

<b>Item No:</b> 7	<b>Classification</b> Open	<b>Committee:</b> Planning Sub-Committee A	<b>Date:</b> 18 July 2012
<b>From:</b> Head of Development Management		<b>Title of Report:</b> <u>Addendum</u> Late observations, consultation responses, and further information.	

## PURPOSE

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning application on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

## RECOMMENDATION

- 2 That Members note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

## FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:
  - 3.1 **ITEM 7.1 301-303 BOROUGH HIGH STREET AND 1 – 3 TRINITY STREET, LONDON SE1 1DB**
  - 3.2 To inform Members of an additional condition and the submission of additional information in respect to the historical background of the application property and showing an existing section (north – south) through the site which will be circulated at the meeting.

This additional material has been assessed by officers and displays visually what is already referred to in the report. Namely, in respect of the original fabric the drawings indicate that the external fabric, other than the first floor at the front, has been largely altered/re-built post war.

The section drawing demonstrates that the line of sight from the ground floor of the properties behind in order to see over the parapet of the existing building is similar to that which will occur with the new development (which was already shown on the plans), taking into account the setbacks on the new development compared with that previously refused.

- 3.3 The additional condition now recommended is:

Condition ( 22)

The use hereby permitted for a retail shop (Class A1 use) purposes shall not be carried on outside of the hours of 07:00am to 23:00pm on any day.

Reason:

To ensure the protection of amenity to neighbouring occupiers in accordance with Saved Policy 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

### **3.4 ITEM 7.2 UNION WORKS – PARK STREET**

3.5 Further clarification/information has now been sought from the applicant on the following points:

#### *Hours of Operation*

The applicant is aware of the recommended condition allowing Sunday operating hours, which they had not sought in their submission. The applicant is in agreement with the conditioned opening hours of the premises, as set out in Condition 4 of the main agenda.

#### *Reason for pursuing this proposal whilst they seek to change from a restaurant adjacent*

As set out in the planning history section of the report, the applicant has recently sought to change the use of the approved restaurant to the south to a residential unit, which has been refused by the Council. Officers have sought clarification from the applicant why they are seeking to change from a potential restaurant use there and yet immediately adjacent are seeking a new restaurant at the application site. The applicants have confirmed that the reason for a different approach on the unit to the south are principally the constraints of working with the listed building and the inability therefore to create a larger active frontage due to the smaller windows that exist. The application site by contrast is situated in a new building grafted onto the listed building with full height glazing which is purpose built to meet modern commercial needs.

#### *Servicing*

Officers can confirm that the Bear Pit courtyard area is adopted public highway with parking controls, therefore indiscriminate parking can be controlled ensuring that the area is available for servicing, as intended.

It is recommended that an additional condition (9) be imposed to ensure that all deliveries and other servicing of the site is undertaken in accordance with the submitted servicing management plan.

The wording to be as follows:

### **3.6 Condition 9**

The use hereby permitted shall be serviced in strict accordance with the service management plan submitted as part of this application, including the points of delivery, and with the hours of servicing to be as stipulated in Condition 6 of this permission.

Reason:

In the interests of neighbouring amenity and conditions of highway safety and in order to accord with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policies 2 'Sustainable Transport' and 13 'High Environmental Standards' of the Core Strategy 2011

### **3.7 ITEM 7.3 NEWSPAPER HOUSE – RUSHWORTH STREET**

#### **3.8 *Additional Objection***

An additional objection has been received (18th July 2012) from Flat 5, 22 Kings Bench Street. The main concerns raised are the number and height of the balconies facing Kings Bench Street will give rise to overlooking. The design should be amended to have more

balconies overlooking Rushworth Street where they would not look directly into residential properties. Further concern is raised in relation to the elevated height of some floors which would mean that that the building is the equivalent to between 5 and 7 stories, especially facing towards the railway line. This will impact on the light and view of the sky from the windows of No. 5. The objectors request that the committee reject the scheme and request new designs that will minimise the impact on No. 5.

### 3.9 *Follow up to objections*

A follow up to objections from the residents at No. 11 Bench Apartments (17th July 2012) and from the resident at No. 63 Webber Street have been received (18th July 2012).

In relation to the objection received from No. 11 Bench Apartments, the main concern raised by the objectors is that the balconies and decks facing King's Bench Street, at 4<sup>th</sup> floor level will remain extremely intrusive to those in the Bench Apartments. The objector refers to the "kitchen areas now facing onto the deck access and the living/dining facing onto Kings Bench Street" and questions why do they not face Rushworth Street, where they would overlook no-one. The heightened flank wall referred to will only assist minimally, say the occupants of one flat in the Bench Apartments.

In relation to the submission received from No. 63 Webber Street, the resident's main concern is that the current scheme will allow a privacy screen to be erected in closer proximity to No. 63 Webber Street than the consented screen.

### 3.10 Officer Response

In relation to the objection received from No. 5 Bench Apartments, the revised plans received by the Council show a higher flank wall at 3rd floor level and screening proposed at 4th floor level (see dwg. no. 0630/AP/112 R Rev A) . This will mitigate against any material overlooking from these balconies. The balconies at 2nd floor level have they same impact on the Bench Apartments as the balconies on the consented scheme (08/AP/0351). It is noted that these balconies are set back further from the Bench Apartments than the balconies on other floors. In relation to the height, it is noted that the height is the same in this instance as the consented scheme (08/AP/0351) and as such this height has been accepted previously in this location.

At 4th floor level, the balcony which is closest to the Bench Apartments has a shading screen proposed (see dwg. no. 0630/AP/112 R Rev A) which will mitigate against any material overlooking of these residential units. In relation to the kitchen areas facing onto the deck access and the living/dining area facing onto Kings Bench Street, this is not considered to give rise to any additional overlooking issues over and above the consented scheme. The building directly opposite is a commercial building and there are no overlooking issues raised. Screening is proposed for the deck access area and further details of this screening has been requested by way of condition (Condition No. 7).

In relation to the submission from No. 63 Webber Street, Condition No. 6 is worded such that the Council still has control over the siting of the privacy screen between No. 63 Webber Street and the proposed development and as such the Council still maintains control over the positioning of the screen at second floor level.

- 3.11 In order to ensure that adequate screening is secured on the balconies facing Kings Bench Street, condition 7 in the main agenda is recommended to be amended and in its revised form will read as follows:

#### Revised condition 7:

Details of the proposed screening proposed to the roof gardens, the access walkways, the south east and north west facing balconies/terraces shall be submitted to and approved in writing by the local planning authority before any further works in connection with this permission are carried out. Details shall include the materials, sectional details, heights and position of screens. The screens shall be installed in strict accordance with the

approved details prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

Reason:

In order to protect the privacy and amenity of the occupiers and users of the adjoining residential premises from undue overlooking, and in the interests of visual amenity, in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and Strategic Policy 13 High Environmental Standards of the Core Strategy (2011).

- 3.12 Members are also advised that Condition 1 in the main agenda (providing 3 years for implementation is now deleted from the recommendation as this scheme proposes changes to that previously permitted under ref. 08AP0351, which has already been lawfully implemented.

An additional condition to secure the requisite sustainability standards for the commercial parts of the scheme has now been agreed with the applicants and is added to the recommendation as follows:

- 3.13 Unless otherwise agreed in writing by the Council, the proposed development shall be implemented to deliver a BREEAM 'excellent' standard for the non-residential elements of the scheme. Prior to occupation of the development, a BREEAM post construction review, carried out by a licensed assessor, shall be submitted to the Local Planning Authority to verify delivery of this specification.

Reason

To ensure that the Local Planning Authority may be satisfied that the scheme is of a suitable standard of sustainable construction in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and Saved Policies 3.1 'Environmental Effects', 3.3 'Sustainability assessments' and 3.9 'Water' of the Southwark Plan 2007.

### **3.14 ITEM 7.4 110 WYNDHAM ROAD**

- 3.15 The following updates can now be given:

#### Metropolitan Police

The Police have now provided comment regarding anti-social behaviour and crime. According to the Police, the crime figures for the area are very high mainly relating to robbery, assault, criminal damage, drugs supply and possession and various forms of burglary. As such it is recommended that the premises is not operational during school lunchtimes and closes prior to 23:00pm, in addition to installing CCTV cameras internally and externally for crime prevention purposes.

The recommended hours of operation (condition 3) already restricted the closing time to 22:30pm so therefore it is proposed that the hours of operation are further restricted to open no earlier than 13:30pm. As such it is recommended that this condition is amended to read as following:

- 3.16 Amended Condition 3:

The use hereby permitted for hot food takeaway (A5 use) purposes shall not be carried on outside of the hours of 1:30pm to 10:30pm Monday to Friday and 12:00pm (midday) to 10:30pm on Saturday and Sunday.

Reason:

To ensure the protection of amenity for neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 3.17 An additional condition (condition 9) is also recommended to secure CCTV to be installed at the premises:

Condition 9

Prior to commencement of the use hereby permitted the premises shall be fitted with a CCTV system both inside and outside which shall remain operational for the life of this permission.

Reason:

In the interests of amenities and designing out crime and in order to accord with Saved Policies 3.2 Protection of Amenity and 3.14 Designing out Crime of the Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 3.18 *Refuse*

It is recommended that condition 7 is expanded to ensure that the refuse bins should only be brought to the front of the site on the day of collection. As such it is recommended that this condition is amended to read as following:

Amended Condition 7

The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises hereby permitted is commenced and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority. The refuse bins shall only be brought to the front of the site on the day of collection.

Reason:

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved policies 3.2 'Protection of Amenity' and 3.7 'Waste reduction' of The Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 3.19 *Home Delivery Service*

As mentioned in the main report, it is considered that the proposed use of the premises should not include a home delivery service to avoid impact on the transportation network and harm to neighbouring occupiers. The applicants have confirmed their agreement to this. As such it is proposed to include a further additional condition (10) as follows:

- 3.20 Additional condition (10)

The hot food takeaway use hereby permitted shall not include any motorised home delivery service at any time.

Reason:

To ensure the safe and effective functioning of the transportation network and in order to protect neighbouring occupiers from undue noise and disturbance in accordance with saved policies 3.2 'Protection of amenity' and 5.2 'Transport impacts' of The Southwark Plan [UDP] 2007 and strategic policies 2 'Sustainable Transport' and 13 'High Environmental Standards' of the Core Strategy 2011.

#### **REASON FOR LATENESS**

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

#### **REASON FOR URGENCY**

- 5 Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Sub-Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications/enforcements and would inconvenience all those who attend the meeting.

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.

Located at: 160 Tooley Street London SE1.