

Item No: 7.	Classification: Open	Date: 23 October 2013	Meeting Name: Planning Sub-Committee B
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		Cathedrals, South Camberwell	
From:		Head of Development Management	

PURPOSE

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

RECOMMENDATION

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

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

3.1 Titan House – 144 Southwark Street, SE1

3.2 Objections received

The issues raised by objectors are noted and addressed in the officer's report. However, in the interests of clarity, the 8 objections have been received from the following addresses.

1, Hopton Gardens
2, Hopton Gardens
3, Hopton Gardens
10 Hopton Gardens
11 Hopton Gardens
21 Hopton Gardens
St. Saviours House, 39-41 Union Street
111 Southwark Street

- 3.3 Relationship between the proposed development and the recently consented scheme at Sampson and Ludgate House

In order to assist members in assessing the application, the consented south and east elevations at Sampson and Ludgate House have been distributed.

3.4 Line Drawing

The applicants consider the provision of this drawing may be misleading as it would not show the impact on daylight and sunlight in an accurate manner.

3.5 Clarification of the Daylight and Sunlight Report

The Sunlight Analysis table in Appendix 4 of our Daylight and Sunlight Report sets out separate percentages for summer sunlight, winter sunlight, and then a separate column for the total sunlight throughout the year. For the purpose of the BRE Guidelines, sunlight is measured using Annual Probable Sunlight Hours (APSH) and those standards only apply to windows that face within 90° of due south. In order to satisfy the BRE Guidelines, a window serving a Living Room should be capable of receiving at least 25% APSH (i.e. the annual total), and 5% of those APSH should be available in the winter months. Where an existing window does not meet those targets under existing conditions, it is permissible to reduce the current level of sunlight by a factor of 0.2 (20%) of that current value.

In the sunlight analysis table in Appendix 4, the existing summer, winter and total sunlight availability is set out in the three columns where the figures have been highlighted in red. The equivalent results under “proposed” conditions have been highlighted in the three columns of green figures. The column references should be self-explanatory in that the first column represents the total percentage of summer APSH, the second column represents the total percentage of winter APSH and the third column represents the overall annual total, i.e. the sum of summer and winter sunlight combined.

3.6 **Hoopers, 28 Ivanhoe Road, SE5**

3.7 **Amendment to Report**

Policy 1.10 (Protecting the range of services available outside the town and local centres and protected shopping frontages) has not been included in the list of policies in the report on the agenda, and should have been on the list at paragraph 19.

3.8 **Further Representations**

A meeting was held between the planning case officer, Mike Rook (local resident), Neil Pettigrew from CAMRA, and Mark Dodd, a local publican on Friday 18 October 2013.

Several new issues were raised and are summarised below.

The pub is not financially unviable, as claimed by the applicant. It has not been marketed realistically. The pub was marketed for an unrealistically high price, and only available as a year's lease. A local publican showed an interest in the pub in December 2012. The applicant had a one-year lease at £25k rent and would not grant a longer lease. This was unrealistic as no one seriously considering setting up a business would be foolish enough to take on such a short lease, there is no security and no chance to make a return on investment if the freeholder decides to take back the business at the end of the year. It is not considered that the applicant has done a good enough job of running the pub.

There are no remaining pubs in the locale, the ones listed in the report, whilst within 600m, are still too far for residents (especially elderly or less mobile residents) to walk to.

The pub was listed in the CAMRA good beer guide, and was made CAMRA pub of the year.

Five more objections have been received from the following addresses:

71 Grove Hill Road SE5
197 Friars Wood, Croydon CR0
43 Woodfarrs SE5
10 Walters Way SE23
1 Anonymous

Objections have also been received from a local publican and one from CAMRA.

These objections are all summarised below:

- The building is a lovely piece of Victorian Architecture, and redeveloping it would rob the area of its history. Too many Victorian pubs have been lost as landlords look to cash in given the borough's need for new housing.
- The pub is in a residential area, served by no other nearby 'local'. Pubs are a vitally important British institution. It could be that a licensee rooted in the local community could be more hands-on. There is scope for more daytime use of the pub.
- The other pubs in the area are too far for elderly residents to walk, and are up hills, therefore residents have nowhere left to go. The pub could be viable under the right owner.
- The nearest pubs to the application site are all outside the 600m distance set out by the policy. The following are estimated walking distances to the pub:

The Victoria Inn is 643m
George Canning is 804m
The Crooked Well is 1,287m
The Gowlett Arms is 1,126m

3.9 Officer Comments:

Officers consider that whilst acknowledging the further representations that have been made on the merits of retaining the public house, the change of use remains to be policy compliant, as it accords with clause (b) of policy 1.10, which is in the agenda report at paragraph 21, and is also copied below:

Outside Town Centres, Local Centres and Protected Shopping Frontages, development will only be permitted for a proposal for a change of use between A use classes or from A use classes to other uses, where the applicant can demonstrate that:

(a) The proposed use would not materially harm the amenity of surrounding occupiers, and

(b) *The use class that would be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality or viability of nearby shops or shopping parades; or*

(c) *The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.*

The change of use need only comply with clauses (a) and (b) **or** (c) to be policy compliant. As can be seen from the map in the Member's Pack, there are 3 other pubs within the 600m radius, and the loss of the pub would not harm the vitality or viability of nearby shops or shopping parades. These pubs are all operating, and the planning department is not dealing with any pre-application discussions or planning applications, relating to changing away from pubs in relation to these premises.

The change of use is therefore concluded to be acceptable in policy terms.

3.10 Further representations from applicant:

The additional representations have been passed to the applicant, who has made further representations in response as set out below:

- The representations include some received from further afield such as Croydon, Purley and Lewisham. These do not constitute local residents.
- Other pubs in the area benefit from the vitality of local shopping parades within which they sit. They all have good local transport, level access and sizeable external areas for smokers, all of which Hoopers bar cannot offer.
- The applicant has submitted a costing sheet to prove that the pub is unviable. The pub was operating with a £900 per week deficit. It has not made a profit for 6 years. Both estate agents involved were highly experienced in assessing the correct property price. The applicant is therefore in disagreement with the view that unrealistic marketing has taken place.
- The premises have been closed since December 2012. There is no evidence provided by objectors to say the pub has made a profit in 6 months.
- The applicant refutes the allegation that he has not done a good enough job of running the pub. The measures taken are included in the summary document submitted with the application. Some of the same pressures that have caused many suburban shops to disappear are behind why pubs have had to close.

3.11 Noise

Officers have investigated the history of noise complaints at the site, and the Noise team have provided a consistent list of complaints over the last 6 years, relating to noise from music at 10:30pm, people talking, and general activity. The most recent complaint was received sometime in September 2012.

REASON FOR LATENESS

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

REASON FOR URGENCY

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	David Cliff, Team Leader	
Version	Final	
Dated	23 October 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	23 October 2013	