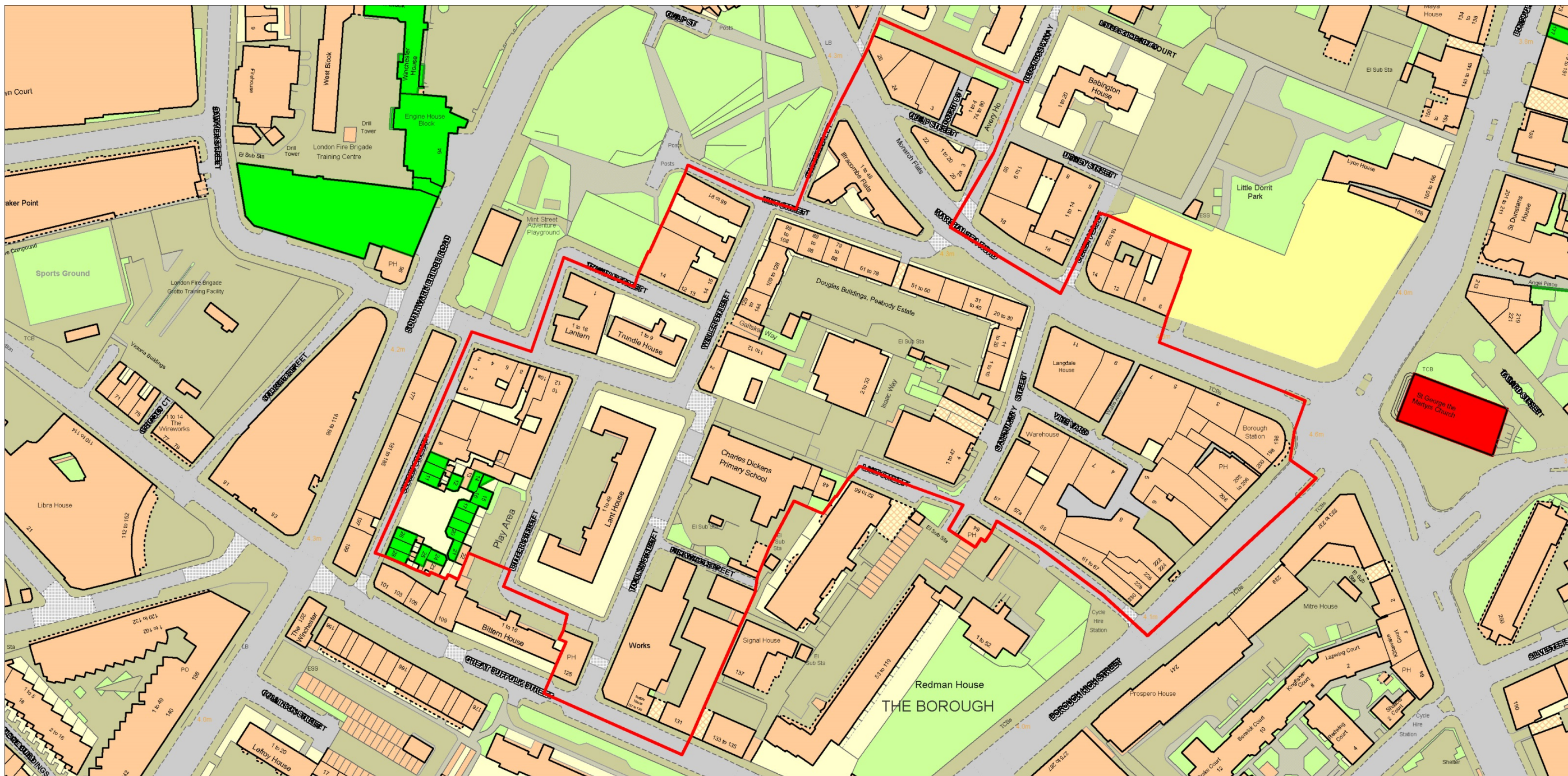
Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Draft conservation area assessment for Liberty of the Mint Conservation Area. http://www.southwark.gov.uk/info/511/conservation_areas/2100/conservation_area_appraisals (Available online)
Appendix 2	Map of the Liberty of the Mint Conservation Area
Appendix 3	Equality Impact Assessment http://www.southwark.gov.uk/info/511/conservation_areas/2100/conservation_area_appraisals (Available online)

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Development Management	
Report Author	Michael Tsoukaris, Group Manager, Design and Conservation Officer	
Version	Final	
Dated	19 November 2015	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Director of Law and Democracy	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		19 November 2015



The Liberty of the Mint Conservation Area

Item No. 8.	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:		To release £190,592 from the S106 agreement associated with 12/AP/1784 for 1-16 Blackfriars Road, SE1, towards improvement works to Nelson Square	
Ward(s) or groups affected:		Cathedrals	
From:		Parks and Open Spaces Manager, Public Realm	

RECOMMENDATION

1. To authorise the release of £190,592 from the development at 1 - 16 Blackfriars Road, SE1 12/AP/1784 a/c 665, towards improvement works to Nelson Square.

BACKGROUND INFORMATION

2. Planning obligations are legal agreements between the local planning authority, the developer and other interested parties which are used to mitigate the impacts caused by development and contribute to providing infrastructure and facilities necessary to achieve sustainable communities. The council can enter into a legal agreement with a developer whereby the developer agrees to provide planning contributions pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
3. Section 106 funds are released to projects and programmes as new developments come forward for implementation which triggers the payment of sums to the council
4. Nelson Square is located within the Blackfriars area which in the last five years has undergone a major transformation with landmark projects such as the 50 storey tower at 1Blackfriars Road and the 358 bed Sea Containers hotel.
5. With limited open space Nelson Square is one of only two public open spaces within the Blackfriars Road area.
6. Nelson Square is considered to be high priority for investment based on the level of high density housing nearby and as such it has high potential to attract people to use it. As such an extensive consultation has been undertaken to identify what improvements users would like made to the square which has informed the design process resulting in a design being submitted and approved by planning committee in April 2015.
7. Nelson Square is in need of much needed improvements as identified through the parks investment strategy.
8. The approved design includes a play area, formal gardens and sports facilities including football multi-use games area (MUGA), table tennis and an outdoor gym.

KEY ISSUES FOR CONSIDERATION

Wider improvements to the open space

9. There was significant support arising from the consultation to improve the entrances to the square with a view to improving the safety when leaving and entering the

square. The current budget for the project does not include the funding to deliver these improvements.

10. As such it is proposed to use this section 106 funding to fund improvements to each of the four entrances to the square. Improvements will include creating clearer sight lines, new surfacing to footpaths with raised tables for easy access for all.
11. It is proposed to use the remaining funding to adhere to quality standards within the design, for example high quality surfacing for the hard standing areas and a high quality of bespoke play equipment.

Resource implications

12. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

Policy implications

13. The investment will contribute to the council's Fairer Future Promises including encouraging healthy lifestyles by transforming Nelson Square.
14. The project will deliver improvements to Nelson Square in line with the parks investment strategy.

Community impact statement

15. The impact on the community will be very positive as the project will deliver a new children's play area, new MUGA football area, landscape gardens and the introduction of outdoor gym equipment and table tennis. These improvements will help foster healthy lifestyles for the community.

Consultation

16. Consultations were delivered in two phases from 20 September 2014 through to 9 January 2015. On Saturday 20 September 2014, an open event was held in Nelson Square. The event was publicised by posting notices in and around the neighbouring estates including the Peabody Estate. Two concepts designs were presented both receiving positive feedbacks. The feedback was collated on the day and also via an on line questionnaire. The event was attended by over a 100 people including ward councillors, Member of Parliament Simon Hughes and local residents. Phase one returned a total of 48 responses which were evaluated to inform our design for phase two.
17. On the 9 December 2014 phase 2 of the consultation process invited all stakeholders to attend an open evening looking at the revised designs. The meeting was held at the Blackfriars Settlement with 24 people in attendance. Feedback was collated to inform us on the final design with a further on line questionnaire. The final designs were then on display at Blackfriars Settlement from March 2015 to April 2015.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

18. Members of the Planning Committee are asked to authorise an amount of £190,592 towards improvements at Nelson Square. The proposal is to draw on funds committed under the terms of the section 106 Agreement for 1 – 16 Blackfriars Road.

19. The decision to consider the expenditure of sums in excess of £100,000 is reserved to members of the Planning committee in accordance with Part 3F of the Council's Constitution, paragraph 2.
20. In the case of this proposed expenditure, local residents have clearly been closely involved with more than 100 attending one event as outlined in paragraph 14 of the report. Beyond this, Members will need to be satisfied that the expenditure is in accordance with the terms of the specific section 106 Agreement and also in accordance with the tests set out in regulation 122(2), of the Community Infrastructure Regulations 2010. This regulation requires that the particular obligation is necessary to make the development acceptable in planning terms; directly relates to the development in question; and fairly and reasonably relates in scale and kind to the development.
21. The terms of the section 106 Agreement for 1-16 Blackfriars Road have been reviewed and it is confirmed that the proposed expenditure is in accordance with the terms of the agreement. Subject to Members taking into account the requirements of the CIL Regulations outlined above, it is confirmed that Members may approve this expenditure

Director of Planning

22. The development at 1-16 Blackfriars Road, London SE1 12/AP/1784 a/c 665 secured £285,887.00 in contributions, £130,000.00 of which is required to be spent on a local MUGA.
23. This is a three stage payment, the first two of which have been received, totalling £190,592.00.
24. A specific contribution of £130,000.00 is allocated solely for a Multi Use Games Area.
25. The proposed allocation accords with the agreement would provide some mitigation for the impacts of the development.

Strategic Director of Finance and Governance (CAP15/135)

26. This report requests approval from Planning Committee to the release of £190,592 S106 funds from the development at 1- 16 Blackfriars Road SE1 12/AP/1784 a/c no 665, towards parks and open spaces, children's play equipment and sports development at Nelson Square.
27. The Strategic Director of Finance and Governance notes that the S106 funds of £190,592 has been received by the council and is available for this project. Use of the S106 funds will be monitored as part of the Council's capital programme.
28. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Legal Agreements	Planning Division, 160 Tooley Street, London SE1	Jack Ricketts 020 7525 5464

AUDIT TRAIL

Lead Officer	Rebecca Towers, Head of Parks and Open Spaces	
Report Author	Max Nakrani, Service Development Officer, Parks and Open Spaces	
Version	Final	
Dated	20 November 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
S106 Manager	Yes	Yes
Date final report sent to Constitutional Team		20 November 2015

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