

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

## RECOMMENDATION

- 1 Grant Planning Permission Subject to Legal Agreement.

## BACKGROUND

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

## BACKGROUND INFORMATION

### Site location and description

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

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

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

#### **Details of proposal**

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

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

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

### **Planning history**

- 15 08/AP/0351 [03/10/2008] Grant permission for  
  
Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment (RE-SUBMISSION)
- 16 11/AP/2574 Grant Certificate of Lawful Development (Existing): [09/09/2011]  
  
Installation of a foundation pile in accordance with planning permission 08-AP-0351 dated 03/10/2008 and as amended under s96a (reference: 11-AP-1347) (for 'Construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment').  
  
This confirmed that the scheme had been lawfully implemented. It is noted that no further work appears to have taken place on site.
- 17 11/AP/1347 Agree [09/06/11]  
  
Non-material amendments to conditions 2, 3, 4, 5, 6, 7, 16, 17, 20, 22, 23 of permission reference 08-AP-0351 dated 03.10.2008 ( for 'construction of a ground plus three/four storey building to provide 1163 sqm (GEA) of Class B1 employment floorspace and nine residential units comprising 5 x 2 bedroom apartments and 4 x 3 bedroom maisonettes, shared courtyard and garden space, ancillary plant and equipment') to allow implementation works to proceed before the details required by the conditions need to be submitted, and addition of a condition listing the approved plans.
- 18 11/AP/0450 Grant Conservation Area Consent for: [07/04/11]  
  
Complete demolition of all parts of building on site. It is assumed that there is a double leaf brick wall to the boundary between the site and adjacent building at 63 Webber Street and subject to investigation the leaf that sits on the site will be removed.
- 19 10/AP/1930 Refuse Conservation Area Consent for: [01/11/10]  
  
Complete demolition of all parts of building on site. It is assumed that there is a double leaf brick wall to the boundary between the site and adjacent building at 63 Webber Street and subject to investigation the leaf that sits on the site will be

removed.

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

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

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

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

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

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

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

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

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

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

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

Refuse planning permission for:

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

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

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

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

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

### **KEY ISSUES FOR CONSIDERATION**

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

26 The main issues in this case are:

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

policies.

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

c] Amenity space provision

d] Impact on the amenities of neighbouring residents and occupiers

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

f] Traffic issues

g] Archaeological interest

h] Flood risk assessment

i] Planning obligations

j] Sustainability

### **Planning policy**

#### 27 Core Strategy 2011

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

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

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

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

31 London Plan 2011

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

33 National Planning Policy Framework

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

NPPF Sections which are particularly relevant to this application.

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

**Principle of development**

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

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

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

## **Environmental impact assessment**

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

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

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



the consented balcony and screening not be constructed.

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

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

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

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

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

### **Traffic issues**

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

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

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

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

### **Design issues and Impact on the Kings Bench Conservation Area**

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

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

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

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

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

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

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

### **Residential Design Standards**

76 Unit and Room Sizes

The proposed plans indicate alterations to the room layouts at second and third floor levels with alterations to the room sizes. However unit sizes and room sizes are in compliance with the Residential Design Standards SPD (2011) and are therefore acceptable.

77 Aspect

The units are dual aspect as per the consented scheme.

78 Stacking

The revised layouts result in units that do not have the most satisfactory stacking arrangements. However this was the case in the consented scheme where there were bedrooms over living room and dining rooms over bedrooms. As such this would not warrant a refusal in this instance and there is control over noise insulation under current building regulations.

79 Amenity Space

In terms of communal amenity space the application proposes a larger communal garden at second floor level than was originally consented. Private amenity space in the form of balconies is similar to consented, with altered screen arrangements for the balconies at fourth floor level. Details of these screens should be required by condition (see discussion on residential amenity above).

80 It is considered that planters should be located outside Bedroom 1 of those units where the deck access allows residents to pass directly by the bedroom areas in order to provide a level of separation between the windows and the walkway. This can be requested by way of condition.

### **Impact on trees**

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

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

82 The quantum of development has not significantly changed (B1 floorspace is similar and the mix of units remains the same) as a result of these modifications and as such it has been agreed that the S106 contributions should remain the same in this case. These are set out below.

83 The scheme is not liable for planning obligations in relation to the residential component as the scheme falls below the threshold of 10 units which is set out in the Councils Adopted S106 SPD 2007 (9 units proposed). The scheme is liable for planning obligations in relation to the B1 element as the amount proposed exceeds 1000 sq m.

84 The applicant has agreed to the draft Heads of Terms (monetary contributions) based around the Planning Obligations SPD. The draft Heads of Terms are as follows;

Employment in the development - £13 069

Employment during construction –£10 111

Transport strategic - £13 069

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

Public realm - £15 870

Admin charge - £ 1 613

Total - £82 273

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

### **Mayoral Community Infrastructure Levy**

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

### **Sustainable development implications**

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

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

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

### **Flood risk**

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

## **Waste**

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

## **Other matters**

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

## **Conclusion on planning issues**

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

## **Community impact statement**

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

## **Consultations**

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

## Consultation replies

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

109 Summary of consultation responses

6 objections have been received in relation to this proposal:

63 Webber Street. Issues raised are summarised below:

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

Freeholder, 63 Webber Street

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

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

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

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

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

10, The Bench, 22 King's Bench Street

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



area

8, Bench Apartments, 22 King's Bench Street

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

Officer Response:

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

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

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

### **Human rights implications**

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

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1231-65  Application file: 12-AP-0542  Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5420 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	Neighbour consultee list
Appendix 4	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Ronan O'Connor, 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
Strategic Director of Planning	Yes	Yes
Strategic Director Environment and Housing	No	No
<b>Date final report sent to Constitutional Team</b>	6 July 2012	

**Consultation undertaken**

**Site notice date:** 07/03/2012

**Press notice date:** 01/03/12

**Case officer site visit date:** 07/03/12

**Neighbour consultation letters sent:**

07/03/12

**Internal services consulted:**

Design and Conservation

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

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

**Neighbours and local groups consulted:**

As per Appendix 3

**Re-consultation:**

None

**Consultation responses received**

**Internal services**

Design and Conservation - No objection

Transport - Require details of servicing and cycle parking

**Statutory and non-statutory organisations**

EA - no objection but suggest condition

**Neighbours and local groups**

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#### Conservation Area

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APPENDIX 3

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

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

**Date Printed**      **Address**

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

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