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## RECOMMENDATION

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

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<b>Applicant</b>	Mr R Johnson	<b>Reg. Number</b>	13/AP/0501
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/1240-59
<b>Recommendation</b>	Grant subject to Legal Agreement	<b>Number</b>	

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

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.

**At:** 1-20 SPURGEON STREET, LONDON, SE1 4YP

**In accordance with application received on 21/02/2013 08:00:36**

**and Applicant's Drawing Nos.** Design and Access Statement, Transport Statement, Flood Risk Analysis, 01023/G/1-2/02, SPUI 1, SPUI 2, SPUI 3, SPUI 4,

**Reasons for granting permission.**

This planning application was considered with regard to various policies including, but not exclusively:

- a] Strategic Policy 2 - Sustainable Transport, Strategic Policy 10 - Jobs and Businesses, Strategic Policy 13 – High environmental standards.
- b] Saved Policy 1.12 (Hotels and Visitor Accommodation) advises that hotels will be encouraged in areas of high public transport accessibility,

Policy 2.5 (Planning Obligations) seeks to ensure that any adverse effect arising from a development is taken into account and mitigated, and contributions towards infrastructure and the environment to support the development are secured, where relevant, in accordance with Circular 05/2005 and other relevant guidance.

Policy 1.12 (Hotels and Visitor Accommodation) advises that hotels will be encouraged in areas of high

Policy 3.1 (Environmental effects) seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure.

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area of the Southwark Plan [July 2007].

Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

Policy 5.7 (Parking Standards for Disabled People) requires development (subject to site constraints) to provide adequate car parking for disabled people and the mobility impaired.

- c] The 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
  
- d] National Planning Policy Framework [2012].
  - Section 2. Ensuring the vitality of town centres
  - Section 7. Requiring good design
  - Section 12. Conserving and enhancing the historic environment

Particular regard was given to the principle of a hotel use at this site which was considered to be acceptable within this location. Regards was also given to the impact on neighbouring occupiers which was found to be acceptable subject to conditions. The provision of internal amenity space for the occupiers and the potential transport impacts that would result from the proposed development were also carefully considered and it was considered that there are no significant impacts and these would be outweighed by the potential reduction in traffic impacts that would follow from the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**Subject to the following conditions:**

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: Design and Access Statement Rev A, Transport Statement, Flood Risk Analysis, SPUI 1, SPUI 2, SPUI 3, SPUI 4,  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
  
- 2 The development hereby permitted shall commence within one month from the date of the permission.  
  
Reason  
As allowed and required under Section 91 of the Town and Country Planning Act 1990, the standard 3 year period being inappropriate in this case due to the ongoing planning enforcement investigation.
  
- 3 The development hereby permitted shall be completed within three months from the date of the permission.  
  
Reason  
As allowed and required under Section 91 of the Town and Country Planning Act 1990, the standard 3 year period being inappropriate in this case due to the ongoing planning enforcement investigation.
  
- 4 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.  
  
Reason:  
To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' The Southwark Plan 2007 (July) and SP12 -Design and Conservation of the Core Strategy 2011.
  
- 5 All windows situated on the western elevation of the building shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises within Portland Court from undue overlooking 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).

- 6 The flat roofs of the building which is hereby permitted as a hotel (C1 use) shall not be used other than as a means of escape or for maintenance purposes and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason:

In order that the privacy of the neighbouring residents within the residential blocks may be protected from overlooking and further noise disturbance from use of the roof area, 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).

- 7 The doors to be provided in the ground floor elevation along Spurgeon Street elevation shall not be used other than for purposes as an exit in the case of emergency and shall not be used as a general means of access into and/or exit from the building by users of the building.

Reason

In order to safeguard the amenity of nearby residents from potential noise nuisance associated with persons using these doors as a general means of access to and exit from the building in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

- 8 a) Within 6 weeks of the date of planning permission applicant shall submit in writing and obtain the written approval of the LPA to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the use of non-car based travel is encouraged in accordance with Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 car parking of the Southwark Plan 2007 and Strategic Policy 2 - Sustainable transport of the Core Strategy (2011).

- 9 Within 6 weeks of the date of planning permission, a Service Management Plan detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007 and Strategic Policy 2 - Sustainable transport of the Core Strategy (2011).

- 10 Any laundry deliveries, unloading and loading to the commercial unit shall only be between the following hours: Monday to Sunday - 08:00 - 20:00 and shall take place from the Great Dover Street Entrance only.

Reason

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan and and Strategic Policy 13 - High Environmental Standards of the Core Strategy (2011)..

- 11 Within one month of the date of planning permission, further details of the type and amount of cycle storage facilities which are shown on drawing SPU1/3 shall be submitted to the Local Planning Authority for approval in writing. Thereafter the cycle parking facilities shall be provided within two month of the approval and shall be retained and the space used for no other purpose and the development shall not be carried out otherwise

in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007 and Strategic Policy 2 - Sustainable transport of the Core Strategy (2011).

- 12 Within one month of the date of the permission hereby granted details of the arrangements for the storing of commercial refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwellings and the facilities within one month of the approval and shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure 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 Policy 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy (2011).

- 13 The accessible disabled toilet shown on Dwg no. SPU1/3 shall be provided within the ground floor of the development shall be provided within three months of the date of approval and this facility shall be retained unless the prior written consent of the local planning authority is given.

Reason

To ensure the adequate amenity of future disabled users of the development and to comply with saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and SP13 High Environmental Standards of the Core Strategy 2011.

- 14 (a) Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'very good or *excellent*' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy (2011).

- 15 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason

To ensure compliance with Strategic Policy 2 – Sustainable Transport of the Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 16 No external plant or machinery shall be added to the building without any prior consent from the Local Planning Authority.

Reason

In order to ensure that any potential issues of any plant machinery will not result in any odour, fume or noise nuisance in the interests of the amenity of the neighbouring residential properties, 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).

- 17 No part of the curtilage of the premises shall be used for the purposes of conference meeting or dining facilities as shown on the drawings hereby approved.

Reason

In order to ensure that any potential issues of any plant machinery will not result in any noise nuisance in the interests of the amenity of the neighbouring residential properties, 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).

- 18 The Hotel use hereby permitted shall not include the primary preparation of food at the premises.

Reason

In order to ensure that any potential issues of any odour, fume or noise nuisance in the interests of the amenity of the neighbouring residential properties, 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).

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service.

The unauthorised change of use of the upper floors did not comply with Council guidance and no pre application discussions were entered into, and as such formal planning enforcement action was taken in regards to the use. However the local planning authority has discussed the matter with the applicants and subsequently suggested improvements which have now been adopted by the applicant and subsequently provided to the Council as part of this application.

The application was determined in a timely manner within the statutory 13 week period.