

<b>Item No:</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 05 April 2016	<b>Meeting Name:</b> Planning Sub-Committee A
<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 7.2 – 16/AP/0167 & 16/15/AP/4297 for: Full Planning and Listed Building Consent, Half Moon Public House, Half Moon Lane, SE24**

#### Additional comments from the Agent

- 1.1. Extensive works are required to repair the public house following the floods, amounting to approximately £2.5m, to restore the historic features of the building. The Agents claim that the proposals will also widen the appeal of the public house and support the vitality and viability of Herne Hill District Centre. They also state that many pubs the size of the half Moon now struggle to survive on drinks sales alone and must provide a good dining offer.
- 3.1. The Agent notes that they have worked with the Council and Historic England during pre-application discussions to produce the submitted proposals and that the proposal has the support of both along with support from Environmental Protection Herne Hill Society Planning Group and the Campaign for Real Ale.
- 3.2. The Agent re-iterates that the ancillary music use could have ceased at any time with no need for planning consent and that many of the objectors are not from nearby postcodes.

#### Additional comments from Save The Half Moon

- 3.3. The following three comments were made:
  - The proposal converts a single A4 (Drinking Establishment) use into two planning units with the back room eating area serving the hotel and the public

Officer Comment: Whilst breakfast will likely be served in the back room area for hotel guests, the use remains ancillary to the main public house, sharing an entrance, toilets and beer garden with the main public house use. This is why the proposal produces a mixed use of hotel and drinking establishment and manager's accommodation that collectively form an amended single planning unit.

- The report refers to the 'now ceased ancillary music venue use' (para 62). This is questioned in light of the Drinking Establishment use not being considered ceased and that removal of the stage and live music sign demonstrate that the proposal constitutes a material change of use.

Officer Comment: None of the additional information provided has altered the opinion that the music venue use was ancillary to the main public house use, as will be the case with the proposed catering operation.

- The loss of the music venue has not been adequately weighed against the impact on the social wellbeing and economic viability of the local community, or the availability of live music and performance provision in the local area with regards to the building being a designated Asset of Community Value.

Officer Comment: In the case that no relevant material change of use has occurred, the Council has no jurisdiction to consider any loss. It is noted that a public house in and of itself can be considered an ACV without there needing to be other ancillary uses.

Additional comment from Music Heritage UK

- 3.4. This charity exists to promote, protect and preserve popular music heritage. They question the statement from the Head of Regeneration and Development Team, Legal Services regarding their statement that the live music use was "prior ancillary use" due to music being previously provided six nights out of seven. The organisation claim that a better description of the venue would be mixed A4 (Drinking Establishment) and D2 (Assembly and Leisure) use at ground floor level.

Additional neighbour responses received

- 3.5. Two additional neighbour objections received for Planning Application 16AP0167 and 44 additional neighbour objections received for Listed Building Application 16AP0168.
- 3.6. Issues raised primarily repeat concerns raised by previous objectors regarding the loss of the music venue and the opinion that the area has a sufficient supply of public houses that serve food.
- 3.7. One responder noted concerns about the new design and air conditioning, suggesting that this may deteriorate the structure and materials of the building.
- 3.8. Two additional neighbour comments of support was received for Listed Building Application 16AP0168
- 3.9. One responder stated that their preference is to re-open the public house with live music facilities, but that they support Fuller's proposal "wholeheartedly" because they would chose a Fullers pub with no live music facilities vs a closed pub.

Amendment to Condition 12

- 3.10. Condition 12 of Planning Application 16/AP/0167 restricted hours of operation to external areas to the rear of the public house. Environmental Protection Team have however stated that this restriction should apply to all external parts of the Public House. As a result, Condition 12 of Planning Application 16/AP/0167 should be amended to:

Hours of operation and servicing:

- The external areas of the public house, including the play area, shall not be used outside of the hours 08.00 to 22.30hrs on any day.
- The external bar hereby permitted shall not be used outside of the hours 08.00 to 22.00hrs on any day.
- Any external waste handling, external cleaning, deliveries or collections at/to/from the development shall only occur between 08.00 - 22.00hrs on any day.

Reason: To ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007.

Amendment to Condition 7

- 3.11. Drawing number 257-10-36 was submitted providing covered parking for ten cycle parking spaces. Paragraph 102 had incorrectly stated that 12 cycle spaces would need to be required, but the London Plan states that 1 cycle space should be provided per 20 hotel rooms and one space should be provided per bedroom. As such the proposed ten cycle spaces exceed London Plan requirements.

As a result, condition 7 of Planning Application 16/AP/0167 should be amended to:

Before the first coming into use of the development hereby approved, the cycle storage shown on drawing number 2571-10-36 shall be completed and brought into use in accordance with the approved details and shall be retained in perpetuity unless otherwise agreed in writing by the local Planning Authority.

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 The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

Amended plans received

- 3.12. Amendments to the proposal were received subsequent to the submission of this report to remove the first floor seating area above the external bar, remove a boiler flue from a side facing fan-light and to remove reference to the existing bar being altered.
- 3.13. As a result of these amended plans and the submitted cycle storage details, the Applicant's Plan Numbers of Planning Application 16/AP/0167 should be amended to:

Existing: 2571-09-01, 2571-09-03, 2571-09-05

Proposed: 2571-02-01 RevO, 2571-02-02 RevN, 2571-04-01 RevA, 2571-04-02 RevA, 2571-04-03 RevA, 2571-04-04 RevA, 2571-08-03 RevA, 2571-08-04, 2571-09-04

RevG, 2571-09-06 RevF, 2571 -09-07 RevG, 1571-10-01, 2571-10-02 RevA, 2571-10-04, 2571-10-07, 2571-10-08, 2571-10-11, 2571-10-12, 2571-10-13, 2571-10-14 RevA, 2571-10-15, 2571-10-16, 2571-10-22, 2571-10-23 RevA, 2571-10-25, 2571-10-26, 2571-10-27, 2571-10-34 RevA, F7210-01 RevA, F7210-02 RevA, F7210-03 RevA, 1.MH.01, 2.MH.01., 2571-10-36

Planning, Design & Access Statement, Heritage Statement, External repairs schedule, External wooden balcony conservation, External Plant Noise Assessment, Air Condition Technical Date, RY7500A, MUB 062 630D4-A2 IE2 Multibox

- 3.14. And as a result of these amended plans and the submitted cycle storage details, Approved Plans Condition 2 of Planning Application 16AP0167 should be amended to:

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

2571-02-01 RevO, 2571-02-02 RevN, 2571-04-01 RevA, 2571-04-02 RevA, 2571-04-03 RevA, 2571-04-04 RevA, 2571-08-03 RevA, 2571-08-04, 2571-09-04 RevG, 2571-09-06 RevF, 2571 -09-07 RevG, 1571-10-01, 2571-10-02 RevA, 2571-10-04, 2571-10-07, 2571-10-08, 2571-10-11, 2571-10-12, 2571-10-13, 2571-10-14 RevA, 2571-10-15, 2571-10-16, 2571-10-22, 2571-10-23 RevA, 2571-10-25, 2571-10-26, 2571-10-27, 2571-10-34 RevA, F7210-01 RevA, F7210-02 RevA, F7210-03 RevA, 1.MH.01, 2.MH.01., 2571-10-36

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3.15. And as a result of these amended plans and the submitted cycle storage details, the Applicant's Plan Numbers for Listed Building Application 16/AP/0168 should be amended to:

Existing: 2571-09-01, 2571-09-03, 2571-09-05

Proposed: 2571-02-01 RevO, 2571-02-02 RevN, 2571-04-01 RevA, 2571-04-02 RevA, 2571-04-03 RevA, 2571-04-04 RevA, 2571-08-03 RevA, 2571-08-04, 2571-09-04 RevG, 2571-09-06 RevF, 2571 -09-07 RevG, 1571-10-01, 2571-10-02 RevA, 2571-10-04, 2571-10-07, 2571-10-08, 2571-10-11, 2571-10-12, 2571-10-13, 2571-10-14 RevA, 2571-10-15, 2571-10-16, 2571-10-22, 2571-10-23 RevA, 2571-10-25, 2571-10-26, 2571-10-27, 2571-10-34 RevA, F7210-01 RevA, F7210-02 RevA, F7210-03 RevA, 1.MH.01, 2.MH.01. 2571-10-36 Planning, Design & Access Statement, Heritage Statement, External repairs schedule, External wooden balcony conservation, External Plant Noise Assessment, Air Condition Technical Date, RY7500A, MUB 062 630D4-A2 IE2 Multibox

Additional condition

- 3.16. Prior to the first coming into use of the development hereby granted, there shall be no fixed seating, tables, partitions or other fixtures within the plan areas A and B hatched green on plan 2571/02/01revO and the areas shall be maintained in that form in perpetuity.

Reason: In order to ensure that the design and details are in the interest of the special historic interest of the listed building, to maintain the openness and flexible usage of the original billiards, snooker and events room and detached vehicle garage in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

**Item 7.4 – Application 15/AP/5021 for: Advertisement Consent, 88 Dulwich Village, London, SE21 7AQ**

Update to paragraph 6 of the officers report

- 3.17. Officers raised concerns about the level of illumination of the proposed signage following which the applicant changed the format of illumination from trough lighting to spot lighting; as well as changing the depth of the lettering on the Sainsbury's logo from flat to a 15mm projection on the fascia board.

A recent appeal decision

- 3.18. A recent appeal decision (as attached) at 94 Dulwich Village was quoted as an example of a similar unacceptable development within the Dulwich Village conservation area. Officers were aware of this appeal decision.

Officer's response on this is that the refused scheme is significantly different from the scheme on 88 Dulwich Village in that:

- (i) The application site is a listed building;
- (ii) The scheme proposed some internally illuminated signage - an unacceptable mode of illumination on a listed building and within conservation areas.

As such, the Council rightly refused the application (upheld on appeal) as the significant concentration of signage resulted in visual clutter and detracted from the simple elegance of the listed building.

3.19. Additional comments from neighbours

- Lighting on the Fascia has been changed from trough lighting to swan neck lights. 5 swan neck lights are shown on the revised plan drawing but no specific number is specified on the revised drawing.

Please clarify if the lights are limited to 5 along the fascia?

Officer comment: The proposed fascia sign will have 5 Swan Neck Spot lighting. The proposed projecting sign will have 2 Swan Neck Spot lighting.

- The lettering of the fascia seems to have increased in depth from 10mm to 15mm. The original and revised submission stated a depth of 10mm, which we were advocating to be reduced. It is not clear if the Officer has made an error in the report as this is stated to be increased to 15mm depth. However, this is the Officer's report only and a request to increase to 15mm is not evident in any of the submitted plans from Sainsbury's agent. Please clarify and detail if this is an error, and if not an error, please justify why such an increase has been proposed by Southwark?

Officer comment: Stated on the previous proposed plan the lettering will be fret cut powder coated aluminium letters 10mm thick and pin mounted to fascia. The amended scheme includes the same height lettering, letters made in descaled stainless steel and when pin mounted and would project 15mm from the fascia board.

- The door advertisement (x1 vinyl offer panel displaying open times) has been removed from the revised plan drawings. Can the Officer please confirm that this now means that there are no advertisements approved for display on the windows at the front or the rear of the property? Can the Officer also confirm whether the placement of such advertisements would need to be the subject of a further planning request?

Officer comment: There will be no sign displaying time openings attached to the front or rear of the premises. Ordinarily such signage displaying opening times, if appropriately located/design, would not require advertisement consent.

- Point 6 of the Officer report records: Officers raised concerns about the level of illumination of the proposed signage following which the applicant as well as the design of the Sainsbury's logo.

Could the Officer expand upon the concerns raised with Sainsbury's about the design of the Sainsbury's logo and Sainsbury's response? For what reason has the letter depth been increased?

Officer comment: The application site lies within the Dulwich Village Conservation Area and as such any form of external illumination have to be suitable at its location as well as the sensitive nature of the area. As a general rule, trough lighting is not recommended within conservation area as they create a strong wash of illumination that is visually obtrusive and contributes to light pollution. The fittings of most trough lighting also tend to be bulky and visually obtrusive. As such, spot-lighting, as proposed, is preferable within conservation areas as it is deemed subtle.. With regards to the Sainsbury's logo, the 15mm projection of the lettering from the fascia board is considered acceptable. Cooperate branding is not a matter that can be controlled under planning and as such, there are no suggested changes to the Sainsbury colour logo.

- The issue of whether to permit a projecting sign, whether illuminated or not, is not explained specifically within the Officer's report and we note the Appeal Case as a relevant precedent for rejecting such signage. The report notes only that the projecting sign will use swan neck lights. The revised planning document (Amended Plan 215 Rev C) shows that the projecting sign is now timber with 2 (number illustrated but not specified) swan neck lights. Ironmongery is to match traditional style. Please confirm what exactly has been agreed for materials and number of swan neck lights for the projecting sign because the revised planning drawing (Amended Plan 215 Rev C) varies from the Officer's report.

Officer comment: The materials proposed for the projecting sign would be a combination of timber and Ironmongery which are traditional materials and suitable for conservation areas

- The new Plants are now removed from the planning submission. Does this mean that Sainsbury's are to use the existing plants and pumps in place at the rear and on the roof of 88 Dulwich Village?

Officer comment: Sainsbury's is currently exploring the feasibility of utilising the existing plant on the site. If new plant/equipment is required, this will be subject to the submission and consideration of a new planning application.

**Item 7.5 - Application 15/AP/2957 for: Full Planning Permission, Rear Of 60 Dulwich Village, London, SE21 7AJ**

Additional responses received:

- 3.20. A member of the public has written in withdrawing their objection to the proposed development as the revised design addresses their points of concerns.

**REASON FOR URGENCY**

2. 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**

3. 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**

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