

<b>Item No:</b>	<b>Classification:</b> Open	<b>Date:</b> 01 December 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information.	
<b>Ward(s) or groups affected:</b>			
<b>From:</b>		Director of Planning	

## 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.

## KEY ISSUES 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 6.1 – 15/AP/3877 & 15/AP/3502 for: Listed Building & Advertisement – Red Bus Shop, Clink Wharf, Clink Street, London SE1 9DG**

- 3.1. Paragraph 1 in the Case Officer's report should read "To GRANT advertisement consent and Listed Building Consent".
- 3.2. One further response has been received from a local resident in response to the case officer's report as published on the council's website.
- 3.3. This response raises the following concerns:
  1. The sign would be prominent and is designed to catch the attention of passers by and would therefore be harmful to the listed building and its setting.

Officer Response: The sign would be of a modest scale and finished in a muted, dark colour (subject to the recommended condition for a sample of the lettering to be agreed). It is therefore not considered unduly prominent.

2. The planning history in the report does not include application 03/AP/0502 which approved applied lettering, but stipulated that it had to be black rather than white, or 09/AP/2574 which refused consent for a projecting sign because it would have "undue prominence" in the streetscape and would set "a dangerous precedent for further clutter to the warehouse character of this part of the conservation area"?

Officer Response: Whilst we usually only focus on *recent* relevant planning history, given the relevance of these cases they should have been included and we thank the respondent for highlighting this.

Under application 03/AP/0502, it was considered that white lettering would not be appropriate and a condition was imposed to ensure that the lettering was black. White lettering would not have had the muted appearance that would usually be expected in a Conservation Area or on a listed building of this nature. In this case, it is considered that the heritage red colour proposed would be more muted than white, but in order to be sure that this is the case, a condition is recommended to require a sample of the lettering to be agreed before it is installed. If the heritage red colour is not found to be suitably muted, a more appropriate colour would then be agreed.

09/AP/2574 was for a projecting sign (diameter of 600mm, 860mm in height and projecting 719mm from the wall) that was considered harmful to the listed building and its setting. No projecting sign is proposed in the current applications.

3. What is the relevance of the NPPF clause about “less than substantial harm”?

Officer Response: As noted, this is a term of reference established by the NPPF. In short, it is considered that the addition of any signage to the listed building would result in some harm to its heritage significance as it would necessarily alter its original appearance. However, it is considered that this harm would be less than substantial as the building’s special architectural and historic interest would be preserved. The test set out in paragraph 134 of the NPPF is as follows; “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.” As it is considered that the lawful ‘A’ class use at ground floor should reasonably be allowed to display some suitable signage in order to operate successfully, it is considered that the proposals meet the test set out in the NPPF.

4. The existing unauthorised advertising is not given sufficient weight in the Case Officer’s report. Will the informative included be effective given the applicant’s previous non-compliance regarding advertising?

Officers Response: As this existing advertising is not under consideration in the current application, the informative is intended to make it clear that it remains unconsented and may be subject to enforcement action if the Council’s Planning Enforcement team judge this to be expedient.

3.4. One further representation has also been received from the Borough Market Environs Group. This representation expresses concern that the applications are not appropriate and requests further modifications prior to consent being granted. With specific reference to the signage, the group are of the view that the size and palette of lettering used by the previous occupant (Starbucks) is a more acceptable solution. They also consider the submitted drawings inadequate.

Officer Response: The signage proposed is considered to be comparable with that used previously by Starbucks. The size of the lettering is not considered unduly prominent, and the use of ‘heritage red’ is acceptable in principle, subject to the discharge of the condition described above.

**Item 6.2 – 15/AP/3504 & 15/AP/3505 for: Listed Building Consent & Full Application – Red Bus Shop, Clink Wharf, Clink Street, London SE1 9DG**

- 3.5. Paragraph 1 in the Case Officer's report should read "To GRANT planning consent and Listed Building Consent".
- 3.6. One further response has been received from a local resident in response to the case officer's report as published on the council's website. The response raises the following concerns:
1. The impact of the interior lighting on the building and the streetscape once the louvres are removed (and indeed as currently experienced following the removal of louvres from the fanlights above the doors).
  2. By allowing one of the windows at street level to have obscured glass while the other will be clear, the elevation would not benefit from the further cohesion described in the report.
  3. The purpose of the glass lobby is to allow the display merchandise and emit bright light while protecting the shop from theft. This is not of "public benefit" as described in the report.
  4. Will an informative relating to the need for consent for other methods of advertising be effective given the applicant's previous non-compliance regarding advertising?

Officer Response:

It is not considered that the level of illumination from the retail unit would represent a risk to public safety or cause unjustifiable harm to the listed building or the street scene.

The cohesion of the elevation described in the report refers to the Clink Street elevation as a whole, including the upper floors. It is considered that the removal of the louvres and their replacement with windows to match those on the upper floors of the building would enhance the appearance of the building as a whole. For clarity, in this case "public benefit" is a specific term of reference as used in paragraph 134 of the NPPF, which states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." It is considered that the optimum viable use of the ground floor unit of 4 Clink Street is as a commercial unit and the glass lobby enables that optimum use by allowing in natural light whilst controlling access and egress.

The informative sets out the officers' position regarding the existing methods of advertising for which consent has not be sought. If this advice is not heeded, it would be for the Council's Planning Enforcement team to decide if enforcement action was expedient.

- 3.7. One further representation has also been received from the Borough Market Environs Group. This representation expresses concern that the applications are not appropriate and requests further modifications prior to consent being granted. With specific reference to the removal of louvres, the group consider that the windows should not be

further obscured by being used for advertisement as this would compromise the integrity of the listed building and wider setting.

Officer Response: These issues are addressed in the case offer's report. The application material does not show any additional advertising in the windows once the louvres are removed. If further advertising were to be proposed, this would require additional consent.

**Item 6.3 – 15/AP/3303 for: Full Application – Tower Bridge Magistrates Court and Police Station, 207- 211 Tooley Street, London SE1 2JY**

- 3.8. There have been a number of late representations received from local residents, a ward councillor and the Boss House Management Company which are appended to this addendum report. The issues raised are discussed below:

**Principle of development**

- 3.9. Reference has been made in late representations to the principle of the change of use proposed. The reasons why this change of use away from a D class use is acceptable are detailed in paragraphs 24-26 of the officer report. It is not the case, as objectors have suggested that because it is a listed building, it could not be used for a D class use but rather it would be difficult, within the constraints of the building. The fact remains that the magistrates' court on this site was surplus to the requirements of the Ministry of Justice and that the benefit of securing the long term use of the heritage asset, along with a more efficient use of the land and enhanced public access to the site that the proposal would provide means that a loss of D class space is considered acceptable in this instance.

**Consultation process**

- 3.10. Concern has been expressed about the short period of time that neighbours have had to review the amended scheme and related documents. The amendment was for the removal of one storey of the spinal block. The amended drawings and information were placed on the website on 4 November 2015 and notification letters asking for comments sent on 10 November 2015. The consultation requirements for the application have complied with the relevant statutory time periods.

**Daylight and sunlight**

- 3.11. Some objectors suggested that the statistics in the officer report are misleading because they refer to percentages of windows modelled and not the ones that would be affected. Details are provided within the daylight and sunlight section of the impact that the proposed development would have on all of the dwelling blocks that would be affected in paragraphs 32-41.
- 3.12. Further concern is expressed suggesting that the daylight and sunlight report is unnecessarily complex and difficult for residents to understand and that the analysis focuses on whether there is enough light left rather than comparing the before and after situation. Daylight and sunlight assessments are technical and is an executive summary within it in addition to data for all windows analysed. It includes both an analysis of the before and after scenario and the resultant impact. The objection letter references the Residential Design Standards SPD which, while it refers to maximising daylight and sunlight, also refers to the BRE guidance which has been used in this instance.

### **Construction Management Plan**

- 3.13. There has been a request, including from a ward councillor for some measures to be included within the Construction Management Plan including vibration and dust monitoring the use of quietest equipment and for engines not to be left idling. These matters are best practice and controls which all major development sites would need to comply with.
- 3.14. Other matters raised are not so usual, for example, no noisy works (above 70dB) before 9am; no construction work on Saturdays; a two hours on and two hours off rotation for noisy work; communication measures; hoarding around the site and privacy screens.
- 3.15. The council's Code of Construction Practice gives the hours for construction work of between 08:00-18:00 Monday- Friday and 08:00-13:00 Saturday. Indeed, these are hours followed by most of the local authorities in London and are common practice even where construction takes place very close to sensitive receptors. Other measures such as designated points of contact at the council are not enforceable as this is outside the applicant's control. It is understood that the applicant is discussing these matters with local stakeholders. They are of course able to submit controls they may feel suitable for this site following discussions as part of the Construction Management Plan which is recommended as a condition. The applicant and/or their contractor could apply for consent under s61 of the Control of Pollution Act 1974 should they wish but it is not something that normally controlled through planning which is a separate regulatory regime.

### **Pre-application letter and differences in schemes**

- 3.16. It is the case that at the time the pre-application letter was written, officers had concern about the height of the proposal on Queen Elizabeth Street, considering seven storeys to be too high. The applicant, as part of the application process submitted verified views of this elevation and has demonstrated that it would be consistent with the datum heights of other development in this part of the conservation area, most notably Crown Apartments to the west. Also of note is the fact that at application stage, the part of the elevation closest to Boss Street is shown as set back at its highest level and would taper down towards Boss House.
- 3.17. Similarly, the scheme considered at pre-application stage would have had a much greater impact on residents nearby with respect to the potential to be overbearing because more mass was proposed close to residents. This scheme is for a reduced mass closest to Crown Apartments to provide a courtyard. For other receptors, the separation of a street, coupled with the set backs and the fact that the height would be similar to existing buildings means that the scheme would not be overbearing in its context.

### **Impact of servicing**

- 3.18. Additional concern has been expressed about the impact that servicing from Queen Elizabeth Street would have and in particular the fact that vehicles would need to reverse into the service yard. A condition is recommended requiring a service management plan to be submitted for approval and one of the controls to guard against conflict with other highway users would be the use of a banksperson to ensure safe manoeuvring when there is limited visibility. Coach drop off has been raised as a concern by objectors and as detailed in paragraph 62 of the report, not having coach parking is not in accordance with the London Plan. There are site constraints to

consider however and with the site's excellent transport links, it is likely that many users would use public transport. There are parking restrictions that any coach drivers would need to comply with.

### **Accuracy of measurements**

- 3.19. Residents have expressed concern that the measurements in the first floor drawing and referred to in paragraph 21 of the officer report are measurements to the penthouse apartment rather than the façades of the dwellings below. The measurements are to the façade of the dwellings below, not the penthouse apartment.

### **Other matters raised in late representations**

- 3.20. Objectors have suggested that no pedestrian and cycle counts have been provided. These are included in appendix B of the Transport Statement. A maintenance plan for the green roof is required by condition 6 while a suggested requirement for right of light and party wall matters to be settled before the commencement of development to protect the setting of the listed building is a reasonable one and is recommended below. Floor descriptions have also caused concern and although one of the floors is referred to, in the drawings, as a mezzanine level, the description of the development refers to the correct seven storeys. It is true that there is a plant level above the seventh storey but roof plant areas are not always included in descriptions, nonetheless, the roof plant is clearly shown in drawings.
- 3.21. Views from Crown Apartments are not verified but are based on a 3D computer model of the existing site survey (including Crown Apartments) and the proposed development. It is the case that no views were presented from other dwellings, but the drawings and verified views are suitable to allow an assessment of the potential for the development to be overbearing. Other verified views (looking west along Queen Elizabeth Street) have been requested by objectors, however, the verified views provided are considered to be sufficient to allow a full and proper assessment of proposal with respect to design. It is the case that no views have been shown from other dwellings. Questions have been raised about conditions and a suggestion that some should be consulted upon has been made. All applications, including those for details pursuant to conditions are placed on the planning register and members of the public are able to comment. They commonly cover technical matters for which council officers seek expert advice (highway safety and noise for example) which is appropriate for the conditions recommended.

### **CIL and s106**

- 3.22. Objectors suggest that the s106 is being re-negotiated following the revision of the spinal block. This is not the case; the contributions that would be levied through CIL have changed and are as follows:

Mayoral CIL is £244,857

Southwark CIL £1,494,805

- 3.23. The Shad Thames Area Management Partnership (STAMP) have commented on potential contributions for the s106 agreement. They have asked for greater provision for meetings of no fewer than 30 times a year. Officers have had oral confirmation that meeting rooms would be offered at least once a month. Community groups eligible would be agreed through a Community Use Agreement. Another suggestion is for discounted gym membership to be available for Shad Thames area stakeholders. As

the magistrates' court was a community use serving the whole of the borough, such a restriction is not supported by officers.

- 3.24. STAMP have also suggested that some of the CIL funds that would arise from the scheme be spent in the Shad Thames Area. The Section 106 and CIL SPD states that the funds can be used within community council areas and STAMP and other local groups can submit their proposals to the Bermondsey and Rotherhithe Community Council.

#### **Additional drawing**

- 3.25. Revision P2 of drawing A-100-002 has been received showing all doors opening inwards in order to comply with the Highway Act. It is recommended that this be included in the recommendation and the condition referencing the plans.

#### **Corrections to the report**

- 3.26. Paragraph 11 references the letter in appendix 3 of the report as the reply for pre-application enquiry 15/EQ/0053. Appendix 3 is in fact the reply for enquiry reference 14/EQ/0196 referred to in paragraph 10.

#### **Recommendation**

- 3.27. Add Revision C after the reference to the proposed drainage works report in the document list.
- 3.28. Delete reference to drawings A-110-005 Revision P0 and A-110-006 Revision P0; there are no drawings with these references and their inclusion in the recommendation is an error.

#### **Conditions**

- 3.29. Amend condition 1 as follows:

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

A-050-103 Revision P0

A-100-001 Revision P1

A-100-002 Revision ~~P1~~P2

A-100-003 Revision P1

A-100-004 Revision P1

A-100-005 Revision P1

A-100-006 Revision P1

A-100-007 Revision P1

A-100-008 Revision P1

A-100-009 Revision P1  
A-110-001 Revision P1  
A-110-002 Revision P1  
A-110-003 Revision P1  
A-110-004 Revision P1  
A-110-005 Revision P0  
A-110-006 Revision P0  
A-120-001 Revision P1  
A-120-002 Revision P1  
A-120-003 Revision P1  
A-120-004 Revision P1  
A-120-005 Revision P0  
A-120-006 Revision P0  
A-500-001 Revision P1  
A-500-002 Revision P0

3.30. Amend condition 4a as follows:

Prior to the commencement of any works other than that required as part of a condition of this permission or the related listed building consent, details of a Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved ~~scheme~~ and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

3.31. Amend condition 8 as follows:

*Typical* r sSection detail-drawings at a scale of 1:5 through the each junctions between the new build element and with the existing, listed building shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

3.32. Amend condition9 to:

Sample panels of all external facing materials to be used in the carrying out of this permission, including 1sqm panels of the proposed brick work, mortar and pointing (featuring both flush and decorative, textured brickwork) shall be presented on site/submitted to the Local Planning Authority and approved in writing before any *above grade* works in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.



3.33. Amend condition 12 to:

Before the commencement of use a Service Management Plan detailing how all elements of the site are to be serviced, *including the movement and collection of bottles*, shall be 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.

3.34. Amend condition 13 to:

The doors on Queen Elizabeth Street shall not be used for access and egress ~~after~~ *between the hours of 22:00 and 07.00* on any day except in the case of emergencies.

**Item 6.4 – 15/AP/3304 for: Listed Building Consent – Tower Bridge Magistrates Court and Police Station, 207- 211 Tooley Street, London SE1 2JY**

**Corrections to the report**

3.35. Paragraph 22 references the letter in appendix 3 of the report as the reply for pre-application enquiry 15/EQ/0053. Appendix 3 is in fact the reply for enquiry reference 14/EQ/0196 referred to in paragraph 21.

3.36. Paragraph 37 states that access to site has been necessarily restricted. There would of course have been public access to the entrance hall and courtrooms but should planning permission be granted, greater public access would be afforded to the building and site.

**Amendments to conditions**

3.37. Add condition:

Prior to the commencement of any demolition works on site, the applicant shall provide confirmation of party wall agreements and/or that matters relating to right to light have been satisfied.

Reason:

To ensure that the demolition of part of the listed building and development may commence in a reasonable time without harm to the listed building and its setting in accordance with in accordance with the National Planning Policy Framework 2012, policy 7.8 heritage assets and archaeology of the London Plan 2015, strategic Policy 12 of the Core Strategy and saved policies 3.15 conservation of the historic environment and 3.17 listed buildings of the Southwark Plan 2007.

3.38. Amend condition 2 to:

All surviving historic floors and features such as panelling, skirtings, architraves, picture rails, dado rails, cornices and ceiling mouldings proposed to remain in situ, shall be protected during the course of the works and repaired, in filled and reconditioned as required. A scheme of restoration (name of specialist, Method Statement, Schedule of Works and Specification) for their repair shall be submitted to and approved by this Local Planning Authority in writing prior to the commencement of works to the listed building; the development shall not be carried out otherwise than in accordance with any such approval given.

3.39. Amend condition 4 to:

Samples of the proposed roofing slate shall be made available on site and approved in writing prior to the commencement of construction works on site; the development shall not be carried out otherwise than in accordance with any such approval given. Roof repairs to be undertaken in natural Welsh slate to match existing in size and colour; the use of artificial slates will not be permitted.

3.40. Amend condition 5 to:

Detailed plans, sections and elevations (scale 1:20) of the proposals for the conversion of courtrooms 1 and 2 and detailed joinery drawings (scale 1:5) showing how the historic furniture, fabric and decorative elements would be reused shall be submitted to the Local Planning Authority for approval prior to the commencement of any works in courtrooms 1 and 2, including strip out; the development shall not be carried out otherwise than in accordance with any such approval given.

3.41. Amend condition 6 to:

Shop drawings (scale 1:5) for all new fenestration and doors, including dormer windows in the proposed mansard structures shall be submitted to the Local Planning Authority for approval prior to the commencement of works installation of allany new fenestration andor doors. The development shall not be carried out otherwise than in accordance with any such approval given.

3.42. Amend condition 8 to:

All repairs to rainwater goods and new pipework runs to be in cast iron and to match existing historic profiles and details. No new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless approved by this Local Planning Authority in writing before commencement of the works prior to their on installation on site.

**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 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 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
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Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
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