

## APPENDIX C

### PERSON A

2

Senders Email Address: [REDACTED]

Message:

Re licensing application 864674(Back Swan Yard)

,I object to the evening licensing hours continuing until 11pm each night as I am concerned about the noise and potential disorders I live opposite the entrance to 2/3 Black Swan Yard,at [REDACTED]  
[REDACTED]  
[REDACTED]

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

If you have received this in error please notify us immediately.

If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful.

>Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

**Heron, Andrew**

---

**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 26 September 2018 15:58  
**To:** Beswick, Claire  
**Subject:** FW: License Number: 864674- Objection  
**Attachments:** Black Swan Yard Planning Objection 2018.PDF  
  
**Importance:** High

---

**From:** [REDACTED]  
**Sent:** Wednesday, September 26, 2018 2:36 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** License Number: 864674- Objection  
**Importance:** High

**License Number: 864674**

Dear Sir/ Madam

We underline our objections to this license application which are comprehensively expressed in the attached letter dated 26 July 2018, which we sent objecting to the planning application put forward by Colorset for 2-3 Black Swan yard (18/AP/1774) on 30 May 2018. All reasons are equally applicable, we are therefore strongly opposed to this license application.

Kindly confirm receipt of our objection.

Regards

[REDACTED]



Shiva Ltd  
Lincoln Tower  
77 Westminster Bridge Road  
London SE1 7HA

[www.shiva.net](http://www.shiva.net)

Mr Craig Newton  
Chief Executive's Department  
Development management  
Planning Division  
Council Offices  
Tooley St  
SE1P 5LX

26 July 2018

**Planning Application Ref: 18/AP/1774**  
**2-3 Black Swan Yard, SE1 3XW**  
**Change of use from B1 to 'B1/A1/A3'**

Dear Mr Newton,

I write further in response to the current consultation on the above application. We are the owners of 1 Black Swan Yard and The Tanneries (coloured Blue and Green respectively on the attached plan, Fig 1). These premises are almost entirely in B1 use – mostly offices. We have a dozen or so business tenants on site and a continual flow of inquiries from prospective tenants for available space. There is a small amount of residential floorspace ancillary to the commercial units in Black Swan Yard and in Shakti building which is adjacent to it in the Tanneries. We have consent for two large live/work units immediately next to the north wall of 2-3 Black Swan Yard. This development is in the late stages of discharge of the pre-construction conditions.

You already have copies of our objections, dated 16 October and 21 December 2015 to the predecessor application for this change of use, the contents of which are mostly still applicable. This letter therefore focuses predominantly on those issues that arise specifically in relation to this subsequent incarnation.

## **Consultation**

Given the importance of the precedent that approval of this application would set the consultation has been entirely inadequate. The businesses that occupy all the many yards off Bermondsey St have an obvious interest in the possibility that the Council is about to relax its policy of protecting B1 uses in these yards. Even those directly interested in this particular case – including many of our tenants – have not been notified of the application.

## **Misleading application information**

It is for the Council to verify the information given in planning applications. In this case there are a number of representations made by the applicants that are clearly intended to mislead:

The previous contribution to the community of the applicants, described in the application letter as 'ambitious local entrepreneurs', should not be taken at the word of their agent. None of the Bermondsey St A3 premises cited in which they have been involved have in fact been anything other than property transactions whereby profits were pursued not by trading operations but through through capital gains on property. Note that their involvement in these ventures was short lived. The object was to increase the value of property by riding the Bermondsey St A3 property boom and get out with a profit.

The premises are described as 'under utilised' and 'vacant' as though this is for want of demand from B1 users. This is not the case at all. The applicants took on their current lease of the premises at a rent that is appropriate for B1 space. In fact, the lease permits only such use. They did so even long after their light industrial (printing) operations were relocated because they expect greater profits from using the space for occasional events than they could from sub-letting it or assigning the lease to a B1 user. (See the attached email offer from Shiva to take on the premises for B1 use on terms that show the applicants a significant profit - but which has not attracted a reply). Thus the reality is that the applicants have kept the premises vacant for commercial reasons, namely the profits available from hosting events and the capital gain they hope to realise from securing a profitable change of use.





These misrepresentations are interspersed with a string of commercially nonsensical references to everything they could think of to make them sound purely philanthropic and community spirited in their motives – knowing that they cannot be held to any of them and most, if not all would never materialise. Free workspace for those who can't afford to pay, Yoga, 'local' food kiosk, 'bring your own veg' for a 'refreshment token', smoothie workshops and skills training, meat-free Mondays: A parish fete without the commercial acumen. Nobody would believe it, least of all the applicants. It is the crudest of window dressing applied to a scheme to make money out of a change to profitably anti-social A3 use.

### **Policy implications and precedent**

This application purports to be for 'flexible use'. It is meaningless and unenforceable to grant consent for B1/A1/A3 use. Such a consent could not practically be restricted to prevent the premises being used 100% for activities in any one use class at the will of the operator. Free shared workspace is commercial nonsense to disguise an application that is really driven by the much more profitable A3 uses the applicant already pursues - but limited by the requirement for permission under temporary event notices.

There are some 20 yards off Bermondsey St. The main street already suffers from an excess of A3 premises, generally targeted at destination drinkers, with the implications they have for disruption and nuisance to local businesses and residents. To create a precedent by granting consent for conversion of B1 premises to A1/A3 simply because the owner/occupier wants to profit from the Bermondsey St bar/restaurant demand would pave the way for a huge aggravation of the already-existing alcohol saturation problem in Bermondsey St. The Tanneries alone would offer a similarly minded developer the opportunity to use the courtyards to convert the B1 ground floor premises (coloured pink on Fig.2) of the entire site to more profitable, but un-neighbourly, A1/A3 use.

Saved policy 1.4 specifies the conditions under which loss of B1 space will be considered. In this case the applicant has made no attempt to show these conditions are satisfied - as indeed it cannot. In fact it has refused all offers to take over its lease for B1 use.



Shiva has approached the applicant several times with a view to taking on its premises, either directly or on behalf of prospective tenants of the Tanneries who we often turn away because it is fully occupied. This refusal can only be driven by the financial incentive to obtain A1/A3 consent.

The applicant's agent (responsible for the application letter) has chosen to present the policy of preservation of B1 uses as inapplicable where the consent sought is temporary. This, it is claimed, is the advice that the Council has given by way of pre-application comment. It is fair to say that the pre-application advice letter is not as clear and categorical as it could have been. But it is very difficult to read it, as the applicant has chosen to, as inviting such change of use on a temporary basis as an **alternative** to showing that there is no demand for the building with its current B1 use. Any such interpretation of 1.4 would be quite irrational: If by making a 'temporary' application the applicant could obviate the need to show there is no demand for the premises in B1 use anyone could obtain such temporary consent. By sequential applications temporary use would de-facto become permanent while B1 demand remained strong, as it is here. Clearly the only rational interpretation of the pre-application advice, and indeed the policy itself, is that a temporary change of use may be considered where it can be demonstrated that there is an immediate lack of demand but where demand is expected to recover in the future.

### **Effect on surrounding residential amenity and neighbouring B1 users**

The applicants have been using the premises at 2-3 Black Swan Yard as an event space for several years. Significantly, they signed their present lease when that use of the building was already underway and they had already discontinued its use as B1 in favour of getting in on the A3 boom in Bermondsey St. Because the building does not have consent for A3 use it is necessary for the events hosted at the building to take place under the authority of Temporary Event Notices.

Our tenants, staff and those using the residential space in the Tanneries are thus fully aware of the implications of events taking place in 2-3 Black Swan Yard (and particularly the inevitable overspill and assembled groups outside the building) and we object to the proposed change of use for the following reasons:





## **Pedestrian-Vehicle conflict and access obstructions**

Black Swan Yard has a narrow entrance, not wide enough for pavements on either side of the carriageway. Significant pedestrian traffic is therefore incompatible with the access and egress of the commercial vehicles serving the business premises in the yard and also the main vehicular access of tenants, visitors and residents to the Tanneries. Clearly the demands of restaurant/retail premises for regular supplies and for waste disposal considerably exceed those of most light industrial or office premises and hence access problems that already exist will be aggravated. People attending the applicant's events are often ready to challenge vehicles attempting to enter the Yard itself from Bermondsey St or enter our car park, refusing to give way to allow vehicles to pass. This has resulted in occasionally violent confrontations requiring police attendances. Permanent use as A3 premises would make these conflicts routine. A couple of emails referring to the conflicts that have arisen from inconsiderate events hosted at the application site are attached for reference.

## **Noise**

The noise impact of allowing conversion of B1 spaces in the yards to A3 space is obvious. There are residential premises on all four sides of Black Swan Yard. The Applicant has produced a Noise Impact Assessment but it is not clear as to the specific residential premises it purports to consider and it denies both the existing and soon-to-be-commenced live-work space immediately next door to 2-3 Black Swan Yard. These are either already adversely affected by events held under temporary event notices, or will be once occupied.

Further, our Dockers Shelter building at Black Swan Yard was the subject of a consent for a substantially residential development some years ago. Under our ownership at least the site will not be developed to that or a similar scheme although it will inevitably be redeveloped in the medium term. For commercial and practical reasons the residential proportion will be likely to stand whether future development is carried out by us or others. Allowing Black Swan Yard to follow Bermondsey St itself into bar and restaurant use will obviously be damaging to existing and prospective residential elements of our site and significantly compromise the development potential and thus value of 1 Black Swan Yard.

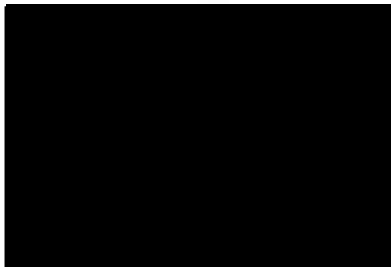


## **Smell**

Restaurants and hot food vendors cause oppressive smells in their immediate environments, irrespective of any ventilation system specified. This effect is compounded in enclosed spaces. Black Swan Yard is surrounded by offices and residential premises. Numerous of these are within the Tanneries complex to the immediate north of the application site. These would stand to be adversely and unacceptably affected.

The conversion of the many yards off Bermondsey Street to A3 uses would be seriously detrimental to the character of the conservation area and should not be permitted. The existing saved policy 1.4 should therefore be rigorously maintained and this application should be refused.

Yours sincerely,



**Company Secretary**





FIG. 1



FIG. 2



## **OFFER FOR PREMISES**

From: [REDACTED]  
Subject: Re: Black Swan Yard A3 application 18/AP/1774  
Date: 25 July 2018 23:29

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Is anyone going to accept or reject this offer?

On 20 Jul 2018, at 12:48, [REDACTED] wrote:

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Regards

[REDACTED]

## **COMPLAINT ABOUT EVENTS**

**From:** [REDACTED]  
**Subject:** Fwd: black swan yard  
**Date:** 4 December 2016 at 22:37:06 GMT

[REDACTED]  
[REDACTED]  
[REDACTED]

During the past few months, but culminating in the past few days, a number of issues that affect us directly have arisen from the way in which you use Black Swan Yard .

As you are aware, we require vehicular access to our site 24/7. In recent months, vehicles seeking to either pick up or drop off items to your studio have clogged the shared driveway preventing us and our tenants from either exiting or entering our site. Frequently delivery drivers refuse to move their vans out of the way when asked, but instead continue to load or unload before making way. This is unacceptable. The security staff operating out of your studio must make it clear to delivery drivers that their vehicles must be removed, and returned if necessary, as soon as access is required by other users of the yard. Making people wait for the loading or unloading to be completed is in most cases unreasonable - and we will be the arbiters of what is and is not reasonable, not some delivery driver working for you or your clients.

Further, and more specifically, during the Uber tenancy and the Hackett sale over the past few days, crowds or queues of people formed and, once again, obstructed our vehicular access . We have been tolerant of the crowds and do not object per se to them freely congregating on our land but clearly they must be much better managed by you and your event staff.

Your visitors and clients freely avail themselves of parking space on our forecourt without even the courtesy of inquiring whether they are welcome to do so. The large wheely bins that sit on our side of Black Swan Yard are paid for by us but inevitably become filled with the rubbish of your visitors. These practices too require attention from you to ensure they are stopped.

Your space in Black Swan Yard does not have retail use, nor would it be eligible for such use in the way you are now indiscriminately operating it. The premises are simply not suitable for a chain store remainders clearance sale such as Hackett's this weekend. It was something I was not prepared to host at The Tanneries for the same reason. I trust you accept the need for more careful selection and control over those to whom you make the premises available and for what it is being used.

Regards

[REDACTED]



## **COMPLAINT ABOUT EVENTS**

**From:** [REDACTED]  
**Subject:** Account of encounter with [REDACTED]  
**Date:** 7 September 2017 at 16:57:48 BST  
**To:** [REDACTED]

I spoke to [REDACTED] yesterday.  
He told me to go and see [REDACTED] to take payment.

I went to see [REDACTED]  
I explained that the easiest scenario for me would be that she pay the mechanic (that I used to fix the puncture) on Abbey road directly.

She rudely refused.

I then told her sternly, but without the slightest degree of disrespect, that the fact I had not complained once about their business (despite its hugely antisocial nature) in the 2 years I've been their neighbour was clearly unacknowledged.

She then arrogantly insists that she has a great relationship with all neighbours.

I tell her I'm the closest neighbour and that black swan studios owes me at least some small amount of respect because I have tolerated all the noise and rubbish without ever making a single complaint.

She then refers to some incident that [REDACTED] had with one of their security guards (she's confusing [REDACTED] and I). I tell her to get her facts right before she goes throwing accusations around.

She then calls me a spoilt child.

I tell her to f\*ck off, that [REDACTED] will be informed and that she will regret her actions.

As I leave I tell her that it's exactly her kind of behaviour that will turn friends into enemies.