

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.1	OPEN	23 April 2013	Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/0501 for: Full Planning Permission  <b>Address:</b> 1-20 SPURGEON STREET, LONDON, SE1 4YP  <b>Proposal:</b> Use of 1-20 Spurgeon Street and 58 Great Dover Street as a 52 bedroom hotel within Use Class C1 with associated alterations to the front elevation (north) of the building along Great Dover Street and the insertion of windows within the western and eastern elevation.		
<b>Ward(s) or groups affected:</b>	Chaucer		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 01/03/2013		<b>Application Expiry Date</b> 31/05/2013	

## RECOMMENDATION

- 1 Grant planning permission subject to conditions and S106 agreement.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site comprises a mid twentieth century building previously in use as an office building, with frontages to Spurgeon Street and Great Dover Street. The Great Dover Street element comprises three stories, whereas the Spurgeon Street element comprises two stories with two flats forming a much smaller stepped back element on the third storey which are accessed from a staircase in the mid point of the building. That staircase may act as a fire escape but is not intended to be used by occupants of the hotel on a regular basis.
- 3 The building fronting Great Dover Street and known as 58 Great Dover Street is three stories in height. At present, the second and third storeys contain a Hotel with an entrance at ground floor level, but has not been actively used and is currently being used to store building materials and other sundry items.
- 4 The part of the Site fronting Spurgeon Street has an authorised office for a taxi courier business (National Express Cars) at the ground floor. At the southernmost end of the building there is an entrance and reception, with stairs up to the first floor of the hotel.  
  
At present the hotel on the second and third floors has a total floorspace of 537 sqm,
- 5 however this application seeks to convert the entire building into a hotel which, using the plans to measure off, will be approximately 1508 sqm in total.
- 6 The majority of the site is in PTAL zone 5, with the southwestern corner in PTAL zone 6a and is located within the Central Activity Zone (CAZ). Great Dover Street is served by the 21 bus and the nearest tube station is Borough on the Northern Line 480 metres away at the western end of Great Dover Street. The site is also accessible

to/from the bus routes along Borough High Street. Great Dover Street is a Red Route maintained by Transport for London. There is a cycle hire station opposite the site in Great Dover Street.

- 7 Trinity Church Square Conservation Area lies 60 metres to the west of the site. Great Dover Street has a mix of uses along it. Immediately opposite on the other side of Great Dover Street to the North of this site, are two large student halls of residence housing 780 and 430 students respectively. The site runs back from Great Dover Street and is adjacent to three flats in Great Dover Street. To the west and south of the site is the Russell Lodge residential development of 130 flats and the Lawson Estate to the east. Approximately 120 metres to the south, is the Globe Academy School.

### **Details of proposal**

- 8 The application details the proposed use of 1-20 Spurgeon Street and 58 Great Dover Street as a 52 bedroom hotel within Use Class C1 with associated alterations to the north elevation of the building along Great Dover Street, to the east elevation along Spurgeon Street, the insertion of windows within the western elevation and the addition of rooflights on the flat roof of the building at ground level.
- 9 The proposed ground floor of the hotel will consist of a reception area with an administration office with associated toilets, a linen store, cycle storage, and eighteen (18) en-suite bedrooms, four of which are outlined for disabled users with ramped access.
- 10 The first floor will consist of a further twenty six (26) en-suite bedrooms with fire doors and windows to the roofs of the single storey ground floor elements of the building.
- 11 The second floor will consist of the two existing flats (which are not subject to this application) and a further 8 en-suite bedrooms which also have fire exits on to the roof of the first floor of the building.
- 12 The alterations to the north elevation of the building along Great Dover Street will consist of the removal of a small door and the removal of some of the existing windows on the ground floor and the introduction of a new entrance to the building with a new monocouche rendering of the ground floor in ivory colour with back lit panels above the existing canopied entrance and to the left hand side of the elevation.
- 13 The alterations to the eastern elevation will consist of the removal of the existing entrance and the insertion of eight new windows and new fire exits at ground floor level.
- 14 The alterations to the western elevation will consist of eight new windows which will be a height of 1.7m from the finished internal floor level of the proposed hotel bedrooms.

### **Planning history**

- 15 The historic use of the site is as offices under Class B1 (a), 'Offices, not within Class A2'. However, the premises were last used for the lawful purposes in the late 1980s. The site then lay vacant for some time.
- 16 0101243 25/10/01 Certificate of lawfulness was granted for the ground floor to be used as an office for radio controlled hiring out of vehicles with a driver with no hire vehicles attending the premises.
- 17 0101398 6/08/02 Refusal of Permission for continued use of the first and second floors of building as a hostel and retention of external alterations of front elevation at ground floor of Spurgeon Street to form a reception area on the following grounds:

- 18 1) The Continuation of the use of the hostel is considered unacceptable as it results in the loss of employment generating floorspace, which is detrimental to the availability of job opportunities for Borough residents in conflict with policy B.1.2 Southwark Unitary Development Plan.
- 19 2) The Hostel use by virtue of its size and density of occupation results in unacceptable levels of noise and disturbance to surrounding residents in conflict with policy E.3.1 Protection of Amenity Southwark Unitary Development Plan.

### **Enforcement History**

- 20 19/12/03 - Enforcement Notice issued for an unauthorised change of use of the Ground Floor premises from an office for radio controlled hiring out of vehicles with a driver with no hire vehicles attending the premises, to an office for radio controlled hiring out of vehicles with vehicles attending the premises. APP/5840/C/04/1138302 - 25/05/04 Appeal against Enforcement Notice dismissed and the Notice upheld. Repeated failures by Express National Carriers to comply with the enforcement notice in force at the site created the criminal offence reported to the Magistrate's Court culminating in the conviction and fines on 09/02/09.
- 21 04-EN-229 - Planning enforcement investigation opened to investigate alleged breach of planning control 'use of premises as hostel for asylum seekers'. Case subsequently closed when case officer left the Council.
- 22 11/EN/0214 - Planning enforcement investigation was opened on 09/06/2011 into the unauthorised material change of use of the building whose lawful use was that of Offices within Use Class B1, but which since 2000 was used with varying levels of intensity and not continuously as a Hostel (Sui Generis) has been refurbished to be used as a Hotel within Use Class C1.
- 23 11/05/12 - A Planning Enforcement Notice and Stop Notice (Appendix 1) was subsequently issued on and it was considered expedient to take action for the following reasons:
- 24 A) The Unauthorised Use will operate outside of normal office hours. It is characterised by significant people movement and attendant noise and disturbance associated with that use, which will be harmful to the amenity of adjoining and nearby residential occupiers, contrary to saved Policy 3.2 Protection of amenity Southwark Plan 2007 and paragraph 123 of the NPPF.
- 25 B) The proposal will establish a transient community on the southern side of Great Dover Street that will tend to be more active at night time and more disruptive, together with the cumulative impact of the student accommodation on the northern side of Great Dover Street this will detrimentally alter the predominantly residential character of the immediate area, contrary to saved policies 3.1 Environmental effects and 1.12 Hotels and visitor accommodation Southwark Plan 2007 and paragraphs 23, 26, 27 & 123 of the NPPF.
- 26 C) In the absence of a Travel Plan and mitigation measures it is likely that the unauthorised use will have an adverse impact on parking and congestion in the vicinity of the Site, contrary to saved Policies 5.2 Transport Impacts and 5.6 Car Parking of the Southwark Plan July 2007, Strategic Policy 2 – Sustainable Transport Southwark Core Strategy April 2011 and Policies 6.3 Assessing effect of Development on transport capacity and 6.13 Parking of the London Plan July 2011 paragraphs 32, 37, 39 & 41 of the NPPF.
- 27 D) The authorised use of the site is as offices within use class B1. This site is within

the Central Activities Zone and fronts onto a classified road. Policy 1.4 is engaged in respect of this land. The material change of use results in a loss of B class floor space. It is acknowledged that the Hotel use will provide some employment opportunities, however no assessment of the impact on local employment opportunities has been made, neither have any steps been taken to ensure that local people can access those opportunities. No evidence has been provided to show that the exceptions in policy 1.4 have been met. The change of use is contrary to saved policies 1.1 Access to employment opportunities and 1.4 'Employment uses outside of the preferred industrial locations and preferred office locations, Southwark Plan 2007.

- 28 E) The Hotel is located on the first and second floors of the building access is by way of stairs only with no lifts. Rooms vary in size, but an average double room would be about 10 sqm. No rooms have been specifically identified as being accessible, suitable or adapted for use by persons with a disability. The failure to ensure a facility is equally capable of use regardless of disability is contrary to saved policy 3.13 Urban design Southwark Plan 2007 and paragraph 58 of the NPPF. In addition the Local Planning Authority is required when carrying out its functions to have regard to equality of access for those with protected characteristics to buildings providing a service to the public by virtue of the Equality Act 2010. This Enforcement Notice is currently the subject of an appeal (ref:APP/A5840/C/12/2177929) to the Planning Inspectorate which is due to be heard by way of a Public Inquiry on 29/05/2013.
- 29 Residents have complained about the lack of effective planning enforcement action at this site and have provided a detailed chronology to outline the issues of concern. This chronology has been attached and reviewed as part of the application documents (Appendix 2). If the recommendation is to grant planning permission for this scheme, officers will seek to provide a detailed compliance and monitoring schedule outlining how planning obligations and conditions will be monitored and enforced in future (Appendix 5).

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

- 30 Russell Lodge 22 Spurgeon Street  
9701497 23/02/1999 Planning permission granted for Redevelopment of site to provide 130 flats in four storey terraces set around a new landscaped square together with parking for a 124 cars, with vehicular access from Falmouth Road and Spurgeon Street
- Site bounded by Blackhorse Court, Tabard Street, Beckett Street and Great Dover Street
- 31 9600240 08/08/1996 Planning permission granted for Part Redevelopment and Part refurbishment to provide 780 bed space student and nurses' hostel accommodation together with additional facilities including health club launderette and associated parking together with 340sqm office/studio space.
- 32 9700153 10/03/1998 Planning permission granted for 6/7 storey building comprising 429 student bedspace hostel with ancillary facilities together with restaurant and shop and 340 sqm business space.
- 33 0100943 Planning Permission for Change of use of the ground floor and basement of 60 Great Dover Street and 1 Spurgeon Street to bar restaurant including take away use and 59 Great Dover Street as retail shop together with internal alterations.
- 34 08-AP-1359 27/08/08 60 Great Dover Street, Planning Permission refused for Part first and second floor extension oversailing ground floor to create two one bedroom flats on first and second floor. The reason for refusal was as follows: 1) The scheme would result in poor quality residential accommodation in particular with the room

sizes being below the space standards set out in the residential design standards SPG

- 35 09-AP-0537 27/08/10 Planning permission granted for first and second floor rear extension to comprise two studio flats and re routed extract duct up the side of the building at the site

### **KEY ISSUES FOR CONSIDERATION**

36 **Summary of main issues**

As mentioned in the planning history section above, there have been and continue to be a number of issues relating to the use of the site which have given rise to planning enforcement action. At present, it appears that the ground floor continues to be as a remote satellite taxi office, however there is a continuing planning enforcement investigation in relation to the visiting of taxis to the premises which is in breach of the planning enforcement notice issued on 19th December 2003. This was upheld on appeal the Magistrate's Court culminating in the conviction and fines on 09/02/09. The Council are currently considering further enforcement action in this regard.

- 37 The upper floors of the site are also subject to planning enforcement action as a result of the unauthorised change of use to a hotel. An enforcement notice was issued on 11/05/12 and this is currently the subject of an appeal (ref:APP/A5840/C/12/2177929) to the Planning Inspectorate which is due to be heard by way of a Public Inquiry on 29/05/2013.

- 38 Following a meeting with local residents on 09/04/13, Council officers were advised that works had begun on the Ground Floor in relation to the conversion into further hotel rooms, prior to this application being determined. Officers visited the premises at 15:15 hours on 10/04/13 and met with the applicant who escorted officers around the premises which was still laid out with the internal partitions as shown on existing ground floor plan drawing no.SPU1/3. The rooms were used for a mixture of office and storage of car parts (see photos in appendix 3).

- 39 This application has been submitted with the aim of regularising the use while overcoming the reasons for issuing the enforcement notice. The applicants have indicated that they will accept conditions to control the aspects of the use which have given rise to complaints from neighbouring properties. If the council is satisfied that it can control the use adequately through the use of conditions and a Section 106 agreement, it would remove the need to go ahead with the public inquiry into the enforcement notice.

- 40 The plans include moving the patron entrance to Great Dover Street, which is a TfL trunk road, to reduce the impact of the use on the properties along Spurgeon Street, including the provision of servicing from this entrance and the provision of a disabled access and disabled rooms.

- 41 The Section 106 agreement would commit the applicant to removing and extinguishing the authorised use of part of the ground floor as a mini cab office.

- 42 One of the aims of the requirements of the enforcement notice was to reinstate the use for B1 business space. However, the Planning Inspector has raised issues relating to the loss of office accommodation in a letter dated 01/11/12 (Appendix 4), which notes that there have been intervening uses within the property which have largely not been in its lawful B1 use for some time. It is argued that the original lawful use of these upper floors has been abandoned leaving the upper floors with no use classification i.e. a Null use. It is, therefore, not possible for enforcement action to require reinstatement of the authorised use as there is no authorised use.

43 The application offers the chance to bring a use into the site which will allow for the Local Authority to introduce strict conditions and measures by way of a S106 agreement to control a number of the potential issues on site which there are with the current unlawful hotel on the upper floors which is subject to an appeal against an enforcement notice, to be heard at Public Inquiry on 29/05/13.

44 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 of the use on the amenity of nearby and adjoining occupiers.

c) The impact of development on the adjacent transport networks.

### **Planning policy**

45 National Planning Policy Framework (2012)

The NPPF came into effect on 27 March 2012 and is a material planning consideration.

46 The following sections are particularly relevant:

Section 2. Ensuring the vitality of town centres

Section 7. Requiring good design

Section 12. Conserving and enhancing the historic environment

47 London Plan 2011

Policy 2.10 Central Activities Zone – strategic priorities

Policy 4.5 London's visitor infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

48 Core Strategy 2011

Strategic Policy 1 – Sustainable development

Strategic Policy 2 – Sustainable transport

Strategic Policy 10 – Jobs and businesses

Strategic Policy 12 – Design and conservation

Strategic Policy 13 – High environmental standards

49 Southwark Plan 2007 (July) - saved policies

1.12 Hotels and Visitor Accommodation

2.5 Planning Obligations

3.1 Environmental Effects

3.2 Protection of Amenity

3.4 Energy Efficiency

3.7 Waste Reduction

3.11 Efficient use of land

3.12 Quality in Design

3.13 Urban Design

3.14 Designing Out Crime

5.2 Transport Impacts

5.3 Walking and Cycling

5.6 Car Parking

### **Principle of development**

- 50 Saved Policy 1.12 of the Southwark Plan covers 'Hotels and visitor accommodation' such as the proposed hotel which is subject to this application and states that:
- 51 *Hotels and other visitor accommodation will be encouraged in areas with high public transport accessibility and that smaller hotels and visitor accommodation will be permitted in areas with good access to public transport, where the scale of the proposal is appropriate to the context and location.*
- 52 *Hotels and visitor accommodation will not be permitted where they would result in a loss of existing residential accommodation, or an over dominance of visitor accommodation in the locality.*
- 53 Policy 4.5 London's Visitor Infrastructure of the London Plan states that the Mayor seeks to achieve 40,000 net additional hotel bedrooms by 2031 in town centres and opportunity areas, where there is good access to central London and international and national transport termini.
- 54 The site subject to the application is located within the Central Activities Zone, close to the major town centre of Elephant & Castle, and is an area with a very good/excellent PTAL rating as it is partly within PTAL 5 and partly within 6a and as such has very good access to public transport within the area, including Borough underground station (approx. 5 minutes walk), Mainline and underground - London Bridge Station (approx. 12 minutes walk) as well as a number of well serviced bus routes from Borough High Street and the 21 bus from Great Dover Street.
- 55 In terms of access, the site is considered to be well suited for hotel use given its excellent accessibility to public transport and a location close to the Major Town Centre of Elephant & Castle.
- 56 However, with regard to the issue of over dominance of hotels within the area, an objection has been raised by local residents that there are circa 20 hotels within a 1km radius and that an additional hotel would result in further over dominance of hotel and visitor accommodation uses within the surrounding area.
- 57 There is no definition within the saved policy 1.12 in relation to the definition of 'locality' for this purpose and as such it is a matter of judgement as to what is considered 'the locality' based on the individual merits of the scheme and an assessment of whether it would compromise local amenity or the balance of local land uses surrounding the application site.
- 58 It is recognised that there have been many hotel developments in recent years in the north west of the borough and some within the surrounding area, including the Great Dover Hostel and the apart hotels along Long Lane and this growth has been market driven. Whilst these uses do increase transitory nature of the area but providing that is confined to the main road and the residential character of side streets are maintained and as such this is not considered to impact the character of the area.
- 59 However given that the wider area is of a mixed nature, with a number of residential developments as well as offices with some hotels within the wider area, no concerns are raised in terms of over dominance of visitor accommodation with the specific locality surrounding the application site. Further, subject to a number of detailed conditions, and a S106 agreement, it is not considered that the proposed use will result in a significant detrimental impact on the amenity of the local residents or the character of the locality in this instance and the proposal is therefore considered to comply with the requirements of saved policy 1.12.

- 60 There is some uncertainty on the historic use of the of the building. What is clear however, is that the building was originally constructed as offices, staff club facilities, two flats and two garages. The staff club use may have been linked to the former Babcock works that occupied adjacent sites on both sides of Great Dover Street.
- 61 The Ground floor has a certificate of lawfulness for use as a office for radio controlled hiring out of vehicles with a driver with no hire vehicles attending the premises (Sui Generis use). The requirement that no hire vehicles attend the premises has been breached and is still subject to enforcement investigations as complaints continue in relation to the parking of vehicles within the surrounding area.
- 62 The Premises has also been used as an unauthorised hostel in the past and this use is claimed by the appellant to have begun in March 2000. The hostel although seldom fully occupied, contained 35 rooms. Records received from LBS Environmental Health section show that the Premises were inspected by an Environmental Health Officer in June 2001. He observed 35 rooms with shared toilet facilities, showers and kitchens.
- 63 The owner of the Site (in 2006) completed a HMO Licence application form on 14 September 2006. He described the property as being occupied by 6 people with 31 units vacant. He refers to 12 shared shower rooms, 10 shared toilets and 11 shared kitchens. He includes the two flats on the second floor within the application. The flats as detailed in the application appear to be the only parts of the building that do not share facilities.
- 64 On 21 September 2006 an Environmental Health Officer inspected the building and found it empty with no one in occupation, despite on his assessment it being capable of housing 59 people. They identified 13 sets of shared showers, toilets and cooking facilities
- 65 File notes on the Environmental Health file also show a call made to the previous owner on 8 June 2010. The caller was told that ownership of the premises had changed and the new owner was now a company by the name of Europa Gold and that the accommodation was empty whilst refurbishing to self contained flats. Follow up calls were made and on 6 July 2010 the caller spoke to a solicitor who had done work for the previous owner. He stated that he would respond by email. A short email chain on 13 and 14 July 2010 shows that the environmental health officer had spoken to the manager of the car business who advised that the property upstairs was empty apart from the flats. There were plans to convert the property into self contained flats and the solicitor confirmed that only one flat was occupied and that the remainder was unoccupied and there was no intention to revert to using the premises as a HMO so the licence application should be treated as withdrawn.
- 66 Despite this varying history, the site is also listed as being offices for the purposes of business rates, which identifies an area used as a boardroom on the second floor of 58 Great Dover Street.
- 67 A letter received from the Planning Inspector dated 01/11/12 (Appendix 4), in reference to the appeal against the Enforcement Notice issued on 11/05/2012, seeks to clarify the lawful use of the premises as it notes that there is a "disagreement as to whether there has been one or more material changes of use since the year 2000. If the Council is right and there has been more than one change, then it seems likely that the property now has a nil use rather than a lawful use as offices - see s57(4) of the Town and Country Planning Act and Encyclopaedia of Planning Law commentary at P57.08. If that is so then the current use does not result in a loss of office use".
- 68 As such, given these comments from the Planning Inspectorate, and the fact that the



use of the upper floors of the building has largely not been in its lawful B1 use for some time, the legal position is on balance, that the original lawful use of these upper floors has been abandoned leaving the upper floors with no use classification i.e. a Null use.

- 69 In relation to the ground floor use, as mentioned, a Certificate of Lawfulness was granted in 2001, relating to a radio controlled vehicular hire company office with no storage of cars on site. Having checked the Land use gazetteer, it is noted that this use is considered to be 'Sui Generis' and is again not within a B1 use.
- 70 Whilst it is noted that Saved policy 1.4 would seek to retain B use classes on sites which have an established B Class Use and which meet any of the following criteria:
- i. The site fronts onto or has direct access to a classified road; or
  - ii. The site is in a Public Transport Accessibility Zone; or
  - iii. The site is within the Central Activities Zone; or
  - iv. The site is within a Strategic Cultural Area.
- 71 This would have included this site as it is within the Central Activities Zone, however given the above assessment in relation to the existing lawful use, it is not considered that this is a relevant policy consideration for this application.
- 72 As such, the overall principle of development is, on balance, considered acceptable in this instance, subject to the potential amenity, transport and servicing impacts being acceptable. These matters will be discussed within the report below.

#### **Environmental impact assessment**

- 73 None required due to the nature and size of the scheme which does not fall within Schedule 1 and is below the relevant thresholds for Schedule 2 development, being less than 0.5ha in area and as it is not within a sensitive area and would not generate significant environmental impacts in this urbanised location.

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

- 74 Daylight/Sunlight and Outlook of neighbouring properties.  
The scheme does not represent any enlargements to the building with no other significant building works and therefore only makes use of the existing building and as such the scheme does not result in any additional loss of daylight/sunlight or overshadowing.
- 75 Overlooking.  
The scheme does however propose new window openings on the ground floor along the east elevation facing Spurgeon Street as well as on the west elevation facing into the communal gardens of the Chadwick Square development which is situated adjacent to the site. In regards to the additional windows proposed on the east elevation along Spurgeon Street, the property opposite the site within Chettle Close are approximately 14m away, there are no windows within the side elevations of this property and no windows are affected within any of the other properties within the residential close. Further these windows will not have any additional material impacts than the existing windows on the upper floors and as such no significant impacts are raised in regard to these windows.
- 76 In relation to the windows on the western elevation facing into the site at Chadwick Square, eight windows are proposed on this elevation and this will be introduced at a height of 1.7m from the finished internal floor level. Whilst there are no properties situated parallel to the west elevation of the application site on that side of the square, there are windows and balconies within the southern elevation of the building known

as Portland Court (54 Spurgeon Street). However, the windows could result in some potential overlooking impacts on these properties within Portland Court and as such the case officer viewed the site from within Portland Court at the request of an objector against the proposed development.

- 77 It was noted that there were some potential impacts on the flats within this block and as such it will recommended that the two windows that are closest to, and most likely to affect the properties within Portland Court, should be obscure glazed in order to ensure that there is no increased overlooking issues. This can be secured by way of a condition.
- 78 Objections have also been raised in relation to the use of the roof at both first and second floor levels of the building being used for the purposes of sitting out/roof terrace and this potentially raises significant amenity concerns for the adjoining residents, particularly within Portland Court, but also within the other adjoining residential blocks. A site visit noted that at present, the roofs are used solely for means of escape and it is not proposed that this will change. A condition to limit the use of the roofs for maintenance and means of escape purposes only, will sufficiently control these potential overlooking and noise issues.
- 79 Noise Nuisance  
The premises have been occupied by the hostel for some time. The maximum capacity of the hostel was 35 rooms – below the potential levels of occupation proposed under this application for a 52 bedroom hotel.
- 80 A number of objections have raised issues relating to the site being more intensively used, potentially including late night hours as patrons return to their accommodation and the subsequent noise impacts that would result in this intensification of use.
- 81 This was also an issue that was raised by the planning enforcement team at the time that the planning enforcement notice was served on 11/05/12, which noted that the hotel will establish a transient community on the southern side of Great Dover Street that will tend to be more active at night time and more disruptive, particularly as the entrance was from Spurgeon Street, where the immediate setting was predominantly residential.
- 82 The development subject to this application has proposed an alteration to the entrance which will consist of the removal of the existing entrance along Spurgeon Street (turning this into a fire exit only) and the introduction of a new patron entrance along Great Dover Street.
- 83 Great Dover Street has a different character to the setting of Spurgeon Street and is a much busier road which there are already some commercial night time uses, including the nearby Roebuck public house and adjacent take-away. This coupled with the fact that Great Dover Street is a TfL red route which has both night time pedestrian and vehicular traffic at present, it is not considered that this use would be unreasonable or result in significantly greater noise levels than those that already exist from this elevation. The site is located along a TfL red route and within the Central Activity Zone, where such activities are supported, and some level of noise expected.
- 84 The removal of the existing entrance and moving the main access to the front of the building, will alleviate noise concerns from residents within Chettle Close and to the southern end of Spurgeon Street, thus retaining the more residential character along Spurgeon Street.
- 85 Whilst it is noted that there are residential units within the neighbouring building at 54

Great Dover Street, as mentioned above, the front of this building is a busy TfL red route road with some commercial activities existing within the vicinity. Given this, the potential increase of patrons coming to and from the hostel is not likely to significantly increase the noise levels along the streetscene to an extent to warrant refusal of planning permission.

- 86 At the time of writing, no response has been received by the Environmental Protection team, however it is noted that the Council does not have any policies in relation to noise transfer from room to room other than those in place under the Building Regulations regime. The applicant has noted that all works will be completed in accordance with these regulations and this is considered to be the appropriate remit in which to control these potential issues.
- 87 As mentioned above, noise issues have been raised by residents in relation to the use of the roofs for sitting out/as a terrace etc. however as mentioned above, this does not form part of the application and the use of these roofs can be controlled by way of a planning condition to restrict their use for means of escape or maintenance purposes only.
- 88 As such, it is considered that, on balance, the concerns that are raised in regards to the amenities of the occupiers and future occupiers of the site are not considered material or resulting in significant harm and impacts sufficient to justify refusal of planning permission for the development. As such, it is considered that the development will accord with saved Policy 3.2 – ‘Protection of Amenity’.

#### **Quality of Hotel Accommodation**

- 89 London Plan (2011) policy 4.5 ‘London's Visitor Infrastructure requires that at least 10% of new hotel bedrooms are wheelchair accessible. The submitted drawings show 7.7% (4 No.) of the hotel rooms will be wheelchair accessible. This is one hotel room short to meet the 10% target. The explanation given for not meeting this target is due to the site constraints in relation to parking and that there are a number of hotels within the surrounding area which provide disabled parking spaces and thus they argue that additional rooms are unlikely to be required.
- 90 Under these circumstances it is considered that the shortfall is marginally below the London Plan policy requirement and does not significantly undermine the policy intention to warrant refusal of planning permission in this regard.
- 91 These 4 wheelchair accessible rooms will be located on the ground floor next to the reception area with a ramped access. The corridor serving the units will have an approximate width of 1.2m with recessed radiators, which is considered to satisfy requirements for a single wheelchair, but would not provide sufficient space for wheelchair users to pass each other. There is, however, unobstructed width of over 2.5m at reception, which will allow wheelchair users to pass one another.
- 92 There is a mixture of rooms proposed with nine (9) Single rooms, 31 Double rooms, eight (8) Family three/four bed rooms, and four dual purpose disabled rooms, all of which are provided with en-suite facilities. The existing rooms on the first and second floors have been finished to a high standard and are sufficient in size to accommodate the proposed occupation of the rooms. The proposed rooms are to be of a similar size and standard with larger rooms proposed and en-suite rooms for disabled users.
- 93 Whilst the majority of the rooms are single aspect, this is not uncommon for hotel developments and would not be considered detrimental in the same way as residential accommodation given the temporary nature of the hotel accommodation. Further, some of the proposed windows are relatively small with two of the ground floor rooms only having access to large roof lights and as such will be enough to adequately

provide natural light and ventilation to the rooms.

94 The application proposes the introduction of eight windows on the flank elevation facing into Chadwick Square and along the elevation within Chadwick Square, there is a planted area adjacent to this flank wall in which there are a number of bushes and shrubs. Five of the proposed windows are likely to be situated behind these bushes and as such there will be a limited outlook from these windows.

95 While there are no local standards which apply to the standard of daylight in this instance, these rooms would, on balance, achieve a standard of daylight that could be considered acceptable in this instance, given the short term stay nature within hotel developments such as this.

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

96 The immediate surrounding area contains a mix of uses including retail, cultural and residential uses. In this context it is not expected that any existing use in the locality would be detrimental to the amenities of future users of the proposed hotel development.

#### **Traffic issues**

##### **Access**

97 The current site has its main access from Spurgeon Street and this is proposed to be removed and pedestrian access to the development is proposed from Great Dover Street with emergency exits only to spill out on to Spurgeon Street.

98 Currently, there is no vehicular access to the site and the building line is not proposed to change and no vehicular crossovers are proposed in association with the above application. As such, vehicular and pedestrian visibility splays are not required as no vehicular access is proposed. Any redundant drop curb or highway reinstatement needed should be undertaken at the applicant's cost and can again form part of the S106 agreement for highway works.

##### **Cycle parking (Policy 5.3)**

99 For the proposed hotel use, TfL's work place travel plan and workplace cycle guidance both suggest that a minimum of one secure cycle parking space should be provided for every ten staff. The proposed development will have a total of seventeen staff associated and there is an internal cycle store proposed within the building which is accessible and weatherproof and is of a suitable size to accommodate two cycles. A condition will be attached to any consent requiring details of the type of lockable cycle storage that will be implemented.

##### **Car parking (Policy 5.6)**

100 This proposal is located in an area with a high TfL PTAL rating (5/6a) reflecting the areas high 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, as per Southwark's Strategic Policies 18 and 19.

101 The above application has proposed to be CPZ exempt, and therefore forfeit the ability to apply for parking permits for the use by staff and visitors. As such this aspect of the application is in accordance with Policy 5.6. A condition is required to achieve this.

##### **102 Disabled parking (Policy 5.7)**

No disabled parking has been provided in association with the proposed development and as the building line is not being altered the possibility for an off street disabled

parking space in association with development is not possible.

103 Southwark Council currently uses the blue badge system for on street disabled parking bay users. An on street disabled parking bay within an immediate proximity of the development can not be guaranteed for the sole use of a disabled person using the proposed hotel. This factor coupled with observation that no lift is proposed in association with the development leads to the assumption that disabled usage is unlikely to be high and therefore the demand for on street disabled parking is not of a significant level to request disabled parking facilities in association with the above application.

104 There are a number of other hotels close by which provide off street disabled parking facilities and should a disabled car user wish to stay in this section of the borough it is more likely that they will use these hotels over the proposed development. As such the absence of disabled parking facilities in this instance will not warrant a reason for refusal.

#### **Servicing and refuse vehicle access**

105 As stated previously the building line is not being altered in association with the above application and no off street servicing facilities have been provided nor will they be required. A loading bay is located immediately outside the main access of the development on Great Dover Street and the Transport statement notes that all servicing will take place from this entrance. As such, this will adequately cater for service and refuse vehicles associated with the development. However details of the internal storage for refuse have not been provided and as such a condition is recommended to provide specific details.

106 A service management plan will be required before occupation of the remainder of the development and the service management plan should document the proposed level of service trip generation (calculated using comparable sites on trip generation databases) and provide robust measures which will suitably mitigate the impact of service vehicles associated with proposed development. Applicants should refer to TfL guidance on service management plans - [http://www.tfl.gov.uk/microsites/freight/delivery\\_servicing\\_plans.aspx](http://www.tfl.gov.uk/microsites/freight/delivery_servicing_plans.aspx).

#### **Trip Generation/Highway impacts**

107 At present a Sui generis radio car use is in operation on the ground floor of the site and as part of the ongoing enforcement investigation it has been observed that cars currently wait outside the development. The permitted use for the ground floor was for public carriages to be radio controlled, with no waiting or collection at the base location, however the current preserved trip generation experienced by the ground floor radio car use is high.

108 The upper floors currently have a previously lawful B1 office use associated, which as noted above, has been abandoned. If the development were to be operating with in its previous use class remit, vehicular trip generation by the B1 use coupled with vehicle trips currently associated with the radio car aspect would be substantially higher than vehicle movements generated by the proposed C1 hotel use.

109 Trips associated with the hotel use can also be mitigated and managed through both a service management plan and a travel plan. These documents will significantly reduce the impact of the proposed development on the surrounding highway network. As noted, the site has a high PTAL which notes the site's very/good excellent access to public transport and it is likely that the bulk of trips to and from the site will be made by public transport.

110 In summary, the removal of the radio car use and implementation of the C1 hotel use,

with travel plan and SMP, will significantly reduce trip generation and parking stress on the immediately surrounding highway network and represents sustainable growth within its context.

### **Travel Plan**

- 111 A travel plan has been submitted with the above application, however it does not meet the required criteria for a development of this nature. The submitted document contains details relating to journey planning information, CPZ exemption and details of Staff levels.
- 112 It is appropriate to suggest that a condition should be applied to any given consent requiring a travel plan to be submitted and approved before occupation. A robust travel plan should contain monitoring which can constantly evolve the modal shift targets set for new development. Applicants should refer to the following link for TfL's Travel Plan Guidance - <http://www.lscp.org.uk/newwaytoplan/>.
- 113 In summary, the proposal will result in a significant reduction in vehicular trip generation when the ground floor radio car use (currently subject to planning enforcement action) is removed and the hotel use is implemented. As mentioned below, this will form part of the S106 agreement and this use will be required to be removed within 6 weeks from the granting of any planning permission.
- 114 Disabled parking demand by the proposed development will not be of a sufficient level to warrant specific disabled parking facilities to be associated with this application and nor would the absence of disabled parking facility warrant a reason for refusal.
- 115 The travel plan and service management plans will further reduce the level of trip generation in association with the proposed use. These documents will also manage the trips that are generated so that the impact on the surrounding highway network is significantly reduced.
- 116 As such, it is considered that the proposed hotel use will not result in any significant impacts on the highway network and thus accords with the relevant policies subject to further details being provided in relation to a detailed travel and service management plan.

### **Design issues**

- 117 The application seeks some external alterations to the host building, however it proposes elevation changes to the north, east and west elevations.
- 118 The proposed alteration to the north elevation will consist of the removal of some of the existing windows at the ground floor level with a new entrance proposed to the western end of this elevation, the entrance will consist of an automated sliding door with charcoal coloured powder coated aluminum frames. The ground floor is also proposed to be rendered with an ivory colour with the addition of a fascia sign above the proposed entrance and illuminated signage board to the eastern end of the elevations. The signs do not form part of this application and are subject to a separate assessment.
- 119 The design of the entrance and use of materials are considered in keeping with the existing building and will give the ground floor of this dated office building a more inviting entrance which will enhance the visual amenity of the streetscene along Great Dover Street.
- 120 The proposed eight (8) windows along the east elevation facing onto Spurgeon Street are similar in design, proportions and appearance to the existing windows and as such no objections are raised in this regard.

- 121 In relation to the additional eight windows along the western elevation facing into Chadwick Square, these windows are relatively small and different in style to the existing windows within the building, however these have been designed in order to minimise the impact in terms of overlooking on the occupiers of the adjacent residential blocks. The flank elevation has no design detail and no distinct features and it is not considered that these will visually affect the appearance of the building nor the residential amenity of adjoining occupiers.
- 122 As such, the proposal is considered to accord with saved policies 3.12 and 3.13 of the Southwark plan 2007 as there will be no visual impacts on the host building to an extent to warrant refusal of permission and part 7 – Requiring Good Design, of the NPPF.

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

- 123 The application building is not listed and none of the adjacent building area listed either. The site is also not located within a conservation area, however the Trinity Church Square conservation area is situated approximately 80m to the west of the site.
- 124 Given this distance to the conservation area, it is not considered that the external alterations will result in any impact on the setting of the conservation area.

**Impact on trees**

- 125 The application proposes the introduction of eight windows on the flank elevation facing into Chadwick Square and along the elevation within Chadwick Square, there is a planted area adjacent to this flank wall in which there are a number of bushes and shrubs. Five of the proposed windows are likely to be situated behind these bushes and as such there will be a limited outlook from these windows, however no works are proposed to these bushes so no issues are raised in relation to trees.

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

- 126 The hotel has been assessed for s106 Contributions in line with the S106 Toolkit. However as there is no change in floorspace and 34 bedrooms of this proposed 52 bed hotel have already been provided/completed, the applicants are claiming these to be lawful. The development is not one where a building is being demolished and a new hotel constructed, but the conversion of a building with intervening uses. In terms of hotel developments this puts the site into something of a class of its own.
- 127 As such, having taken advice from the Council's S106 Legal Agreement Manager, it has been agreed that highway works to the west side of Spurgeon St are a priority and that contributions to public realm and open space should be made as part of the S106. Given this, it is considered appropriate that the proposed 18 additional bedrooms should form the basis of the development that requires mitigation as these represent the uplift in accommodation. This accords with the past use of the site, the stance taken in respect of enforcement and is a proportionate method of assessing the mitigation that the development as a whole is required to make. Construction has been omitted from the toolkit as construction is limited to internal fitting out and window replacement.
- 128 The toolkit produces the following result:

Public Realm	£13,500
Site Specific Transport	£9000

Open Space	£2,879
Strategic Transport	£6,890
Total	£32,269
Admin 2% of contributions	£645
Total	£32,914

- 129 Approximately £30,000 worth of contributions relates to public realm and transport.
- 130 The Council has looked at the immediate area and consider that the obvious public realm transport improvement to the area is the renewal of the western pavement of Spurgeon Street from the build out immediately out side the site up to the start of the red route.
- 131 The Councils Public Realm Programme Manager has looked at that work and agreed that a figure of about £25k would cover this highway work and the applicant has confirmed that they wish to carry out the highway work themselves.
- 132 The agreement will therefore need to require that they enter into a s278 agreement in respect of carrying out the highway works within 6 weeks of the issue of any planning permission being granted.
- 133 The remaining contributions will be £2,879 in respect of Open space and £4000 in respect of public realm alongside an Admin fee £138. How about the UU for CPZ exemption.
- 134 The matter has been passed to Legal services to progress.

**Other provisions for inclusion in the agreement:**

- 135 1. The use of the taxi business on the ground floor shall cease within 6 weeks of the date of the permission and the ground floor shall be vacated in readiness for fit out of the hotel. No use whatsoever shall be made of the garage after this date prior to conversion. To prevent congestion in the surrounding area.
- 136 2. The southern most entrance to the hotel on Spurgeon Street, currently used as a reception shall cease to be used by anyone accessing the hotel, save as for an emergency exit. The signage above this entrance shall be removed. This will be achieved within three months. This has been proposed to improve the residential amenity of the surrounding occupiers.
- 137 3. Four (4) Bedrooms to be constructed as wheelchair accessible rooms within three months of the and retained as such thereafter to make the hotel accessible to all members of the community.
- 138 4. Construct the hotel entrance and make the elevation improvements to the Great Dover St entrance within three months of the date of the permission, to improve the streetscene of Great Dover Street.
- 139 5. Operate the Hotel in accordance with the travel and servicing arrangements stated in the transport statement accompanying the application.
- 140 Officers consider that the site and development facilities fairly and reasonably relate to



the development plan and to planning considerations affecting the site.

### **Sustainable development implications**

- 141 Policy 5.2 of the London Plan Minimising Carbon Dioxide Emissions that requires development proposals should make the fullest contribution to minimising carbon dioxide and that they should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. The policy also states that buildings should deliver a carbon saving of 25% over the Building Regulations 2010.
- 142 Policy 5.7 Renewable Energy seeks to increase the proportion of energy generated from renewable sources. Saved Policy 3.4 of the Southwark Plan seeks energy efficient development. Core Strategy Strategic Policy 13 - High environmental standards applies a similar energy hierarchy to the London Plan and requires the highest possible environmental standards including requiring major developments to achieve a reduction in carbon dioxide emissions of 20% from low or zero carbon sources of energy, and achieving a BREEAM "excellent" standard. These policies are expanded upon in the Council's Sustainable Construction and Design SPD. A BREEAM Assessment has not been submitted as part of the application.
- 143 However, having consulted the applicant's agent in relation to this issue, an email dated 05/04/2013 confirmed that all works will ensure that the existing property and the proposed development will be subject to certified BREEAM 2011 assessment before detailed construction drawings are prepared following planning approval in order to obtain an 'excellent' standard.' They also note that they will appoint an approved registered ISO 14001 assessment Company to complete a full specification and audit program prior to commencement of works. As such it is considered appropriate to condition this as part of the proposal.

### **Other matters**

- 144 CIL  
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 this application as under the current guidance a calculation is made for any new floor space created by the provision of a new residential building.
- 145 There is no new floorspace being created on site as the application is solely for a change of use. And as part of the building at present is operating within its lawful permitted use (the two flats on the second floor and the Sui Generis use at Ground Floor), it is considered that the proposal is not liable for any Mayoral CIL payments in this instance.
- 146 Flood Risk  
A flood risk assessment has been provided in support of this application and the Environment Agency has been consulted on the information submitted.
- 147 They note that the site is located in Flood Zones 1, 2 and 3 – not solely in Flood Zone 2, as stated in the submitted Flood Risk Assessment (FRA) – and is within an area benefiting from the River Thames tidal flood defences. The Councils database appears to suggest that the site is situated within Flood Risk Zone 2 and EA have been asked for clarification on this comment.

- 148 In response to the details submitted, they note that the FRA does not comply with the requirements set out in the Technical Guidance to the National Planning Policy Framework (NPPF) (Paragraph 9). Accordingly, the submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and that as such they cannot comment fully on the proposal.
- 149 The case officer has subsequently relayed this information to the applicants and are currently awaiting the submission of additional information in this regards and additional information will be submitted within the coming week. Any further assessment of the FRA will form part of an addendum to the main report under consideration here.
- 150 However, one issue raised by the Environment Agency relates to the use of the basement, however the applicants have confirmed that this existing layout is not subject to change and as such no additional

#### Overcoming reasons for issuing Enforcement Notice.

- 151 As noted within the main body of the report, the Council issued a planning enforcement notice against the unauthorised hotel use at the application site for reasons listed above in the planning history section. The Council's appeal statement of case amplifying the reasons for taking enforcement action was reviewed in detail. The planning enforcement notice targets an unauthorised development at the site comprising 34 hotel beds. In the absence of mitigating measures and discharge of obligations, this development (targeted by the enforcement notice) is still considered unacceptable.
- 152 However, it was considered that the scheme subject of this application is materially different to the existing unauthorised use (targeted by the planning enforcement notice) and materially addresses the actual and perceived harm and impacts arising from the proposed use. Given, the preceding assessment above, it was concluded that the proposed application would, subject to conditions, result in an acceptable use for this site.

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

- 153 The location of the site makes it suitable for hotel use, and criteria in relation to public transport accessibility and close to a town centre location are met. The hotel could not be considered to harm the character of the area as it would remain mixed, with a wide range of uses. The provision of Class C1 use is supported by policy.
- 154 The impacts of the scheme in relation to amenity are considered acceptable as it is considered that no significant harmful impacts would arise, subject to conditions and the S106, and the quality of the hotel accommodation is considered appropriate.
- 155 In assessing and determining the application the council has applied the presumption in favour of sustainable development. The application would accord with sustainable principles and would positively promote a sustainable mixed use development and an effective use of land. It would therefore accord with the NPPF.
- 156 It is therefore recommended that permission be granted, subject to conditions as set out in the attached draft decision notice and completion of a S106 agreement

#### **Community impact statement**

- 157 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.

- 158 a) The impact on local people is set out above.
- 159 b) The issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
- 160 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

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

### **Consultation replies**

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

#### Summary of consultation responses

- 163 Responses have been received in objection from the owners/occupiers of the following properties:

164 Flats 2, 3, 8, 9, 11, 29, 30, 35 Portland Court, 50-54 Trinity Street, London SE1 4JZ, Flats 10, 12, 14, 24, 30, 31 Bentham House, 5 Falmouth Road, London, SE1 4JY, Flats 2, 7, 10, 13, 20, 29 Russell Lodge · 26 Spurgeon Street · London SE1 4YJ, the owner of owner of Flats 12, 21 and 23 Russell Lodge, situated in Spurgeon Street, Southwark, SE1 4YJ, 21 Jonson House, Burge Street, Lawson Estate, SE1 4EH, 51 Symington House, Deverell Street, London, SE1 4AA and The Aspect, 67 Deverell Street, London SE1 4EX.

- 165 Seven responses have also been received from the surrounding neighbours, however these responses have not specified their addresses and proximity to the application site.

### **Human rights implications**

- 166 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.
- 167 This application has the legitimate aim of changing the use of the existing building to provide a hotel which will consist of 52 bedrooms. The previous lawful use of the upper floors of the site is as radio controlled centre for a taxi company (granted permission ref:0101243) and the upper floors were lawfully used as a B1 office space. However it is understood that this use has not been in situ for some time and the current use of the upper floors has been as an unlawful hotel which is currently subject an enforcement notice which has been appealed .
- 168 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/1240-59 Application file: 13/AP/0501 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5416 Council website: www.southwark.gov.uk

## 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>	Alex Cameron, Planning officer	
<b>Version</b>	Final	
<b>Dated</b>	8 April 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance & Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	12 April 2013	

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 01/03/2013

**Press notice date:** 28/03/13

**Case officer site visit date:** 21/03/13 and 05/04/13

**Neighbour consultation letters sent:** 04/03/13

#### **Internal services consulted:**

Transport.  
Environmental Protection Team.  
Public Realm.  
Planning Policy.

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

Transport For London.  
Environment Agency.

#### **Neighbours and local groups consulted:**

FLATS 1-20 SHAFTESBURY COURT, ALDERNEY MEWS, LONDON, SE1 4JR.  
1-9 BURBAGE CLOSE, LONDON, SE1 4ES  
FLATS 1-19 MUNDAY HOUSE, LAWSON ESTATE, BURBAGE CLOSE, LONDON, SE1 4EU  
1-10 CHETTLE CLOSE, CHETTLE CLOSE, LONDON, SE1 4EF  
FLATS 1-8 THE ASPECT, 67 DEVERELL STREET, LONDON, SE1 4EX  
FLATS 1-39 PORTLAND COURT 1 FALMOUTH ROAD LONDON SE1 4JX  
4 A,B and C, FALMOUTH ROAD, LONDON, SE1 4JQ  
6 FALMOUTH ROAD, LONDON, SE1 4JQ  
FLATS 1-40 BENTHAM HOUSE 9 FALMOUTH ROAD LONDON SE1 4JY  
THE ROEBUCK, 50 GREAT DOVER STREET, LONDON, SE1 4YG  
LIVING ACCOMMODATION, THE ROEBUCK, 50 GREAT DOVER STREET, LONDON, SE1 4YG  
50A GREAT DOVER STREET, LONDON, SE1 4YG  
59-60 GREAT DOVER STREET, LONDON, SE1 4YF  
59A and B, GREAT DOVER STREET, LONDON, SE1 4YF  
60 and 60A, GREAT DOVER STREET, LONDON, SE1 4YF  
FLATS 1 and 2, 61 GREAT DOVER STREET, LONDON, SE1 4YF  
GROUND FLOOR AND PART MEZZANINE FLOOR, 61-64 GREAT DOVER STREET, LONDON, SE1 4YF.  
FLATS 1-117, 165 GREAT DOVER STREET, LONDON, SE1 4WY.  
FLATS 1-30 RUSSELL LODGE, 22-26 SPURGEON STREET, LONDON, SE1 4YJ  
FLATS 1-2, 1-20 SPURGEON STREET, LONDON, SE1 4YJ,  
42 TRINITY STREET, LONDON, SE1 4JG

#### **Re-consultation:**

N/A.

## APPENDIX 2

### Consultation responses received

#### Internal services

Transport - Incorporated into the report.

Environmental Protection - No formal response received at the time of writing, noise issues have been assessed by officers as there was no flues or extraction equipment was proposed and as such officers are in the position to put forward their judgement on the proposed noise impacts from the use. Any further comments received will be included in an addendum to this report.

Planning Policy - Incorporated into the report.

Public Realm - None received, any further comments received will be included in an addendum to this report.

#### Statutory and non-statutory organisations

Environment Agency - A detailed Flood Risk Assessment (FRA) is required for this development proposal, according to the National Planning Policy Framework (NPPF) (Paragraph 103, Footnote 20). However, the submitted FRA does not comply with the requirements set out in the Technical Guidance to the National Planning Policy Framework (NPPF) (Paragraph 9). Accordingly, the submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Illustratively, the submitted FRA: states that the site is located solely in Flood Zone 2 – whereas we believe the site is actually located in Flood Zones 1, 2 and 3 – and does not provide a suitable site plan to accurately support this statement;

It indicates that the existing and finished ground floor level – stated as 2.6 metres above Ordnance Datum – is situated 450mm above the 1 in 200 year breach flood level at the site, but does not provide any evidence, such as the breach flood level itself, to support this claim;

It does not refer to the lower ground floor (basement) level which the submitted plans suggest will be present on site, particularly the proposed use of the level and whether any flood resilient measures will be incorporated in to the design of the level.

Accordingly, in the absence of a suitable FRA, we are not in a position to comment on the residual flood risk associated with the proposed development. Moreover, there is a lack of information on whether flood resistant and resilient measures would be required to protect the future occupants of the proposed development.

#### Resolution

In order to resolve this objection, an updated FRA should be submitted which addresses each of the aforementioned deficiencies, thus accurately and adequately identifies and assesses the risk of all forms of flooding to and from the proposed development and demonstrates how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change in to account.

Flood resistant and resilient measures We note that the development proposals incorporate more vulnerable uses as a hotel, including sleeping accommodation, at the ground floor level, according to the submitted FRA. We strongly recommend that more vulnerable uses, particularly sleeping accommodation, are set at the first floor level and above or, if the former approach is absolutely not possible, at a minimum of 300mm

above the 1 in 200 year breach flood level. Our recommendation is supported by the spatial planning and development control recommendations within the London Borough of Southwark's Strategic Flood Risk Assessment (SFRA) (Section 6.4.4) which are themselves further embodied within the Sustainable Design and Construction Supplementary Planning Document (SPD) which states that "sleeping areas should not be located below the predicted 1 in 200 year flood level" (Section 9.2).

We also note that the submitted plans for the development proposals suggest the presence of a lower ground floor (basement) level on site. However, we cannot find any details on the proposed use of the lower ground floor (basement) level or whether any flood resilient measures will be incorporated in to the design of the level.

We strongly recommend that more vulnerable uses, particularly sleeping accommodation, is not located at the lower ground floor (basement) level, as outlined in our above recommendation. We also strongly recommend that, if any development is proposed at the lower ground floor (basement) level, safe access threshold levels and internal staircases to access floor levels above the 1 in 200 year breach flood level are incorporated in to the design of the development. Indeed, we may object to the planning application if a satisfactory means of escape from and to such floor levels is not provided.

We strongly recommend that flood resilient measures are incorporated in to the design of the proposed development, where practical considerations allow, using guidance contained within the document 'Improving the flood performance of new buildings: flood resilient construction' which was published by the Department for Communities and Local Government (CLG). We note that flood resilient measures will be included within the proposed development, according to the submitted FRA. However, we cannot find any evidence of the type of flood resilient measures which will be incorporated.

We also note that registration with our Floodline Warnings Direct service and production and distribution of a flood response plan (or flood warning and evacuation plan) have been proposed, according to the submitted FRA. However, no further details have been provided, nor any indication of safe refuge, if necessary. Ultimately, any flood response plan should be approved by the Local Planning Authority's Emergency Planning department.

Transport for London - The above site is located upon Great Dover Street, which forms part of the Transport for London Road Network (TLRN) TfL is the highway authority for the TLRN, and are therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

It should be noted that Great Dover Street forms part of the "Red Route" Network where by no stopping, parking, waiting or loading is permitted Monday-Saturday 7am-7pm, except in designated areas, subject to localised restrictions. In this instance, the loading bays outside the site, permits loading and disabled parking between the hours of 10am-4pm.

TfL note the proposal to provide 10 cycle parking spaces at the site, and consider that this accords with London Plan standards. TfL request that this is secured through condition.

Given proximity of the TLRN, TfL request that the submission of a Construction Management Plan is submitted to and approved by the Council in conjunction with TfL before construction work commences on site. TfL further requests that the submission of the plans should be secured via appropriate planning conditions/ obligations.

Subject to the above, TfL are content that the above application would have no adverse

impacts upon the operation of the TLRN.

### **Neighbours and local groups**

Responses have been received in objection from the owners/occupiers of the following properties:

Flats 2, 3, 8, 9, 11, 29, 30, 35 Portland Court, 50-54 Trinity Street, London SE1 4JZ, Flats 10, 12, 14, 24, 30, 31 Bentham House, 5 Falmouth Road, London, SE1 4JY, Flats 2, 7, 10, 13, 20, 29 Russell Lodge · 26 Spurgeon Street · London SE1 4YJ, the owner of owner of Flats 12, 21 and 23 Russell Lodge, situated in Spurgeon Street, Southwark, SE1 4YJ, 21 Jonson House, Burge Street, Lawson Estate, SE1 4EH, 51 Symington House, Deverell Street, London, SE1 4AA and The Aspect, 67 Deverell Street, London SE1 4EX.

Seven responses have also been received from the surrounding neighbours, however these responses have not specified their addresses and proximity to the application site.

The responses have raised a number of points of objection which are largely consistent in their content, the contents of these responses are summarised below and these issues which are raised are addressed within the main body of the report above.

**Overlooking/loss of privacy** – The residents within the neighbouring development at Chadwick Square have argued that they currently enjoy the use of a private garden within our gated development and the proposed windows overlooking the garden and other flats will result in a very marked loss of privacy. The proposed windows within the west elevation looking into the Chadwick Square communal gardens will result in a further loss of privacy. They have concerns as the owner of the currently illegal hotel has attempted to create a roof terrace where guests could drink and smoke and if this were again developed it would overlook their properties and gardens and result in further loss of privacy and noise at unsocial hours.

**Adequacy of parking/loading/turning** – Spurgeon Street is the main access to the car parking area for the Chadwick Square development and the objectors argue that it is already frequently blocked with vehicles from the existing illegal hotel as well as cabs from the radio taxi office parking on site (this is subject to a separate planning enforcement notice). The objections also raise issues of Highway safety and road access being compromised with the increase traffic and parking within Spurgeon Street which will also impede access for emergency vehicles. They thus argue that this narrow, inaccessible street is not suitable for commercial activities.

**Traffic generation** - Creating a 52 room hotel will undoubtedly increase the traffic stopping in Spurgeon Street where guests, taxis, coaches etc. will want to stop and park. The development would give rise to an unacceptable increase in the traffic in a small residential road. The objections argue that the walking distances and times to the nearest transport nodes listed within the transport statement are not accurate and that travelling times will be added to when taking into account luggage etc. They go on to suggest that it is likely that many of the occupiers of the development are likely to arrive by taxis and or coaches which will cause more traffic and noise issues. The servicing and suppliers to the development are also likely to cause significant problems as these will take place 7 days a week.

Concerns are also raised in relation to take-away motorbikes and deliveries being made to the hotel, which are causing further stress on the road as well as more noise.

**Noise and disturbance resulting from use** – the residents of the 130 flats in the Chadwick development currently enjoy a quiet environment and observe rules regarding



noise and rowdy behaviour and that there will be a very transient nature of the occupiers will increase noise within the area, particularly late into the night. They argue that a 52 room hotel overlooking and adjacent to the flats would completely destroy the quiet ambiance currently enjoyed.

Objections have raised in relation to on street drinking and anti-social behaviour being a particular problem within the area with the large student housing block along Great Dover Street and the addition of this hotel will further increase this problem causing significant impacts on the amenity of the occupiers Chadwick Square development as there are no services provided within the hotel or surrounding area.

They also note that the use of the building as a hotel would be outside the hours of the office which was previously in situ as the patrons will be coming and going throughout the day and night as well as patrons smoking and drinking outside the neighbouring blocks of flats.

**Refuse and litter problems** – the neighbours have argued that the existing hotel already disposes of waste either by tipping or using our refuse areas and the owners are known to have been abusive when confronted and that this problem is likely to increase with further development. They also note that there is a significant increase in litter on the street along Spurgeon Street as a result of the development.

**Effect on the character of the area, including the nearby conservation area** – Spurgeon Street and Great Dover Street are adjacent to the Trinity Square conservation area and the proposed site would over-develop the area and would not be in keeping with the local environment which is predominantly residential nature. It would be the only space in the vicinity of the hotel and therefore likely to become a rowdy, troublesome area at night and so considerably disrupt the residents of Portland Court whose windows overlook the area. They argue that the use will completely change the nature of the area and that this is residential area, not a tourist area

**Layout and density of building** – Objectors argue that a 52 room hotel on this site is an over-development of the site and there is insufficient space for the amenities that would normally be provided for a hotel of this size. Objections have also been raised in regards to the layout of the some of the rooms that may not have adequate access to light or outlook.

**Access for disabled persons and emergency vehicles** - Objectors have also argued that the proposal does not appear to adequately provided for.

**Over dominance of hotels** - Objectors also argue, that there is an over dominance of visitor accommodation in the locality and not as the Applicant suggests a “a relatively modest level of hotel space.”. They go onto suggest that there are a number of hotels listed within the surrounding vicinity on Booking.com as well as additional hotels at The Dover Castle on Great Dover Street and the apartments at Empire Square on Long Lane.

**Appropriateness of a hotel** - Objectors have also argued that there are very few bars/restaurants within the surrounding and that the hotel will not have adequate access to these amenities and that the surrounding infrastructure does not have capacity for a further 100 people within the area. Objections also refer to the existence of the transient population of the occupiers of the student accommodation situated across the road, which is also let out as a hostel outside of term time.

**Potential to disregard planning conditions** - A number of the objections raise issues that the owners of the site have in the past (parking of taxis within Spurgeon Street and the surrounding area which was not within the lawful use) and will continue to flout planning conditions and that this will continue to result in detrimental impacts on the residents within Chadwick Square.

**Loss of office space** - The objectors also note that there would be a loss of office space which would be contrary to saved policy 1.4 of the Southwark Plan.

**Design of the frontage and entrance** - The objectors have argued that the front entrance they are proposing on Great Dover Street is low , not very wide and would let in very little natural light into the reception area. they have also argued that the proposed alterations have managed to make an ugly building even more ugly with the alterations to the frontage. Issues have been realised in relation to the signage resulting in detrimental impacts on the design of the adjoining building at Portland Court (The signs are not the subject of this application and advertisement consent will be required for any illuminated signage at this location.

<b>Appendix 5. Monitoring &amp; Compliance Schedule for Planning Application 13-AP-0501</b>			
<b>Planning Condition/Obligation</b>	<b>Monitoring Target</b>	<b>Evidence</b>	<b>Sanction</b>
<p><b>s106 agreement with the following contributions:</b></p> <ul style="list-style-type: none"> <li>Public Realm</li> <li>Site Specific</li> <li>Open Space</li> <li>Strategic Transport</li> </ul> <p><b>Other Provisions of the s106</b></p> <ul style="list-style-type: none"> <li>Taxi business to cease within 6 weeks of planning permission.</li> <li>Close Spurgeon Street entrance within 6 weeks of planning permission.</li> <li>Create new entrance in Great Dover Street within 6 weeks of planning permission.</li> <li>Provide x4 wheelchair accessible bedrooms within 3 months of planning permission.</li> <li>Operate in accordance with travel plan and servicing arrangements outlined in transport statement.</li> </ul>	<p>Continuous from date of planning permission.</p> <ul style="list-style-type: none"> <li>6 weeks from signing of s106 agreement</li> <li>6 weeks from signing of s106 agreement</li> <li>6 weeks from signing of s106 agreement</li> <li>3 Months from signing of s106 agreement</li> </ul>	<ul style="list-style-type: none"> <li>Provision of contributions.</li> <li>Taxi business ceases – no visiting cars in area</li> <li>Entrance closed</li> <li>New entrance created</li> <li>x4 wheelchair bedrooms</li> <li>Hotel operating in accordance with travel and servicing plan.</li> </ul>	<p>A s106 agreement is a legally binding obligation to the land owner and a registered land charge that transfers with ownership.</p> <p><b>Planning obligations are enforced:</b></p> <ul style="list-style-type: none"> <li>In the High Court by application for an injunction or recovering contributions payable</li> <li>By carrying out any operations required by the Planning Obligation and recovering the cost from the person(s) against whom the obligation is enforceable.</li> <li>Applicant will be held in contempt of court if he ignores injunctions. This carries a higher financial and/or custodial penalty.</li> </ul>
<b>Planning Conditions</b>			
Development carried out in accordance with approved	Detailed inspection after 90 days of	-layout -no. of rooms	<ul style="list-style-type: none"> <li>Breach of condition notice (BCN) served</li> </ul>

plans and materials	planning permission.	-corridor widths -wheelchair accessible rooms -location of services	on the operator. <ul style="list-style-type: none"> <li>• No right of appeal.</li> <li>• £1000 fine on conviction.</li> <li>• The Council will apply for an injunction in the event of continued non-compliance.</li> <li>• Applicant will be held in contempt of court if he ignores injunctions. This, again, carries a higher financial and/or custodial penalty</li> </ul>
Commencement within one month & completion within 3 months.	Inspection at 30 days and 90 days	Progress of works	BCN as above
Use of flat roofs as terraces	Continuous from date of planning permission	Nature of use – emergency access /against use as outdoor area	BCN
Travel Plan	Six weeks from date of planning permission	Submission and implementation of travel plan	BCN
Service Management Plan	Six weeks from date of planning permission	Submission and implementation of a management plan	BCN
<b>Planning Condition/Obligation</b>	<b>Monitoring Target</b>	<b>Evidence</b>	<b>Sanction</b>
Servicing	Continuous monitoring from planning permission.	Servicing outside of 10am & 4pm Monday to Sunday.	BCN
Cycle Storage	Submission of details within 1 month of planning permission & implementation within 2 months of approval	Size, layout and location of cycle storage.	BCN
Commercial refuse storage	Submission of details within 1 month of date of planning & implementation within 1 month of approval	Size, layout and location of commercial refuse storage	BCN
Provision of accessible disabled toilet	Within one month of date of planning permission	Location and facilities of disabled toilet	BCN
CPZ Exemption	Flag up permission with the parking shop to prevent issuing of parking permits at address.	Whether occupants obtain parking permits	BCN

No external equipment to be provided without planning permission.	Continuous monitoring of site for external equipment	Existence of external equipment	BCN
No conference meeting or dining facilities.	Continuous monitoring of site.	Witness occurrence /advertisement of conference meeting/dining type activities	BCN
No primary preparation of food	Continuous monitoring of site.	No primary preparation of hot food.	BCN