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| Item No. 6.4 | Classification: Open | Date: 1 December 2015 | Meeting Name: Planning Committee |
| Report title: | Development Management planning application: Application 15/AP/3304 for: Listed Building Consent Address: TOWER BRIDGE MAGISTRATES COURT AND POLICE STATION, 207-211 TOOLEY STREET, LONDON SE1 2JY Proposal: Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class <i>Sui Generis</i>) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'. | | |
| Ward(s) or groups affected: | Riverside | | |
| From: | Director of Planning | | |
| Application Start Date 14/08/2015 | | Application Expiry Date 09/10/2015 | |
| Earliest Decision Date 11/10/2015 | | | |

RECOMMENDATION

1. That listed building consent be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is a former magistrates' court and police station which has been vacant since 2013. It is located on the northern side of Tooley Street, east of Tower Bridge Road. It is bound on all sides by residential development: on Boss Street to the east; Queen Elizabeth Street to the north; Tooley Street to the south and the flats of Crown Apartments and Tower Bridge Road to the west. The building itself and attached railings are Grade II listed.
3. Dating from 1906, the building varies from three to four storeys on Tooley Street. The frontage provides a striking representation of the judicial architecture of architect John Dixon Butler, with a combination of red brick and Portland Stone detailing. Behind the main building fronting onto Tooley Street, is built form of a smaller scale; between one and two storeys. A large part of the site in the northeast is free of buildings as it was the yard for the court and police station, providing an open aspect for neighbouring dwellings overlooking this part of the site.
4. The heritage significance of the listed building lies in its external appearance, internal plan form, decorative details and of course its social and historical importance as a

good example of Edwardian judicial architecture. In addition to its flamboyant external appearance, the building contains a number of grand interiors of which the main entrance hall, Courtrooms 1 and 2 and the former magistrates' chambers are fine examples. Less grand but also of historical significance are the cell blocks in the rear part of the building.

5. Historic England have authorised the council to determine the application for listed building consent. That authorisation has been endorsed by the Secretary of State.

Details of proposal

6. Whilst this application is for works to the listed building, including its partial demolition, it is useful to describe the overall proposal for context. A change of use of the building from a police station and magistrates' court to a hotel. The conversion and proposed extension to the rear would result in 198 guest rooms. Other uses proposed include a deli/bar; restaurant and health/fitness centre. The massing of the new build element to the rear would be up to seven storeys on Queen Elizabeth Street but would step down to five storeys where it connects into the listed building. A courtyard would be created in the centre of the site and there would be public realm improvements around the site.

External Works

7. The proposal for the conversion of the site to a hotel and other uses would be facilitated by the demolition of a substantial portion of the rear of the listed building. This demolition would be focused on an area that is presently occupied by the relatively plain and much altered cell blocks and the single storey extension that projects into the yard at the rear of the police station. This would result in the loss of two blocked up fire places and a visible, but substantially altered, chimney. Two of the cells from the demolished cell block would be rebuilt in the proposed restaurant.
8. A new build element would then be constructed to the rear of the remaining listed building, with direct connections between the two created at each floor. The maximum height of the new build element would be seven storeys fronting Queen Elizabeth Street. The 'linking' part of the new build element, where it would directly abut the listed building has been reduced in height by one storey since the initial submission to be five storeys (plus lower ground), which is lower than the height of the listed building.
9. Two mansard roof structures are proposed on top of the main part of the listed building facing Tooley Street. They would be located on the two wings of the main building which would be set back behind the existing balustrade.
10. The works proposed to the highly significant front and side elevations of the main building would be limited to replacement and/or refurbishment of windows. The detail of this would be controlled by a condition requiring a schedule of works and detailed shop drawings of any windows to be replaced. The historic railings and pillars to the front of the building would be retained, but relocated to allow for taxi drop off at the front of the building.

Internal Works

Entrance hall

11. The original timber panelling around the main, double height entrance hall would be mostly retained with some loss where the access point to the new build element would be created. The grand staircase with its iron balustrade would be repaired and

restored, as would the balustrade around the mezzanine. The existing floor patterns, the roof lantern and decorative ceiling mouldings would be restored and low level benches would be retained as far as is possible. Two doors and a window would be filled in at mezzanine level, but these elements do not appear to be original features.

Courtrooms

12. The proposed conversion of Courtroom 1 to a restaurant would necessitate rearranging the existing furniture within. The dock would be refurbished, the dais would be retained and the lantern restored. There is evidence that the courtroom furniture has been moved relatively recently (post 1981), so it is not considered essential for it to be retained in its current arrangement. The details of the proposals can be secured by condition. Further enhancement of historical fabric would be achieved through the exposure of the original parquet floor and restoration of timber panelling.
13. Courtroom 2 would be converted into a meeting room and would be available for community groups, free of charge. Important historical fabric such as the chimney breast; bay window (in the adjacent magistrates' room); timber panelling; roof lantern; dais; and decorative ceiling mouldings would be retained and restored.
14. Courtroom 3 was installed in the 1990s in place of a two bedroom residential apartment over first and second floor. The entire south wing within which courtroom 3 is found was gutted, so there is no remaining historic fabric or original plan form and the proposed conversion of this space to guest rooms is acceptable.

Magistrates' chambers

15. The Magistrates' chambers would be converted into hotel guest rooms. Intervention affecting the historic fabric would be limited by the proposal to insert the bathrooms as central pods within the rooms. Fire places and original windows would be restored.

Upper floors

16. There is limited historic fabric left in the upper floors and the works proposed would not result in loss of any significant fabric. Existing doors would be used and those that have been previously blocked up would be reinstated to provide access. A lift dating from the 1970s would be removed.

Lower ground floor

17. This area was used for servicing and only previously accessed for maintenance. Structural elements would be revealed through the strip out of later additions. There would be some guest rooms created as well as a gym.

Police station

18. The original layout of the police station has been altered considerably over time. As a result, the internal interventions proposed in this part of the building would be greater, thus limiting the need for intervention in the court building. For example, the accessible entrance would go through the former police station.

Planning history

19. 05/AP/2513 Application type: Certificate of Lawfulness - proposed (CLP)

Installation of various works to improve security at the police station namely: A new 3m high palisade fence with 2 separate gated accesses around existing fire escape staircase, a new 3m high palisade fence with rotating raptor spike barrier on top and double gated access in front of the main entrance, new security screens over five low level windows and a new rotating raptor spiked barrier on top of the existing perimeter wall.

Decision date 25/01/2006 Decision: Grant (GRA)

20. 13/EQ/0216 Application type: Pre-Application Enquiry (ENQ)

Redevelopment of site into a hotel and refurbishment plus a 4 storey extension.

Decision date 21/11/2013 Decision: Pre-application enquiry closed (EQC)

21. 14/EQ/0196 Application type: Pre-Application Enquiry (ENQ)

Part demolition, alteration and extension of existing building, construction of new build floorspace and excavation to provide a 7 storey building for hotel use (use class C1) at lower ground, ground and 1st to 6th floors (224 bedrooms) restaurant and cafe use (use class A3) hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

Decision date 18/12/2014 Decision: Pre-application enquiry closed (EQC)

22. 15/EQ/0053 Application type: Pre-Application Enquiry (ENQ)

Part demolition, alteration and extension of existing building, construction of new build floorspace and excavation to provide a 6 storey building for hotel use (use class C1) at lower ground, ground and 1st to 5th floors (206 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works.

Decision date 14/09/2015 Decision: Pre-application enquiry closed (EQC)

The response to this enquiry is contained in Appendix 3 to this report.

23. 15/AP/3303. Application type: Full Planning Permission (FUL)

Part demolition, alteration and extension of existing building, construction of new build floorspace, excavation and change of use of the site from magistrates' court (use class D1) and police station (use class Sui Generis) to provide a seven storey building for hotel use (use class C1) at lower ground, ground, mezzanine and 1st to 5th floors (198 bedrooms), delicatessen (use class A1), restaurant and cafe use (use class A3), hotel bar use (use class A4), and leisure use (use class D2) with associated vehicle and cycle parking, landscaping, plant and engineering works'.

24. This is the planning application associated to the LBC for which this report has been prepared and will be presented to members for consideration at the same meeting.

Planning history of adjoining sites

25. None of particular relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

26. The main issues to be considered in respect of this application is:
 - a. The impact that the proposal would have on the heritage asset.

Planning policy

27. National Planning Policy Framework (the Framework) 2012

Section 12 conserving and enhancing the historic environment

28. London Plan 2015

Policy 7.8 Heritage assets and archaeology

Core Strategy 2011

Strategic Policy 12 Design and Conservation

Southwark Plan 2007 (July) - saved policies

29. The Council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF. The following policies are relevant to this application:

Policy 3.17 Listed buildings

Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites.

Summary of consultation responses

30. Several objections from local residents have been received in response to this proposal. While they refer mainly to matters relevant to the planning application related to this application for Listed Building Consent, concerns regarding the impact on the listed building have been expressed. These include the impact that the scale of the new building would have on its setting and the potential impact of demolition.
31. The impact on the setting of the listed building is addressed in the report for the planning application whilst the impact of the demolition and works to the listed building are addressed below.
32. The Historic Buildings and Conservation Committee of the London and Middlesex Archaeological Society have no objections to the proposal subject to details, materials and 'making good' conditions. As referred to above, Historic England have authorised the council to determine the application.

The impact that the proposal would have on the heritage asset

33. As required by the Framework, the significance of the listed building has been

identified above. After identifying the significance, the assessment of the impact of development on a heritage asset requires consideration of any harm to that heritage significance and in cases where harm is identified, an assessment of whether the resultant public benefits would outweigh it.

34. The works proposed are described above. The significance of the listed building lies primarily in its ornate external appearance, particularly fronting onto Tooley Street and the surviving historic fabric and plan form, particularly within the magistrates' court.
35. The most significant parts of the building would be retained through this proposal and crucially some internal features would be enhanced, including the lanterns within the entrance hall and courtrooms that are currently obscured. However, demolition is proposed for the historically significant cell blocks to the rear of the listed building. While much of the two cell blocks has been substantially altered in the past, those on the ground floor of the block to the rear of the magistrates' courts retain their original plan form and historic fabric, including cell doors, wooden benches and distinctive internal tiling. There would also be some alterations to the surviving plan form in parts of the building and the loss of some other historic fabric. This would result in some harm to this listed building. The question is: what degree of harm would be caused and would this be outweighed by the public benefits of the proposal?
36. In the terms of reference established by the Framework, it is considered that the harm would be 'less than substantial'. Although the cell blocks would be lost, the fabric of two of the most significant cells would be retained and they would be rebuilt in their original location. Furthermore, the most significant elements of the listed building would be retained. The addition of mansards would similarly cause less than substantial harm, as would the erection of the new build element. The assessment of less than substantial harm is one that is shared by Historic England.
37. The public benefits of the proposal would include bringing the site back into use and securing its longer term future. Another significant public benefit of the proposal would be the creation of public access to a heritage asset to which public access has been necessarily restricted. The entrance hall and Courtroom 1 would be accessible to the general public with the latter being converted to a restaurant. There would be meeting rooms available to community groups and the health and fitness area in the lower ground floor would be open for its members to access. It is therefore the case that the public benefits of the scheme would outweigh the less than substantial harm that would be caused to the listed building. As such, the proposals are considered to comply with the Framework.
38. By preserving, conserving and restoring the most significant parts of the listed building, its special architectural and historic interest would be preserved. Following the reduction in height of the 'linking' structure proposed, the form of the new build element would be perceived as separate from and subordinate to the listed building. The development would thus comply with relevant policies in the council's development plan and it is recommended that consent be given subject to conditions.

Conclusion on planning issues

39. The work to the listed building, including its partial demolition, would result in less than substantial harm to the heritage asset. Such harm would be outweighed by the public benefit of the proposal, including the longer term preservation of the building and the restoration and enhancement of historical fabric. It would also result in the building being available for greater public access.

Community impact statement

40. 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. No group with the above protected characteristics are expected to be adversely affected by the proposal.

Consultations

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

Consultation replies

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

Human rights implications

43. 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.
44. This application has the legitimate aim of demolition part of a listed building, external and internal works to it. 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/1-209 Application file: 15/AP/3304 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 1778 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken |
| Appendix 2 | Consultation responses received |
| Appendix 3 | Pre-application letter |
| Appendix 4 | Recommendation |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Simon Bevan, Director of Planning | |
| Report Author | Dipesh Patel, Team Leader, Major Applications | |
| Version | Final | |
| Dated | 19 November 2015 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic director, finance and governance | No | No |
| Strategic director, environment and leisure | No | No |
| Strategic director, housing and modernisation | No | No |
| Director of regeneration | No | No |
| Date final report sent to Constitutional Team | | 19 November 2015 |

APPENDIX 1

Consultation undertaken

Site notice date: 11/09/2015

Press notice date: 10/09/2015

Case officer site visit date: 16/09/2015

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Council for British Archaeology
English Heritage Ancient Scheduled Monuments
Historic England
The Georgian Group
The Victorian Society

Neighbour and local groups consulted:

Flat 8 Crown Apartments SE1 2LL

4 Horselydown Lane SE1 2LN

4 Horselydown Lane SE1 2LN

Flat 5 Crown Apartments 2 Queen Elizabeth Street
SE1 2LL

Flat 1 Crown Apartments 2 Queen
Elizabeth Street SE1 2LL

Flat 2 2 Crown Apartments SE1 2LL

Flat 10 Crown Apartments XYZ

Southbank Technopark 90 London Rd
SE1 6LN

224 Empire Square West Long Lane
SE1 4NL

Re-consultation: 10/11/2015

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

Council for British Archaeology
Historic England

Neighbours and local groups

Flat 1 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 1 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 10 Crown Apartments XYZ
Flat 2 2 Crown Apartments SE1 2LL
Flat 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 5 Crown Apartments 2 Queen Elizabeth Street SE1 2LL
Flat 8 Crown Apartments SE1 2LL
Flat 8 Crown Apartments SE1 2LL
Southbank Technopark 90 London Rd SE1 6LN
224 Empire Square West Long Lane SE1 4NL
4 Horselydown Lane SE1 2LN