

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 26 April 2016	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 16/AP/0388 for: Full Planning Permission  <b>Address:</b> 301-303 BOROUGH HIGH STREET AND 1-3 TRINITY STREET, LONDON SE1 1DB  <b>Proposal:</b> Construction of a new third and fourth (mansard) floor extension to the Borough High Street frontage and the demolition of the rear part of the building to be replaced with a three storey extension fronting Trinity Street for additional office floorspace (Class B1); change of use of some retail (A1) floorspace at basement and ground level to office (B1); associated external alterations including the creation of a new shopfront on the Borough High Street frontage.		
<b>Ward(s) or groups affected:</b>	Chaucer		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 08/02/2016		<b>Application Expiry Date</b> 04/04/2016	
<b>Earliest Decision Date</b> 05/03/2016			

## RECOMMENDATION

1. Grant planning permission, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The site is a part three, part one storey building located on the corner of Trinity Street and Borough High Street. The application property is now vacant but formerly comprised of a carpet shop on the ground floor with vacant offices on the first and second floors.
3. To the northeast is a six-storey commercial property at 291-299 Borough High Street, to the southeast is a three-storey commercial property at 5 Trinity Street and to the north east, at the rear, is a residential development in Hulme Place comprising of x2 three-storey houses, and a part four, part five, part six-storey building containing flats and a live-work unit.
4. The building is not statutorily or locally listed nor is it sited within a conservation area. However the site is located just outside both the Borough High Street conservation area and Trinity Church square conservation area and is located directly opposite Listed Buildings at 2-12 Trinity Street. It is not located within a protected shopping frontage.
5. **Planning policy designations (Proposals Map)**
  - Central activities zone (CAZ)

- Bankside and Borough district town centre (part of)
- Bankside, Borough and London Bridge opportunity area (part of)
- Archaeological priority zone
- Air quality management area.

Other designations which relate to the site are:

- Public Transport Accessibility Level (PTAL): 6a (Excellent)
- Flood Zone 3
- Borough High Street is a classified A road (A3).

### **Details of proposal**

6. The retail area utilises the lower ground as ancillary storage (126m<sup>2</sup>), and the ground floor retail as the primary A1 shop floor (157m<sup>2</sup>). The ground floor fronting Borough High Street is predominantly glazed with a corner entrance and small section of returned shop-front glazing. Access to the basement is within the shop demise.
7. The front part of the block on first and second floors of the building has an established office use (B1a) and is served by a separate access on Trinity Street. The first floor provides 73sqm of office accommodation and the second floor provides 78sqm of office accommodation. The building has been vacant for a number of years.
8. The proposal seeks to add another two floors to the front part of the existing building, i.e., the part sited directly on the corner of Borough High Street and Trinity Street. Visually this would appear as an additional floor with another floor of accommodation contained above in the roofspace of a dormered Mansard roof. To the rear (east) of this the remainder of the building (which is currently part three-storey, part single-storey) would be demolished and this part of the proposal would be three-storeys high.

<b>PROPOSED</b>	<b>B1 floorspace</b>	<b>A1 floorspace</b>
4 <sup>th</sup> Floor	66.5sqm (Borough High Street)	
3 <sup>rd</sup> Floor	85.5sqm (Borough High Street)	
2 <sup>nd</sup> Floor	133sqm (Borough/Trinity)	
1 <sup>st</sup> Floor	156sqm (Borough/Trinity)	
Ground Floor	77.0sqm (Trinity Street)	63.0sqm (Borough High Street)
Basement Floor	77.5sqm (Trinity Street)	57.0sqm (Borough High Street)
<b>TOTALS</b>	<b>595.5sqm</b>	<b>120.0sqm</b>

10. The retail unit on the ground floor will have a clearly identified entrance and a glass shop front to Borough High Street, returning along the front corner of Trinity Street. The upper elevations above the ground floor, from first to the third floor, will have matching brickwork, to three elevations of front, side and rear. All new installed windows to these elevations will be timber painted sliding sashes to match existing in size and style. The fourth floor will be within a slate-tiled mansard roof, with timber painted sliding-sash dormer windows, framed with lead tiled top and cheeks, matching those opposite on Trinity Street. The principal entrance to the enlarged office accommodation will be from Trinity Street and is completely separate from the existing entrance to the retail unit.

## 11. Relevant planning history

15/EQ/0125

Pre-Application Enquiry (ENQ): Demolition of existing building and erection of a part 6, part 8 (plus basement) mixed use building (commercial and residential)  
Enquiry closed: 17/11/2015

13/EQ/0231

Application type: Pre-Application Enquiry (ENQ): Redevelopment to provide 9 or less residential units  
Enquiry closed: 11/07/2014

12/AP/1230

The demolition of the existing building and the erection of a predominantly part 5/part 6 storey building with three storey rear element comprising of 222.5 sqm of commercial floor space, flexible A1 retail/A2 financial and professional services at ground floor level and B1 office space at basement level; provision of 4 x 2 bedroom apartments with balconies above; along with a two bedroom, three storey house with basement and associated cycle parking facing Trinity Street.

REFUSED: 14/08/2012

APPEAL DISMISSED: 02/07/2013

### Reason for refusal:

1. The proposal due to its inappropriate height, scale and massing will result in an overdominant appearance when viewed from the nearest properties in Hulme Place to the rear creating an undue sense of enclosure for those residents, significantly impacting on their residential amenity contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 – 'High environmental standards' of the Core Strategy 2011.
2. The proposal, due to its contemporary form and detailed elevational treatment, fails to reach an acceptable level of design quality in this prominent corner location which acts as a gateway and sign post to the neighbouring Trinity Church Square Conservation Area. The proposal therefore fails to integrate successfully into this sensitive context and will harm the setting of the Conservation Area, thereby contrary to Saved Policies 3.12 Quality in Design and 3.18 Setting of Conservation Areas, Listed Buildings and World Heritage Sites of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.

10/AP/1724

Renewal of planning permission 07/AP/0424 for: Demolition of the existing building and redevelopment of the site to provide a 6 storey building with basement fronting Borough High Street comprising offices (Class B1), retail (Class A1) and financial services office (Class A2) at basement, ground and first floor areas, provision of 4 x 2 bedroom flats above with balconies onto Trinity Street and a roof terrace for the top flat and the erection of a three storey, a 2 bedroom house with additional basement and balconies to the rear fronting Trinity Street.

REFUSED: 29/12/2011

### Reason for refusal:

1. The proposal due to the dominance and obtrusiveness of the six storey element would create an undue sense of enclosure to the property at 1 Hulme Close SE1 and to a lesser extent on 2 Hulme Close SE1 to the rear of the

development site, significantly impacting on their residential amenity, contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and 'Strategic Policy 13 – High environmental standards' of the Core Strategy 2011.

2. The proposal provides inadequate outside amenity area to the detriment of future occupiers' amenities. The proposal is therefore contrary to saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, the Residential Design Standards SPD 201, and 'Strategic Policy 5 - Providing new homes' of the Core Strategy 2011.

07/EQ/0028

Pre-Application Enquiry (ENQ): Redevelopment of site to provide a mixed use development

Enquiry closed (Planning application submitted): 17/02/2016

06/EQ/0764

Pre-Application Enquiry (ENQ): Proposed demolition of existing building and redevelopment to provide a 6 storey building comprising 298 sqm of commercial floor space at basement and ground floor level.

Enquiry closed: 07/01/2014

## 12. **Planning history of neighbouring sites**

### 280 Borough High Street

15/AP/4770

Full Planning Permission: Demolition of existing building and erection of a part five-storey, part seven-storey building comprising a commercial unit at lower-ground and ground-floor level (Use Class A1/A2/A3), 9no. self-contained dwellings above and associated refuse, recycling and cycle storage facilities and roof terraces.

GRANTED: 22/01/2016

### 218-220 Borough High Street

10/AP/2304

Full Planning Permission: Redevelopment of site for a mixed use development comprising six storeys (basement and five floors above ground) including retail/professional services/cafe - restaurant (Use Classes A1/A2/A3) at ground floor and basement and seven residential units (Class C3) at upper floors to comprise three studio apartments, three one bed units and one two bed unit.

GRANTED WITH A LEGAL AGREEMENT: 18/05/2011

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

13. The main issues to be considered in respect of this application are:
  - a) Principle of development
  - b) Impact on residential amenity of neighbouring properties
  - c) The design of the development and its impact on the character and appearance of the host building and the local area.
  - d) The impact on the setting of designated heritage assets (conservation areas and listed buildings)
  - e) Transport impacts
  - f) Flood risk

g) All other relevant material planning considerations.

## **Planning policy**

14. National Planning Policy Framework (Published 27 March 2012)

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

15. The London Plan (2015) (consolidated with alterations since 2011)

Policy 2.10 - Central activities zone – strategic priorities

Policy 2.11 - Central activities zone – strategic functions

Policy 2.15 - Town centres

Policy 4.1 - Developing London's economy

Policy 4.2 - Offices

Policy 4.3 - Mixed use development and offices

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.17 Waste capacity

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

16. Mayor of London Supplementary Planning Guidance

Town Centres (2014)

Accessible London: Achieving an inclusive environment (2014)

17. Southwark Core Strategy (2011)

Strategic Policy 1 - Sustainable development

Strategic Policy 2 - Sustainable Transport

Strategic Policy 3 - (Shopping, leisure and entertainment)

Strategic Policy 10 - (Jobs and businesses)

Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

18. The council's cabinet on 19 March 2013, as required by para. 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.

19. Southwark Unitary Development Plan (2007) - Saved policies

- Policy 1.1 - Access to employment opportunities
- Policy 1.4 - Employment sites outside the preferred industrial locations
- Policy 1.7 - Development within town and local centres
- Policy 3.1 - Environmental effects
- Policy 3.2 - Protection of amenity
- Policy 3.6 - Air quality
- Policy 3.7 - Waste reduction
- Policy 3.9 - Water
- Policy 3.11 - Efficient use of land
- Policy 3.12 - Quality in design
- Policy 3.13 - Urban design
- Policy 3.14 - Designing out crime
- Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.19 - Archaeology
- Policy 5.1 - Locating developments
- Policy 5.2 - Transport impacts
- Policy 5.3 - Walking and cycling
- Policy 5.6 - Car parking

Supplementary Planning Document: Sustainable Transport (2010)

**Principle of development**

20. The proposal would not introduce any new uses. However, the existing balance between the proportion of A1 and B1 floorspace in the building would be altered primarily as a result of the proposed increase in B1 floorspace. The shop (A1) floorspace would be reduced from 283sqm to 120sqm (a loss of 58%). The shop's ground-floor would be reduced from 157sqm to 63sqm (60%) and the ancillary basement storage area would be reduced from 126sqm to 57sqm (55%).
21. The proposal requires assessment against saved policy 1.7 of the Southwark Plan, strategic policy 3 (Shopping, leisure and entertainment) of the Southwark Core Strategy, policy 2.15 (Town Centres) of the London Plan (2015) and sections 1 and 2 of the National Planning Policy Framework (2012).
22. Although the proposal would result in a significant loss of A1 floorspace on the site it is nevertheless considered that it would not meaningfully conflict with this saved policy 1.7 when the remaining criteria in the policy are considered, particularly considering that the replacement floorspace would be office - a town centre use. In terms of the other main criteria in the policy it is considered that: the scale and nature of the proposal would be appropriate to the character and function of the centre/catchment area it seeks to serve; the proposal would maintain a mix of uses on the site which is appropriate; it would be located in a part of the borough that is highly accessible to public transport; the proposal would not give rise to any significant additional servicing traffic, and; it would address the street and retain an active frontage onto pedestrian routes (Borough High Street/Trinity Street). One of the other criteria in the policy requires that the proposal would not materially harm the amenity of surrounding occupiers. This criteria will be considered under its own section below as the proposal must also be assessed more generally against saved policy 3.2 (Protection of amenity).
23. Given that the existing building (including the shop) has been vacant for several years (a carpet retailer was the previous occupier) and given that the building would retain an active shopfront frontage (a new shopfront would be installed) onto Borough High Street and partly along the Trinity Street elevation, it is considered that the new

smaller shop unit would still present an attractive viable proposition to a retail occupier which will positively contribute to the vitality of the district town centre in this edge of centre location.

24. The increase in office floorspace on the site will also support the economic role of the town centre and will generate more local job opportunities in keeping with the stated aims of SP10 of the Core Strategy. The increase in office floorspace is therefore also compliant with saved policy 1.4 of the Southwark Plan.

#### **Environmental impact assessment**

25. The proposal lies outside the scope of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 and as such there is no requirement for an EIA.

#### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

26. Sense of enclosure on properties in Hulme Place / St. Michael's Court

One of the two main issues considered at appeal (in respect of the refused application from 2012, ref. 12/AP/1230) was whether the proposed replacement building would be over-dominant and create an unacceptable sense of enclosure when viewed from nearby residential properties in Hulme Place.

27. The building that presently occupies the site is lower than its neighbours. The elevation fronting onto Borough High Street has only 3 storeys compared to the 6 storeys of its neighbour to the north east and the 5 storeys of the building on the opposite side of Trinity Street. The 3 storey height of the Borough High Street elevation extends round the corner into Trinity Street, then steps down to a short section with a slightly lower 3 storey height at 1 Trinity Street before falling sharply to a single storey section at 3 Trinity Street. Beyond this the terrace of residential buildings at 5-13 Trinity Street rises to 3 storeys.
28. In the appeal decision following the council's refusal of application ref. 12/AP/1230, the Inspector concluded that apart from the resultant reduction in natural light and sunlight, the increased building heights would appear over-dominant and would create an oppressive feeling of enclosure.
29. The Inspector also stated that he recognised, 'that both the natural light received by the Hulme Place properties and their outlook is already compromised by the existing building on the appeal site but this does not justify the additional effect of the proposed development.'
30. He continued, 'It should also be recognised that the existence of a development that has taken advantage of the relatively low height of the existing building on the appeal site should not prevent all redevelopment of that building. Nevertheless any redevelopment scheme should achieve a reasonable compromise between legitimate commercial interest and maintaining an acceptable level of residential amenity. I consider that the proposed scheme does not achieve that objective'
31. In assessing the impact of the current proposal on the amenity of the residents of Hulme Place (which includes St. Michael's Court) it is important to bear this useful commentary in mind. At the same time the current proposal is significantly different to that which was considered by the Inspector and it is therefore important to draw out the distinctions between the two schemes in terms of their height, bulk and mass.

32. An analysis of the 2012 refused scheme and the current scheme finds that the highest part of the current scheme would be 0.8m higher (15.92m as compared to 15.12m) but that the depth of the highest part of the current scheme (i.e., the extent to which it would extend back from Borough High Street parallel to Trinity Street) would be 5.87m less deep than the refused scheme (12.38m as compared to 18.25m). In the current proposal much more of site would therefore be occupied by the lower 3 storey element as compared to the refused 2012 application
33. Furthermore, the top (second-floor) of the 3 storey element would be set away much more substantially (3.5m) from the rear boundary of the dwellinghouse at 1 Hulme Place than was the case in the refused scheme (1.4m-1.6m).
34. In addition, in the refused scheme the five storey element of that development extended rearwards (parallel with Trinity Street) up to half the width of the rear garden boundary of 1 Hulme Place (with a similar minimal setback of 1.4m-1.6m). By contrast, in the current application, only three storeys would sit directly opposite the rear garden boundary of 1 Hulme Place and indeed the south-east facing rear elevation of the five-storey part of the current proposal would encroach no closer toward 1 Hulme Place as it would result from the simple vertical extrusion of the existing main body of the building through the addition of two floors to it.
35. A further clear distinction between the two schemes is that the refused scheme included a further sixth storey which is not included in this proposal.

36. Daylight and sunlight

A technical daylight and sunlight report to accompany the application has been prepared by Right to Light Consulting Ltd in line with the established industry guide from the Building Research Establishment (BRE) titled 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (Littlefair, P. 2<sup>nd</sup> Ed. 2011).

37. The report analyses the impact of the proposed development on the levels of daylight and sunlight reaching properties in close proximity to the site. It does this via three methods of analysis:
  - Daylight: vertical sky component test (VSC)
  - Sunlight to windows: Annual probable sunlight hours test (APSH)
  - Sunlight to neighbouring gardens and open spaces: spring equinox overshadowing test.
38. The report presents the potential impacts of the proposed development on a wide number of neighbouring properties, both domestic and non-domestic, including 305 Borough High Street, 2, 4, 5 & 6 Trinity Street, 1 to 12 St. Michaels Court (Hulme Place), 1 and 2 Hulme Place and 297 and 299 Borough High Street.
39. The neighbouring properties likely to be most affected are the existing dwellings at 1 and 2 Hulme Place and the flats at 1-12 St. Michaels Court, in this order of importance / magnitude of impact.
40. Taking each test in turn, out of all the properties assessed the only windows that would be left with a VSC of less than 27% and the reduction experienced being also more than the recommended 20% loss are 3 windows in the ground-floor conservatory at 1 Hulme Place and 1 window in the ground-floor conservatory at 2 Hulme Place.
41. However, in respect of the 3 conservatory windows at 1 Hulme Place, the reduction of VSC that they would experience ranges between 0.7 and 0.74 and therefore is only



marginally below the level at which it becomes noticeable. The single window in the ground-floor conservatory at 2 Hulme Place would have its VSC reduced to 0.79 which is an even more marginal, arguably inconsequential, loss.

42. The Sunlight to windows: annual probable sunlight hours (APSH) test finds that all neighbouring windows except for a single non-domestic (office) window in the rear elevation of at 299 Borough High Street would comply with the APSH test, i.e., although some windows may receive less than 25% of total annual probable sunlight hours or less than 5% of winter annual probable sunlight hours (21 September – 21 March) all would still receive at least 80% of their former annual probable sunlight hours during either period.
43. Four key garden / outdoor amenity areas were examined in the Spring Equinox Overshadowing test. These were at 1 and 2 Hulme Place, 1-12 St. Michael's Court and 297 Borough High Street. All of the areas assessed complied with the requirements of the first and most fundamental aspect of the test, i.e., that at least half of the outdoor amenity areas would still continue to receive at least 2 hours of direct sunshine on 21 March. The spaces easily passed the test with 1-12 St. Michael's Court and 297 Borough High Street seeing no reduction in the existing sunlit area at all. The sunlit part of the outdoor amenity area at 1 Hulme Place would be reduced by only 8% and the sunlit area of the outdoor amenity area at 2 Hulme Place would be reduced by only 1%.
44. The substantial reduction in the height, bulk and mass of this scheme as compared to the 2012 refused scheme is sufficient to ensure that it would not result in an unacceptable sense of enclosure for nearby residents at 1 and 2 Hulme Place or at 1-12 St. Michael's Court, Hulme Place. There would also be no significant impact on daylight and sunlight for neighbouring properties. Furthermore, as there are no rear facing windows proposed in the development there will be no privacy issues created from the nearest residential neighbours at Hulme Place.

**The design of the development and its impact on the character and appearance of the host building and the local area.**

45. Additional storeys, including a mansard roof, could be accommodated without harm to the character of the building or the street scene. The details of the Borough High Street façade include traditional sliding sash windows in a diminishing hierarchy, reflecting the historic character of the building. The mansard is proposed to be set back from the parapet with dormer windows that are in proportion to the size of the roof and set traditionally back from the façade. Some minor adjustment to the design (or control by condition requiring section drawings) is recommended to the dormers so that their cheeks and roofs are of traditional proportion. A condition requiring section drawings of proposed windows is also required. The proposed extension to the rear (facing Trinity Street) is also of an acceptable proportion to the existing building and the general street scene. Its three-storey nature and scale, fronting the street responds to the existing surrounding context, scale and massing of the adjacent properties and the buildings opposite. The fenestration corresponds with a secondary elevation of a traditional building, subject to details of the windows (including sections) to be provided by way of condition, this element of the design is acceptable. The proposed contemporary entrance design is simple and does not overwhelm the elevation.
46. The existing shopfront is of traditional proportions with a stall riser and timber windows although it appears to be a modern and altered insertion. There is no objection to the alteration of the shopfront in principle, however the proposed shopfront makes little reference to the proportions of the building above. A larger window display could be accommodated; however the design should be modified to include proportional reference to the fenestration pattern above. This may include a small stall riser and

columns between windows corresponding to the areas of brickwork between the windows above. A suitably worded condition to this effect has been suggested.

47. In conclusion, the form, scale and massing of the extensions respond appropriately to the existing building, its context and street scene, creating a positive relationship to the corner of Trinity Street and Borough High Street. The general materials, and design details are also appropriate for a traditional building in this context. Conditions are recommended to control the material and design details of the window reveals, dormers, glazing sections and opening methods.

#### **The impact on the setting of designated heritage assets (conservation areas and listed buildings)**

48. The potential impacts identified are the setting of the Grade II Listed buildings situated on the opposite, southern side of Trinity Street (2-12 Trinity Street) and the settings of the Borough High Street Conservation Area and Trinity Church Square conservation area.
49. The proposal is considered to have a positive impact on the setting of all of these designated heritage assets by reason of its appropriate height, scale, bulk and mass and its traditional architectural design and choice of materials. Officers consider that the traditional architectural design of the proposal is an appropriate response bearing in mind the Victorian architecture of the host building and that of the buildings located across Trinity Street on the south side, including the listed terrace of buildings at No.s 2-12. The three-storey scale of the part which fronts onto Trinity Street is appropriate in terms of the continuity of enclosure of the street that it would create (repairing the somewhat anomalous existing single-storey part) and the proposal as a whole is considered to create a sympathetic, coherent piece of townscape that will sit comfortably within the surrounding street scene.
50. The higher 5 storey part fronting onto Borough High Street would resonate with the similar building on the opposite southern corner of Borough High Street (No.305) and Trinity Street and together they will create a pleasing gateway at the entrance to Trinity Street nicely framing the eastward view of Trinity Church Square Conservation Area from Borough High Street and Great Suffolk Street beyond.
51. It is therefore concluded that the proposal would have a positive, enhancing impact on the setting of these designated heritage assets. There would be no harm to any heritage assets.

#### **Transport impacts**

52. The site benefits from a public transport accessibility level of 6a (Excellent), is located in a controlled parking zone and proposes no on-site car parking. As it would only involve modest extensions to the existing building there are no significant transport impacts identified.
53. Cycle storage for up to 7 cycles in a vertical two-tier stacking system would be provided for the office accommodation at basement level. A lift would provide access to and from this cycle parking area and the office's street-level entrance. A shower facility close to the cycle parking area within the basement would also be provided and would be a benefit to cycle users. The amount and type of cycle storage proposed is considered to be an acceptable level of provision given the constraints of also providing a lift and a shop and office accommodation with separate entrances within the existing, relatively small ground-floor footprint and must also be seen against the existing situation of no on-site cycle parking.

### **Flood risk**

54. The council's flood and drainage team have been consulted and have raised no objections to the proposal.

### **Planning obligations (S.106 undertaking or agreement)**

55. The application does not trigger the need for any specific undertakings or financial contributions as can be sought in accordance with Section 106 of the Town and Country Planning Act 1990 (as amended).

### **Sustainable development implications**

56. The proposal will create additional employment floorspace in a sustainable town centre location, well served by public transport.

### **Other matters – Mayoral and Southwark Community Infrastructure Levies (CIL)**

57. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
58. The application is not liable for Southwark CIL as B1 floorspace in Charging Zone 2 attracts a nil rate while the existing retail floorspace would be reduced by proposal.
59. However, the application would be liable for Mayoral CIL. Based on the CIL information form received on 09/02/2016 the Mayoral CIL liability has been calculated as follows;  $281.5\text{sqm} \times \text{£}35 \times 275/223 = \text{£}12,150$

### **Conclusion on planning issues**

60. The application is considered to have satisfactorily addressed the two reasons for the refusal of the 2012 application (which ultimately was dismissed at appeal on both grounds) as has been explained above and is therefore recommended for permission.

### **Community impact statement**

61. 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. The impact on local people is set out above. There are no issues relevant to particular communities/groups likely to be affected by the proposal, and, There are no likely adverse or less good implications for any particular communities/groups.

### **Consultations**

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

### **Consultation replies**

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

64. Summary of consultation responses: (5)

Flood and Drainage Team: No objections

Design and Conservation Team: No objections but conditions recommended in respect of detailed design considerations.

Responses to public consultation:

Trinity Newington Residents' Association: Support application but are keen to see that the proposal should replicate some of the architectural features of the Grade II Listed Buildings opposite at 2-12 Trinity Street. Also suggest that the scheme is liable for the local Southwark CIL and that this money should be allocated to repairing/improving the public footpath on the north side of Trinity Street between the junctions with Borough High Street and Swan Street.

*Officer response: The application is not liable to make a financial contribution in respect of the Southwark CIL for the reason detailed above.*

Flat 3 and Flat 4 St Michael's Court, Hulme Place: Object on grounds of overbearing enclosure (loss of outlook) and loss of daylight and sunlight. These matters have been discussed above.

### **Human rights implications**

65. 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.
66. This application has the legitimate aim of seeking planning permission to partially demolish and extend the existing building to provide additional office accommodation whilst retaining a smaller shop unit on the site. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/1140-301 Application file: 16/AP/0388 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 4877 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Ciaran Regan, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	14 April 2016	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		14 April 2016

# APPENDIX 1

## Consultation undertaken

**Site notice date:** 09/02/2016

**Press notice date:** 11/02/2016

**Case officer site visit date:** 02/03/2016

**Neighbour consultation letters sent:** 09/02/2016

### Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
Flood and Drainage Team  
Waste Management

### Statutory and non-statutory organisations consulted:

Transport for London (referable & non-referable app notifications and pre-apps)

### Neighbour and local groups consulted:

Flat 11 St Michaels Court SE1 1HY	Flat 1 305 Borough High Street SE1 1JH
Flat 9 St Michaels Court SE1 1HY	Flat 4 305 Borough High Street SE1 1JH
Flat 7 St Michaels Court SE1 1HY	Flat C 307 Borough High Street SE1 1JH
Flat 12 St Michaels Court SE1 1HY	Flat B 307 Borough High Street SE1 1JH
301-303 Borough High Street London SE1 1JH	Flat A 307 Borough High Street SE1 1JH
1-3 Trinity Street London SE1 1DB	Second Floor Flat 4 Trinity Street SE1 1DB
1 Hulme Place London SE1 1HX	Second Floor And Third Floor Flat 2 Trinity Street SE1 1DB
8 Trinity Street London SE1 1DB	First Floor Flat 2 Trinity Street SE1 1DB
2 Hulme Place London SE1 1HX	Basement And Ground Floor 4 Trinity Street SE1 1DB
Flat 6 St Michaels Court SE1 1HY	First Floor Flat 4 Trinity Street SE1 1DB
Flat 3 St Michaels Court SE1 1HY	Fifth Floor 291-299 Borough High Street SE1 1JG
Flat 1 St Michaels Court SE1 1HY	Fourth Floor 291-299 Borough High Street SE1 1JG
Flat 1 6 Trinity Street SE1 1DB	Flat D 307 Borough High Street SE1 1JH
Ground Floor 293-295 Borough High Street SE1 1JG	12 Trinity Street London SE1 1DB
Flat 10 St Michaels Court SE1 1HY	307 Borough High Street London SE1 1JH
Flat 8 St Michaels Court SE1 1HY	6 Trinity Street London SE1 1DB
Basement And Ground Floor 305-307 Borough High Street SE1 1JH	2 Trinity Street London SE1 1DB
12b Trinity Street London SE1 1DB	299 Borough High Street London SE1 1JG
Second Floor Flat 8 Trinity Street SE1 1DB	10 Trinity Street London SE1 1DB
Flat 3 6 Trinity Street SE1 1DB	299a Borough High Street London SE1 1HR
Flat 2 6 Trinity Street SE1 1DB	2c Trinity Street London SE1 1DB
Third Floor Flat 8 Trinity Street SE1 1DB	Rise House 5 Trinity Street SE1 1DB
Flat 5 St Michaels Court SE1 1HY	297 Borough High Street London SE1 1JG
Flat 4 St Michaels Court SE1 1HY	8a Trinity Street London SE1 1DB
Flat 2 St Michaels Court SE1 1HY	12a Trinity Street London SE1 1DB
Flat 3 305 Borough High Street SE1 1JH	Flat 4 Hulme Place London SE1
Flat 2 305 Borough High Street SE1 1JH	42 Trinity Church Square SE1 4HY

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

Flood and Drainage Team

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Flat 3 St Michaels Court SE1 1HY

Flat 4 Hulme Place London SE1

42 Trinity Church Square SE1 4HY