

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

## RECOMMENDATION

- 1 To grant planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

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

### Details of proposal

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

### Planning history

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

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

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

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

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

- 9 Planning permission (10-AP-3753) was approved in March 2011 for alterations to the office space (B1 use) at ground floor level (approved under permission 06-AP-1882) to install the main doors facing New Globe Walk and a secondary access door facing the courtyard off Bear Gardens.

- 10 There is other planning history associated with this site, however none is considered directly relevant to this application.

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

- 11 Planning application (10-AP-1706) and associated Listed Building Consent (10-AP-1707) were granted in May 2011 at Borough and Bankside Community Council for the formation of a new entrance door at ground floor level within the brickwork portion of the New Globe Walk elevation of the original listed building to provide pedestrian access to the building at ground floor level. This entrance door related to the unit which is subject to this application.

- 12 Planning permission (12-AP-0059) and associated Listed Building Consent (12-AP-0060) were both refused in May 2012 associated with the adjoining site (within the listed building) for a change of use of part ground and part first floors approved for use as restaurant (A3 use) under application 06-AP-1882 to residential (C3 use), to create 1 x 3 bedroom and 1 x 4 bedroom duplex units over ground and first floors, each with an area of outdoor amenity space at first floor level.

### **KEY ISSUES FOR CONSIDERATION**

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

- 13 The main issues to be considered in respect of this application are:

a) the principle of the development in terms of land use and conformity with strategic policies.

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

### **Planning policy**

#### 14 Core Strategy 2011

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

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

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

#### 16 London Plan 2011

None considered to be directly relevant.

#### 17 National Planning Policy Framework (NPPF)

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

### **Principle of development**

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

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

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

### **Environmental impact assessment**

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

### **Amenity**

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

from those proposed under the previous application.

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

### **Traffic issues**

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

these issues.

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

### **Design issues**

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

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

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

### **Waste**

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

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

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

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

### **Sustainable development implications**

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

### **Other matters**

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

56 Given that the unit has not been used for 6 of the last 12 months, the application would trigger CIL payment. The floorspace is 302m<sup>2</sup> in area and therefore the CIL would be £10,570.

### **Conclusion on planning issues**

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

### **Community impact statement**

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

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

### **Consultations**

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

### **Consultation replies**

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

## Summary of consultation responses

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

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

62 Objections to the development have been summarised as following:

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

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

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

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

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

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

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

### **Human rights implications**

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

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



## BACKGROUND DOCUMENTS

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

## APPENDICES

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

## AUDIT TRAIL

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

**Consultation undertaken**

**Site notice date:**

08 February 2012

**Press notice date:**

09 February 2012

**Case officer site visit date:**

08 February 2012

**Neighbour consultation letters sent:**

09 February 2012

**Internal services consulted:**

Transportation Team  
Environmental Protection  
Design and Conservation

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

None

**Neighbours and local groups consulted:**

Refer to consultee list in Acolaid

**Re-consultation:**

None

**Consultation responses received**

**Internal services**

Transportation Team - no objection

Environmental Protection - no objection subject to further information

Design and Conservation - comments incorporated into the report

**Statutory and non-statutory organisations**

N/A

**Neighbours and local groups**

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