

Item No: 7.	Classification: Open	Date: 1 July 2015	Meeting Name: Planning Sub-Committee B
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		Surrey Docks, Camberwell Green	
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:

Item 7.1 – Application 14/AP/4337 for: Full Planning Permission – The Clipper, 562 Rotherhithe Street, London SE16 5EX

Additional information from the applicant

- 3.1 1) The applicant has provided the following statement in respect of the closure of the pub:

We have been provided with details of the marketing of the property by AG&G for Enterprise Inns during the summer of 2013. A summary of that campaign with details and a commentary has been attached which includes details of beer sales during the period and records show a steady decline between 2005 and closure in 2013. The figures show a drop in wet sales of 35% in that period. The figures for the last 14 months of trading show an average of 10.7 barrels / month over that period but many months where sales went well below the FMT (Fair Maintainable Trade) level. This was the trigger for Enterprise Inns seeking to dispose of their interest in the property. The marketing campaign confirms that of the 13 bids received for the property after 2 months not one was from a pub operator or restaurateur or any other body or group interested in retaining it as a pub.

We do not have details of what the previous tenants did to attract customers or increase trade but the 'wet sales' figures were not strong enough to halt the decline let alone reverse the trend. The reality that many seem reluctant to accept is that not every pub can survive and due to supermarket prices for alcohol a business which relies predominantly on wet sales is no longer viable in these changing times. In

addition the pub is/was too small to adjust to modern demands and was unable to attract business from outside the immediate area. This is something that The Blacksmiths Arms, by comparison, have evidently been able to achieve as it has become, in part, a successful 'destination' pub / restaurant as well as attracting local custom.

- 3.2 2) The applicant has also circulated a summary of information about the application to members. This is attached to this addendum.
- 3.3 3) The applicant has submitted information on the information used for the ADF calculations.

Additional representations

- 3.4 1) An additional representation has been received from the occupier of 279a Rotherhithe Street raising the following issues:
- An excessive use of the available space
 - Detrimental impact upon surrounding properties
 - Further strain on parking and bus service
 - Site would be better utilised for others use such as a gym
- 3.5 2) An additional representation has been submitted seeking to demonstrate that the area of window used to calculate the sunlight and daylight tests is much larger than the real window area and that this would significantly reduce the ADF results. It states that the ADF results are extremely inaccurate and therefore they should not be used to support the case for approval.
- 3.6 3) Local residents have submitted a copy of an appendix to their recent Asset of Community Value application comprising people's stories and experiences in connection the Clipper public house. This is attached to the addendum.

Officer's comments

- 3.7 A) Loss of the public house:

A recent nomination by local residents to list the Clipper Public House as an Asset of Community Value has been rejected for the following reasons:

In the opinion of the Council the property is not of community value because the applicant has not demonstrated that the Asset's current main use (or in the past) furthers the social well being or social interests of the local community or why it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (e.g. cultural, recreational or sporting).

- 3.8 Whilst this is considered to be a material consideration, the application proposals still need to be considered by the Sub Committee against the relevant planning policies. As set out in the report to Sub Committee, the key issues in this respect are:
- It complies with saved Policy 1.4 on the basis of another Public House (the Blacksmith's Arms) being located within 600m of the site.
 - It complies with paragraph 70 of the National Planning Policy Framework and Policy 3.1B of the London Plan 2015 as there is little evidence that the public

house has recently served (before closing) as a valued community facility. This is reflected in the Council's decision not to list the public house as an ACV.

3.10 The additional information received from the applicant is noted regarding the marketing of the pub and the decline in trading in the years before it close.

3.11 In conclusion on this issue, whilst needing to guard against the loss of public houses where it is clear they offer a valued community facility, this is not considered to be the case in this instance. The replacement retail facility will also provide an, albeit different, local service for the surrounding area and six additional dwellings will be provided towards local housing need. The principle of the change of use and redevelopment of the site is therefore considered to be acceptable and in accordance with the relevant planning policies.

3.12 B) Daylight impacts:

In response to further representations received on the accuracy of the applicant's day light assessment, the applicant has provided clarification on information used in the calculation of the ADF day lighting results. This includes the details of the windows (including glazing bars) and internal layout of flats with Timbrell Place. The applicant's update ADF results (without the trees), taking into account the relevant updated information and topographical surveys, show an improvement in relation to the previous results for the ground floor windows in Timbrell Place and, hence also for those to the flats above. These are above the recommended levels in the BRE guidance.

3.13 As a matter of judgement and taking into account all the relevant site factors as detailed in the Officers report, it is concluded that the resulting impacts upon residential living conditions are not considered to result in such significant harm to justify the refusal of the application.

3.14 C) Other matters:

- *Change of Use of existing building:* The change of use from a 'public house' (Use Class A4) to a shop (Use Class A1) or financial and professional services use (Use Class A2) is generally permitted development subject to the developer first sending a written request to the LPA to establish whether or not it has been nominated as an community asset. Where the building has either been nominated as or is already designated as community asset, permitted development rights do not apply and planning permission would be required for the change of use.
- *Demolition of existing building:* In the absence of planning permission, the demolition of the existing building is generally permitted development subject to the developer first seeking prior approval from the LPA as to the proposed method of demolition and restoration of the site. Where the buildings has been either nominated or listed as a community asset such permitted development rights do not apply.
- *Weight of draft Southwark Plan policies:* The draft policies (including DM27 relating to public houses) are at an early stage of the plan making process and such should be afforded very little weight in decisions on planning applications.

Item 7.2 – Application 15/AP/1113 for: S.73 Variation of Condition – Ground Floor, 2-4 Grove Lane, London SE5 8SY

- 3.15 1) An updated summary of representations received from local residents is set out below:
- Impacts on the amenity of occupiers of residential properties in the vicinity of the site, including from noise.
 - Refuse and the potential for litter.
 - The potential for the premises to be used as a bar or takeaway and the implications of this in terms of disturbance for local residents.
 - Very significant increase proposed in the activities and foot fall in comparison with any of the previous establishments. There is obviously a de fact change of use between delicatessen/café use which closed at 6.00pm and all day Sunday and a restaurant/bar/takeaway business that seeks to maximum customer turn around.
 - Nuisance from people smoking and drinking on pavement outside the premises whilst waiting for takeaways.
 - Concerns that the proposed involves a change of use of the premises.
 - Concerns that any future breach of the planning regulations might not be enforced.
 - Question of whether a high traffic fast food type outlet is appropriate for this quiet residential street
- 3.16 2) The applicant has submitted a further indicative plan showing the floor layout of the premises. This is included in the members pack.

Officer Comments

- 3.17 The lawful use of the premises (2 & 4 Grove Lane) is already A3 (Restaurant's/Cafes). No change of use is therefore required for the restaurant use which is able to operation within the entire premises without requiring a further grant of planning permission.
- 3.18 The matter for consideration is whether the proposed hours of use are acceptable (08.00 to 23:30 on Sunday to Thursdays and 08.00 to 00:00 on Fridays to Saturdays).
- 3.19 The previously approved hours for 2 Grove Lane are 08:00 to 23:00 Mondays to Saturdays and 08:00 to 22:00 hours on Sundays and public holidays. The hours of use for No.4 Grove Lane were not previously controlled.
- 3.20 These proposed hours replicate those granted for the premises licence in earlier this year.
- 3.21 The proposed hours of use are similar to others commonly permitted in similar District Town Centre locations and it is not considered in this case that the modest increase in opening hours will have any significant impacts upon the living conditions of any residential properties or the general amenities of the locality around the site. Further controls on the use are provided for within the alcohol license granted for the premises including controls on the use of the outdoor area.

Amended condition:

- 3.22 Remove the word 'bar' from condition 1. The revised condition read:

The use hereby permitted for restaurant (Use Class A3) purposes shall not be carried on outside of the hours 08:00 to 23:00 on Sunday to Thursday and 08:00 to 00:00 on Friday to Saturday.

REASON FOR URGENCY

4. 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 Planning 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 and would inconvenience all those who attend the meeting

REASON FOR LATENESS

5. 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.

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

Appendix 6: Stories of The Clipper pub from the 'Save The Clipper' Facebook page



Description in Facebook

Our local pub The Clipper is under threat and needs your help to try and save it.

The Clipper pub has been sold off to the building developer McCullochs and they have submitted a planning application to demolish the existing building and replace it with a four storey building consisting of six flats. However, it's not too late to save it. We are submitting an application to Southwark council to get the pub the status of Asset of Community Value which would prevent the site from being developed.

All we need is for you to post your stories and experiences of times you spent in the Clipper to this page and help support the application and prove that the Clipper is indeed an Asset of Community Value.

The current building dates back to 1934 but records show a pub has been on this site since at least 1856, during the early expansion of the docks. A huge number of pubs have closed down in the area and the Clipper remains one of the only original pubs built on Rotherhithe Street and a unique relic of our cultural heritage.

A pub with huge personality and an excellent location just off of the Thames Path, the Clipper brought people together from all over the area. Please share this group with the community and start posting you experiences to this page. Whether it was the excellent home cooked pub food, the live music, traditional pub games or just relaxing in the beer garden, please share your experiences and help save this fantastic pub.

Stories Added to the 'Save The Clipper Pub' Facebook page



██████████
Yesterday at 08:30

Here's my story about The Clipper.

I first moved to Rotherhithe at the end of 1995. It was quite different back then. I lived in Timbrell Place and every month virtually every single penny I had was accounted for in rent & living expenses etc. Back then I also had the eternal fun of the ELT & ELX replacement bus services for the East London Line.

One of the things I really missed from home was (and still is) my mum's Sunday roast. The Clipper provided a substitute for this in homely surroundings & when my mum came to visit I always treated her to a meal there, so she could see that I wasn't a hermit & that I was getting good food.

Later I moved around the corner & my best friend also took a place nearby. We made The Clipper our local & if you ever found yourself in there with endless plays of the Charlatans on the jukebox, that was probably us.

The point is, that to me, my life would have been infinitely less fulfilling without The Clipper. I didn't have much money then - but it was where I would choose to spend time & interact when I could. I was exceptionally saddened to see it closed down when I was back in the area on a pub crawl for old times sake. What made it even more niggly is that I had enquired only a few months prior to then about the status of the landlord - asking that if it came up could they let me know. Naturally the brewery didn't bother to get in touch.

The last thing - the absolute last thing - that Rotherhithe needs is another anonymous glass & steel building. The buildings that are there with any semblance of heritage are what makes SE16 what it is. I have no doubt that Canada Wharf would probably have been torn down if it had remained undeveloped to this day.

The bottom line is that The Clipper should be saved. Perhaps a crowd funding approach could be taken in order to enable this?



██████████
24 June at 19:13

The Ship.. Now The Clipper.. 1970's





23 June at 18:44

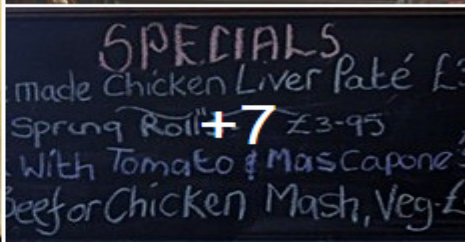
I just came back from Sydney after living there for some time and was looking forward to returning back home and was shocked and saddened to see this wonderful place closed down. This lovely pub was one of my favourite places to hang out with friends and have lunches with my family from overseas as it was walking distance to where I live. I really do hope this pub is saved and not redeveloped into unnecessary apartments as I feel Rotherhithe Street has enough of them 😊



23 June at 17:56

This is in reply to a request for memories of The Clipper in the last five years. I am not sure if this is supposed to be a new thread or an existing one, so apologies if it is in the wrong place.

I am a local of the Moby Dick, which is run by the same landlords who ran The Clipper. The locals at The Clipper were a great bunch, and very friendly and welcoming to those of us who weren't quite such regular visitors. I am still good friends with some of them. The Clipper was...
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14 June at 18:32 · London

Two years ago I came to view the flat in Rotherhithe that we ended up buying. I spent that evening in The Clipper to get a feel for the area and the locals. Both the staff and regulars at The Clipper were extremely friendly and welcoming. Without a doubt that evening had a positive impact on our decision to move here.

I was very sad to discover, soon after actually moving in, that the pub was to close. In the two short years since then, we have seen The Ship York and Pizza lounge close and it feels like the community is loosing anywhere left in which to meet as a community.

On the other hand, during that same period we have seen St James of Bermondsey, The Adam & Eve, and now The Gregorian transform into vibrant and busy pubs, serving the community and presumably turning a profit.

I hope The Clipper can be saved. But if it is, we have to support it. Use it or loose it.

Let's try and maintain small business on the peninsular. We really don't need more flats, without anywhere for the residents to spend their leisure time.

Cheers!

My story is as follows. Its long so forgive me.

My name is Jo and I am from Adelaide Australia. In 2011 I went to London for the sole purpose of doing family history. Both my parents are Londoners whom moved to Aus in the 1960's, mum is from Rotherhithe. In fact mum is the ninth generation from Rotherhithe. She was born on Acorn Walk and grew up on Silver Walk.

The main goal of my trip was to spend as much time at the LMA researching all that can not be done online. I have been doing my FH since I was 16.

You can imagine how distraught I was when I found that the LMA CLOSED the day before I arrived (for stock take!!) and opened the day after I was due to go home. Utterly devastated! I begged the LMA to help me and they agreed to send documents I wanted to the Guild Hall Library. I gave them a list of 57 records...they sent 4 - all of which were useless. So, whats this got to do with the Clipper? Well, of course I HAD to go to Rotherhithe to walk the streets of my ancestors and to visit where my mum was born. My 103 yo grandmother, Lil, told me so much about the area. (She is still going strong here in Aus now). She told me my granddad would stop and have a drink at The Clipper.

So I popped in to the Clipper.

Despite being a stranger the lovely bar ladies chatted away and asked me where I was from. I explained my mum was born here and told them my grandad's name was ██████████. Someone in the pub piped up "Lil and Alf from behind?" - they lived on Silver Walk. I couldn't believe it! Lil and Alf had left in the 70's!! The lady behind the bar jumped on the phone and called some people who were still in the neighbourhood who came down to the Clipper to meet with me. One was a neighbor who remembered my nan, one was s school friend of my mums! They took me for a tour of the area showing me places associated with my family. It was far more enriching than any old book for allowing me to get to know where I came from.

The Clipper is THE pub that all my cousins have visited when returning to the UK - it is the home we can visit when we are searching for our ancestral base. My mum's maternal line were watermen/lightermen and were in Rotherhithe right back to the 1720's (the last hard fact record I can find). I am first generation Australian but I am a Rotherhithe girl in my bones. I hope my children will one day also be able to drop into the Clipper too when they 'go home' to the UK one day.

This pub might be small and insignificant to some developer, but to us it is important: the 'must do' list whenever our family (extended family) includes 'a drink at The Clipper'. It would be heartbreaking to hear that such a rich source of community has gone. It is a crucial place for those of from round town - even those who are from the other side of the world.

Bellenden

29 June 2015

Dear Councillor,

The Clipper, 562 Rotherhithe Street, London, SE16 5EX
Planning application number: 14/AP/4337

I am writing to you on behalf of McCulloch Homes regarding its planning application for The Clipper, 562 Rotherhithe Street, London, SE16 5EX. As you will be aware, the application was deferred at the Planning Sub-Committee B meeting held on Tuesday 28 April 2015. The application had been recommended for approval by officers, but was deferred by the Committee to allow members to undertake a site visit.

We are aware members undertook a site visit on Monday 15 June, however I wanted to take this opportunity to summarise the proposals and address the concerns that were raised at the committee meeting in April and those that have been raised since by members of the public.

Overview

- The application is for the demolition of the existing building and the creation of a four storey building with retail on the ground floor and six two-bedroom homes on the first, second and third floors.
- When the public house closed two years ago, the pub was marketed to pub operators as well as development companies. No pub operators, restaurateurs or any other group wishing to retain the property as a licensed premises expressed an interest in taking on the site underlining that the site – 215 metres from The Blacksmith Arms – is not financially viable as a public house.
- At a hearing on Monday 29 June 2015, Southwark Council officers rejected the nomination of The Clipper as an Asset of Community Value on the grounds that the application did not demonstrate that the property's "current or past main use [as a public house] furthers the social wellbeing or social interests of the local community".

The case for redevelopment

- The public house is currently unused and is just 215 metres from another licensed premises, The Blacksmith Arms. The planning officer's report states that "there is little evidence that this public house has recently served as a valued community facility".
- Wet sales – i.e. drinks – fell at The Clipper by 35% from 2005 to 2013. This shows that the financial decline that resulted in the closure of The Clipper in 2013 was not recent, but was the result of several years of decreasing sales and decreasing visits.
- At the time that the public house closed, there was no campaign to preserve the building as a pub, nor any attempt to secure the premises as an Asset of Community Value (ACV). In addition, when marketed, not one of the 13 bids received for the property was from an individual, company or group wishing to retain the property as a licensed premises. Details of the marketing of the property by AG&G for the previous owner during the summer of 2013 have been provided to the Council.
- At the time of the Planning Sub-Committee B meeting in April 2015, no application to list the pub as an ACV had been lodged. The current move to do so has come very late in the planning process, just weeks before Planning Sub-Committee B is due to revisit the application.

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- At the last committee meeting, when asked, a ward member for the site could not recall being contacted by any resident regarding the loss of the pub.
- Despite a call on the 'Save The Clipper Pub' Facebook page, Twitter and the local press for stories to demonstrate how the pub can be evidenced as an asset to the community, no such stories have come forward that fall into line with ACV requirements.
- At the last committee meeting in April, a representative from CAMRA could not list any defining features of The Clipper pub specifically, nor could he give a compelling argument as to why the pub is an asset to the local community; speaking only about public houses in general.
- There have been several instances of squatting at the site; contributing to anti-social behaviour in the area. Repeated attempts have been made to re-secure the property and the cost of security alone would be significant if the building is retained as is at present. McCulloch Homes' proposal will bring the site back into use and provide new retail space.
- The building is currently in a poor state and it would cost a significant amount simply to refurbish to a usable health and safety standard.
- On Monday 29 June 2015, the nomination of The Clipper as an Asset of Community Value was rejected by Southwark Council. In the decision notice, Community Premises Officer, Ian Brinley states that: "In the opinion of the Council the property is not of community value because the application has not demonstrated that the Asset's current main use (or in the past) furthers the social wellbeing or social interests of the local community or why it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (e.g. cultural, recreational or sporting)".

Consultation

- McCulloch Homes has been in conversation with Southwark Council officers for 18 months to help ensure the scheme addresses the concerns raised by a previous application.
- Consultation was also undertaken with the neighbours of the site including a site visit to neighbouring properties in Timbrell Place and Filigree Court to speak to residents and assess the potential impact of the development.
- McCulloch Homes offered to meet with all three ward councillors and secured a meeting with Cllr James Okosun.

In addition to the consultation undertaken for the current planning application, significant changes were made previously following local concerns around the planning application for the site was withdrawn on Wednesday 2 July 2014. Concerns had been raised around the design of the scheme, the impact on trees and the impact of the proposals on neighbouring properties. These concerns were addressed in the following key changes:

- The building has been set back above ground floor level from the boundary with Timbrell Place. This allowed for the scale of the development to be reduced; for the safeguarding of the adjacent Maple trees; and for the reduction of any impacts upon neighbouring properties.
- An updated day/sun light assessment is included with the planning application and demonstrates that the proposals do not adversely impact the neighbouring properties according to BRE guidelines.
- The design has been changed to provide a continuity of appearance and materials between the ground floor and upper floors.

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Daylight, Sunlight and Overshadowing

- A comprehensive Daylight, Sunlight and Overshadowing Report was prepared by Syntegra Consulting which concluded that:
 - In terms of daylight, none of the surrounding properties will be adversely impacted by the proposed development;
 - In terms of sunlight, none of the surrounding properties will be adversely impacted by the proposed development;
 - In terms of overshadowing, the existing amenity area/garden/open space will not be adversely impacted by the proposed development.
- The use of Average Daylight Factor calculations (ADF) and not Vertical Sky Component (VSC) calculations in Syntegra Consulting's report was criticised in a letter to the Council dated Tuesday 7 April 2015. Syntegra Consulting responded to this objection in full, evidencing that ADF was a more comprehensive and robust calculation than the alternative No-sky Line (NSL) method given that ground and first floor rooms in Timbrell Place currently – without any development – fail the VSC test.
- Syntegra Consulting concludes that "100% of the rooms facing the proposed scheme will experience adequate levels of daylight using the ADF measurement".

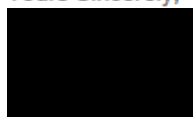
Conclusion

The applicant has worked with Southwark Council to improve the scheme in a spirit of cooperation, and the officer's report for the planning application concludes by saying that: "Following consideration of all relevant planning matters and those issues raised in representations, it is concluded that the proposal will provide for a sustainable development, subject to conditions as listed".

After closing, the public house was marketed to pub operators and development companies. Of 13 bids received for the property, none were from pub operators, restaurateurs or any other group wishing to retain its use as a licensed premises. To underline that the pub is not viable financially and that the area is already served satisfactorily by pubs, an application to list The Clipper as an Asset of Community Value was rejected by Southwark Council on Monday 29 June 2015.

I hope that you found this briefing useful and informative, and please do not hesitate to contact me on [REDACTED] if you have any questions or would like any further information.

Yours Sincerely,



Tom Atkinson (For and on behalf of McCulloch Homes)

cc David Cliff, Case Officer