

Item No. 7.3	Classification: OPEN	Date: 9 May 2017	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/0769 for: S.73 Vary/remove conds/minor alterations Address: RAILWAY ARCHES 81-83, SCORESBY STREET, LONDON SE1 0XN Proposal: Variation of Condition 4 of planning permission ref: 15/AP/3081 dated 14/10/2015 for 'Change of use from Class B1 (Business) to Class A3 (Restaurants & Cafes)'. Variation would allow extended opening hours during the morning being 07:00-23:00 on Monday to Saturday, and 09:00-22:30 on Sundays and public holidays.		
Ward(s) or groups affected:	Cathedrals		
From:	Director of Planning		
Application Start Date 01/03/2017		Application Expiry Date 26/04/2017	
Earliest Decision Date 30/03/2017			

RECOMMENDATION

1. Grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. This application refers to the three railway arches under the Waterloo-London Bridge Railway Viaduct located at 81-83 Scoresby Street. The railway arches front onto Scoresby Street which is in turn bounded by the rear gardens of the dwellings on Rotherham Walk to the north. The rear of the arches faces onto an access lane from Gambia Street and bounded by Palestra to the South.
3. The site is located within the Central Activity Zone, the Air Quality Management Area, Bankside, Borough and London Bridge Opportunity Area, Borough and Bankside District Town Centre, Strategic Cultural Area and London Bridge Opportunity Area. The site is not listed or located in a conservation area.

Details of proposal

4. Planning permission was granted on the 14 October 2015 for the change of use of the Railway Arches, 81-83 Scoresby Street from Class B1 (Business) to Class A3 (Restaurants and Cafes).
5. This application under consideration by way of this report seeks to vary condition 4 of the extant permission ref: 15/AP/3081 with regard to the opening hours. The existing condition currently states:

"The use hereby permitted for Class A3 purposes shall not be carried on outside of

the hours 10:00-23:00 on Monday to Saturday or 12:00- 22:30 on Sundays and public holidays."

The proposed variation seeks extended opening hours in the mornings only from 07:00 Monday to Friday and 09:00 on Sundays and public holidays. Evening closing times would remain as currently approved.

6. Planning history

05/AP/2287 Application type: Full Planning Application (FUL) Installation of a new shop front and roller shutter. Decision date 24/01/2006 Decision: Grant (GRA)
05/AP/1994 Application type: Full Planning Application (FUL) Alterations and additions to arches to create five (5) units in B1 (a,b & c) and B8 uses along with changes to fire escape route onto Gambia Street. Decision date 15/05/2006 Decision: Grant (GRA)
07/AP/1039 Application type: Full Planning Application (FUL) Change of use of railway arch from storage / kiosk use (within B1/A1 Use) to a coffee / snack bar (within A1/A3 Use). Provision of outdoor seating area and construction of a glass/stainless steel and brickwork shopfront to Blackfriars Road elevation. Decision date 29/05/2008 Decision: Refused (REF) Reason(s) for refusal:
15/AP/3081 Application type: Full Planning Application (FUL) Change of use from Class B1 (Business) to Class A3 (Restaurants & Cafes) Decision date 14/10/2015 Decision: Granted (GRA)
16/AP/4516 Application type: Full Planning Application (FUL) Installation of new arch infills to the front of Arches 81, 82 and 83 Scoresby Street Decision date 28/12/2016 Decision: Granted (GRA)

Planning history of adjoining sites

7. There is no relevant planning history at the adjoining sites.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issue to be considered in respect of this application is:
- a) Impact of earlier opening hours on the amenity of adjoining occupiers and surrounding area.
 - b) Transport impacts

Planning policy

9. National Planning Policy Framework (the Framework)
Section 8- Promoting healthy communities
10. The London Plan 2016
Policy 7.15- Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
11. Core Strategy 2011
SP 13- High Environmental Standards

12. Southwark Plan 2007 (July) - saved policies

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.

3.1- Environmental Effects

3.2- Protection of Amenity

Principle of Development

13. The principle of the A3 use has been established under planning permission 15/AP/3081 approved on 14 October 2015. This application does not seek to change the permitted use on the site and therefore the principle is considered to be appropriate.

14. The permitted A3 use had not commenced on site in April 2017. During the officer site visit it was noted that external works were underway. The applicant has confirmed that these works relate to the installation of new arch infills at arches 81, 82 and 83 Scoresby Street granted permission on 28 December 2016 under planning application ref: 16/AP/4516.

Summary of consultation responses

15. Four public objections have been received in relation to the proposed variation of the opening hours. The contents of which are summarised below:

- Noise and disturbance to residential properties from people leaving, smoking and drinking on the pavement and anti-social behaviour
- Deliveries and traffic increasing vehicle movements and parking on street
- Increased refuse
- Illuminated signs should be designed so that they do not cause nuisance
- Possibility of change of use to club/ other entertainment use

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

16. There are residential units located directly opposite the application site, and unrestricted use of the arches for Class A3 use could result in undue noise and disturbance at unsociable times such as late into the evening. Accordingly the original consent restricted the hours of operation by way of the said condition now sought for amendment.

17. The amended opening hours proposed by way of this application seek to allow the use of the premises during the morning period from 7am on weekdays and Saturdays, and 9am on Sundays and Bank Holidays. The hours of closing would remain as previously approved. It is not anticipated that operation during this morning period would result in increased noise or disturbance to local residents. As such, the proposed opening

hours are considered to be reasonable.

18. Neighbour objections refer to the existing use of the street, in particular in relation to noise and disturbance and anti-social behaviour occurring during the evening hours. Concern is also raised with regard to the use of the arches as a club and signage. These however are unrelated to the application under consideration which only relates to an amendment to the morning opening hours. There is no change of use or physical alterations being sought by way of this application. A separate application would be required for such changes.
19. Conditions attached to the original permission Ref: 15/AP/3081 require the applicant to submit details of the refuse and servicing arrangements to be approved in writing by the Council. These conditions will remain attached to the new permission.

Transport Issues

20. Condition 5 of the parent permission to which this application relates ref: 15/AP/3081 requires details of the arrangements for the storing of commercial refuse and servicing arrangements to be submitted and approved in writing by the Local Planning Authority and for the facilities to be provided prior to the commencement of the A3 use within the arches.
21. The applicant has confirmed that the proposed earlier opening hours are not expected to result in significant changes to the expected refuse/ delivery and servicing arrangements. Furthermore, as this is required to be approved by the LPA prior to commencement of the use the proposed extended opening hours are not considered to have an undue impact on the local transport network or on neighbouring amenity.

Conclusion on planning issues

22. The proposed extended opening hours would not have a significant detrimental impact on the amenity of occupiers in the surrounding area or on the local transport network and as such variation of the condition is considered to be acceptable. The application is therefore recommended for approval.

Community impact statement

23. 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.

a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Human rights implications

26. 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.

27. This application has the legitimate aim of providing extended opening hours to the previously approved A3 use. 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/RLY/11/BK1 Application file: 17/AP/0769 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: Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Rosie Nolan, Planning Officer	
Version	Final	
Dated	5 April 2017	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		26 April 2017

APPENDIX 1

Consultation undertaken

Site notice date: 07/03/2017

Press notice date: n/a

Case officer site visit date: 08/03/2017

Neighbour consultation letters sent: 07/03/2017

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

5 Rotherham Walk London SE1 0XE	10 Rotherham Walk London SE1 0XE
6 Rotherham Walk London SE1 0XE	11 Rotherham Walk London SE1 0XE
7 Rotherham Walk London SE1 0XE	6 Rotherham Walk London SE1 0XE
4 Rotherham Walk London SE1 0XE	5 Rotherham Walk London SE1 0XE
17 Rotherham Walk London SE1 0XE	8 Rotherham Walk London SE1 0XE
2 Rotherham Walk London SE1 0XE	7 Rotherham Walk London SE1 0XE
3 Rotherham Walk London SE1 0XE	2 Rotherham Walk London SE1 0XE
8 Rotherham Walk London SE1 0XE	17 Rotherham Walk London SE1 0XE
Railway Arch 81 Scoresby Street SE1 0XN	4 Rotherham Walk London SE1 0XE
Railway Arch 82 Scoresby Street SE1 0XN	3 Rotherham Walk London SE1 0XE
Railway Arch 85 Scoresby Street SE1 0XN	Railway Arch 81 Scoresby Street SE1 0XN
Railway Arch 80 Scoresby Street SE1 0XN	Railway Arch 80 Scoresby Street SE1 0XN
9 Rotherham Walk London SE1 0XE	Railway Arch 85 Scoresby Street SE1 0XN
12 Gambia Street London SE1 0XH	Railway Arch 82 Scoresby Street SE1 0XN
16 Rotherham Walk London SE1 0XE	9 Rotherham Walk London SE1 0XE
Part First Floor Palestra House SE1 8AA	Railway Arches 77 To 78 Gambia Street SE1 0XH
Living Accommodation Mar I Terra Public House SE1 0XH	12 Gambia Street London SE1 0XH
Sixth Floor Palestra House SE1 8AA	16 Rotherham Walk London SE1 0XE
Excluding Part Ground Part First Floor And Sixth Floor Palestra House SE1 8NJ	Mar I Terra Public House 14 Gambia Street SE1 0XH
Railway Arch 84 Scoresby Street SE1 0XN	Railway Arch 84 Scoresby Street SE1 0XN
Mar I Terra Public House 14 Gambia Street SE1 0XH	13 Rotherham Walk London SE1 0XE
Part Ground Floor Palestra House SE1 8AA	12 Rotherham Walk London SE1 0XE
13 Rotherham Walk London SE1 0XE	15 Rotherham Walk London SE1 0XE
14 Rotherham Walk London SE1 0XE	14 Rotherham Walk London SE1 0XE
15 Rotherham Walk London SE1 0XE	1 Rotherham Walk London SE1 0XE
12 Rotherham Walk London SE1 0XE	11 Rotherham Walk London SE1 0XE
1 Rotherham Walk London SE1 0XE	10 Rotherham Walk London SE1 0XE

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

10 Rotherham Walk London SE1 0XE
12 Rotherham Walk London SE1 0XE
16 Rotherham Walk London SE1 0XE
8 Rotherham Walk London SE1 0XE