

Item No: 6.1/6.2	Classification: Open	Date: 20 July 2020 2pm	Meeting Name: Planning Committee
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Borough and Bankside	
From:		Director of Planning	

PURPOSE

- 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

- That members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

Item 6.1 – 17/AP/4289 – 33-38 Rushworth Street, London SE1 0RB.

1. Following publication of the Committee Report an additional two objections have been received raising the following issues:
 - Proposal is too big;
 - The development would be out of character with the surrounding area;
 - There would be impacts on the daylight and sunlight to Bench Apartments and Newspaper House;
 - The historic context of the area and residential amenity should be put before developer profits.
 - The scale of the development is unnecessary;
 - The proposal would set a precedent that would lead to overdevelopment of the area; and
 - Historic England maintains an objection to the proposal.
2. All of the issues raised above have been dealt with in the Committee Report. To clarify, the proposal would not lead to an overdevelopment of the area nor would it set a precedent for development in the area as sites are considered on an individual basis based on their site specific circumstances. The proposal would maintain the footprint of the existing building and would provide a vertical extension that officers consider to be sensitive in scale and respectful of the surrounding context.

It is noted in the Committee Report that Historic England have maintained their objection to the proposal.

3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to consider the impacts of proposals upon a conservation area and to pay “special regard to the desirability of preserving or enhancing the character or appearance of that area”. Section 66 of the Act also requires the Authority to consider the impacts of a development on a listed building or its setting and to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. Chapter 16 of the NPPF contains national policy on the conservation of the historic environment. It explains that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be (paragraph 193). Any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification (paragraph 194).
5. Pursuant to paragraph 195, where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset, permission should be refused unless certain specified criteria are met. Paragraph 196 explains that where a development would give rise to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the scheme.
6. Paragraph 197 deals with non-designated heritage assets and explains that the effect of development on such assets should be taking into account, and a balanced judgment should be formed having regard to the scale of any harm or loss and the significance of the asset. Working through the relevant paragraphs of the NPPF will ensure that a decision-maker has complied with its statutory duty in relation to Conservation Areas and Listed Buildings.
7. The application site lies within the Kings Bench Conservation Area. The King’s Bench Conservation Area is a small, compact area located between Glasshill Street and the railway viaduct to the east and the east side of Rushworth Street to the west; and between King James Street in the south and Pocock Street to the north. The wider character of the area is of a later 18th century street pattern overlaid first by the mid 19th century brick railway viaduct and then by later 19th and earlier 20th century residential, religious and industrial development, mostly of two or three storeys.
8. The King’s Bench Conservation Area Appraisal notes that it is important that the integrity of this development pattern is retained and that any new buildings within the conservation area must observe the same building lines and set-backs as the historic street, and, similarly, the same plot width and rhythms of historic development. The appraisal notes that opportunities for new development in the conservation area are limited; however, there may be opportunities for sensitive adaptation or restoration of the existing buildings.
9. The Planning (Listed Buildings Conservation Areas) Act establishes the duties of local planning authorities with regard to conservation areas and listed buildings in the exercise of their planning functions. With regard to Section 66 of the act, the designated heritage assets are the Grade II listed buildings at Ripley House and Merrow House; Chadwick House at 48 Rushworth Street; and the Drapers Almshouses at 1-5 Glasshill Street. Officers are of the view that the Drapers Almshouses are located a sufficient distance from the application site to ensure that there would be no impact on their setting as a result of the proposed development as it would not be visible from the curtilage of these listed buildings.

Similarly there would be a very limited impact on Chadwick House as again, the development would not be visible from the heritage asset or in views of the heritage asset.

10. Ripley House and Merrow House would sit adjacent to the proposed development. As set out in the officers report, the existing warehouse building would be retained and as such harm to the listed buildings must be assessed on the basis of the new vertical extensions. Whilst the new extension would be visible from the curtilage of the listed buildings and in views of the listed buildings from the street, the stepped design of the extension recesses away from the boundary with the listed buildings and allows them to be viewed as clearly independent of and well separated from the new structure. This important recessive design feature alongside the high quality of design and materials of the proposed extension would preserve the character of the listed buildings.
11. In terms of Section 72 of the Act, the designated heritage asset is the Kings Bench Conservation Area and the non designated heritage asset would be the existing warehouse. Harm arising as a consequence of the development, is due mainly to the visibility of the proposal from the surrounding streets and is considered in terms of the magnitude of the change (registered on a scale of low, medium or high) and the effect of that change (ranging from No change/negligible to minor/moderate and major) on the significance of the conservation area.
12. Officers have reviewed the proposed development in the context of both the impacts on the wider consideration area and the impacts on the warehouse itself. In terms of the impact on the wider Kings Bench Conservation Area, Officers consider that the magnitude of change to the Kings Bench Conservation Area would be considered negligible due to its limited presence in the wider conservation area and the immediate surrounding context, bearing in mind that the proposed development would only be visible from the immediate surrounding streets of Rushworth Street and Kings Bench Street and to a lesser extent, Webber Street to the south. The guidance on assessment of the significance of impact (see table below) places the impact on the conservation area on a sliding scale and confirms that, in this case, the impact would be considered Neutral or Neutral/Slight. (see table below)

	Magnitude of Impact				
Effect on significance	No change	Negligible	Minor	Moderate	Major
Very high	Neutral	Slight	Moderate or Large	Large or Very Large	Very Large
High	Neutral	Slight	Moderate or Slight	Moderate or Large	Large or Very Large
Medium	Neutral	Neutral/Slight	Slight	Moderate	Moderate or Large
Low	Neutral	Neutral/Slight	Neutral/Slight	Slight	Moderate or Slight
Negligible	Neutral	Neutral	Neutral/Slight	Neutral/Slight	Slight

13. The NPPF requires decision-makers (in para 193) to consider whether the harm identified is 'Substantial' or 'Less than Substantial'. 'Substantial' harm would be on the order of Large or Very Large impact (above) and includes loss of all

significance, such harm would be considered 'wholly exceptional'. 'Less than Substantial' harm covers a range of impacts including Slight and Neutral (above). In this case the harm arising due to the Neutral or Neutral/Slight impact on the Kings Bench Conservation Area is considered to be 'Less than Substantial'.

14. The most immediate impact of the proposal will be on the non-designated heritage asset, the existing Rushworth Street Warehouse. The warehouse is not statutorily listed and is of local interest. Its significance to the conservation area is recognised in the conservation area appraisal and the council's adopted policies confirm the general presumption against the demolition of positive contributors like the warehouse. The proposal does not seek to remove the non-designated heritage asset but seeks to retain and restore the facades whilst reconfiguring it internally and extending vertically with a new structure introduced within the body of the building. Historic England are of the view that the substantial demolition of the building is not justified. Officers consider that as the internal fabric of the building has been significantly altered over the years, there is little heritage value in the internal fabric of the building. The fourth bay fronting onto Kings Bench Street was previously proposed for demolition and complete removal. The most significant revision to the proposal is the retention of this end bay although it is considered to be of a lower overall quality than the three main bays, it does relate well to the rest of the building and to the character of the street. Whilst the end bay is effectively being retained, in practical terms it will require some dismantling and rebuilding, as the original brickwork is patched and altered and the façade is generally in a poor state of repair. Conversely, its careful rebuilding should enhance its appearance and contribution to the street. Overall the majority of the building is being retained and the parts of the building that are being removed have been altered significantly over the years and are of very little heritage value.
15. The physical effect of the development on the fabric of the warehouse is limited to the removal of the internal walls and floors and the provision of new entrances and window openings as well as the localised effects of refurbishing the existing warehouse and inserting the new structure and extending vertically. In this respect the magnitude of the impact is considered to be Minor to Moderate as the warehouse, with the exception of the internal fabric and new entrances/windows, is largely being retained, preserved and enhanced by the development. As a consequence, the effect of the change on its significance is considered to be Low to Medium. Using the same scale and taking the above into account, the impact of the development on the non-designated heritage asset is considered to be Neutral/Slight or Slight. This would again place any harm to the non-designated heritage asset, the warehouse, in the order of 'Less than Substantial' (see table below)

	Magnitude of Impact				
Effect on significance	No change	Negligible	Minor	Moderate	Major
Very high	Neutral	Slight	Moderate or Large	Large or Very Large	Very Large
High	Neutral	Slight	Moderate or Slight	Moderate or Large	Large or Very Large
Medium	Neutral	Neutral/Slight	Slight	Moderate	Moderate or Large
Low	Neutral	Neutral/Slight	Neutral/Slight	Slight	Moderate or

					Slight
Negligible	Neutral	Neutral	Neutral/Slight	Neutral/Slight	Slight

16. As there is less than substantial harm to the significance of the Kings Bench Conservation Area as a designated heritage asset, great weight must be given to the conservation of the heritage asset, and a judgment must be formed as to whether the harm is outweighed by the public benefits of the proposals. In this case the public benefits include:

- The provision of a substantial uplift in officer floorspace and the provision of up to 500 jobs in a central, sustainable and well connected part of the borough;
- The provision of affordable workspace;
- The retention and refurbishment of the vast majority of the warehouse, particularly the important facades. Preserving and enhancing the non designated heritage asset for the benefit of future generations.
- The provision of a new extension that is of a high standard of design.

17. The revised scheme preserves and restores the facades in-the-round and repurposes them for a high quality office scheme. The additional setback of the new upper floors is similarly in-the-round and is sufficient to allow the building's gabled form to remain distinct within the streetscene. The upper floor extension will be seen, although its massing is eased by the setback and steps away sufficiently from the adjacent listed buildings, preserving their setting.

18. Whilst there would be the loss of some limited original fabric through the internal works and the modest elevation interventions, the impacts and harm are less than substantial, and can be outweighed by the planning benefits of the scheme. Importantly, the architecture is refined and well-articulated, and whilst contrasting, does not overpower or challenge the host facades and gable form, but sits calmly above. Officers therefore consider the impact of the development on the Kings Bench Conservation Area and the existing warehouse to be less than substantial and outweighed by the benefits of the scheme.

Clarifications

19. At the site visit on 10 July 2020 members raised queries regarding the existing windows at ground and first floor levels that face onto the courtyard of Ripley House and Merrow House and the potential impact on privacy to this courtyard space. In order to provide comfort that the amenity of the courtyard would not be adversely affected it is proposed that a condition be imposed to ensure that these windows would be obscure glazed.

20. Further queries were raised as to the status of the buildings existing occupier, St Mungo's Charity, and what would happen to them should planning permission be granted. Following discussions with the developer, officers have been advised that St Mungo's have been looking for more suitable premises for some time and were recently close to signing a new lease albeit this fell through. The developer has therefore provided St Mungo's with a short term lease whilst they find new premises.

Amendments to conditions

21. Condition 11 has been amended to include dismantling alongside demolition as set out below (new text underlined).

Prior to commencement of any demolition or dismantling works, a valid construction contract (under which one of the parties is obliged to carry out and complete the works of redevelopment of the site for which planning permission was granted simultaneously with this consent) shall be entered into and evidence of the construction contract shall be submitted for approval in writing by the Local Planning Authority.

Reasons

As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and appearance of the Kings Bench Conservation Area in accordance with The National Planning Policy Framework 2019, 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, and 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites of The Southwark Plan 2007.

22. Condition 33 has been amended to correct minor errors and now reads as follows:

Any A1/A3/D1/D2 use hereby permitted shall only be carried out between the hours of 07:00 - 22:00 on Monday to Friday, 08:00 -22:00 on Saturday, 09:00 - 18:00 on Sundays and Bank Holidays.

Reason

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

New conditions

23. The following additional conditions are proposed:

Construction Method Statement

Prior to commencement of works on site, a Method Statement and Schedule of Works shall be submitted to the Local Planning Authority for approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

- i) Support; protection; repair; and alterations to the existing facades.*
- ii) Details of dismantling and reconstruction of the fourth gable.*

Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2019, 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.

Obscure glazing

The existing windows at ground and first floor level on the northern elevation fronting onto the courtyard of Ripley House and Merrow House shall be obscure glazed and fixed shut.

Reason

In the interests of amenity in accordance with the NPPF 2019, saved policy 3.2 - Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

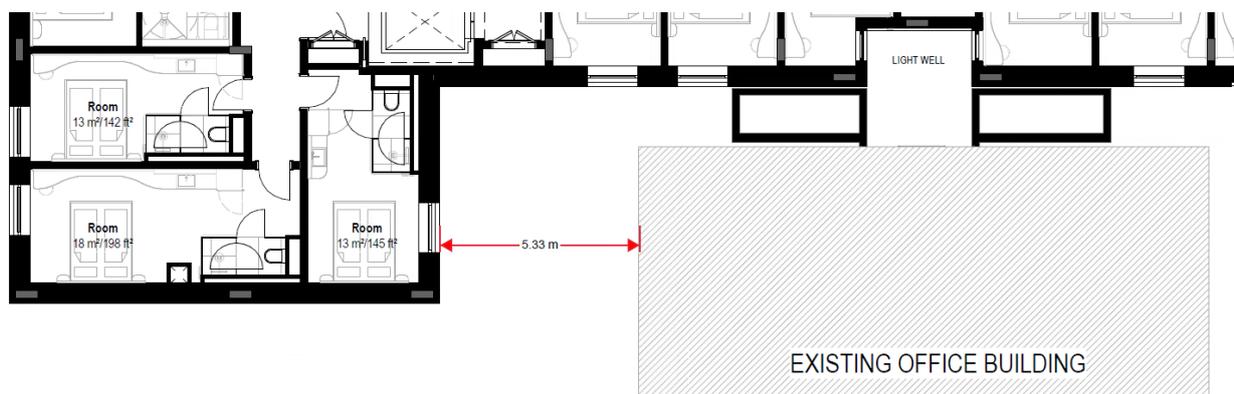
Conclusion of the Director of Planning

Having considered the additional information as set out above, the recommendation remains that planning permission should be granted, subject to conditions, and completion of a s106 agreement

Item 6.2 – 20/AP/0556 – 160 Blackfriars Road, London, SE1 8EZ

Correction to report

1. In considering the impact on the outlook and privacy of neighbouring buildings, paragraph 144 of the report should have referred to the closest relationship between the proposed hotel windows and those of the existing Friars House office on application site.
2. There would be one window per floor of the hotel that would be 5.33m away from the office window and face square on, as shown in the floorplan below. The 2018 scheme had two windows per floor at the same distance and was considered to be acceptable given the likely different times of day the office and the hotel room would be occupied.



Additional representations received

3. Objection – An objection has been received from the leaseholders of the neighbouring Foundry, objecting to the daylight impacts on the business space by building in the car park, near to its facing windows. The applicant needs to

consult with the Foundry's Rights to Light, and daylight and sunlight advisors to evaluate the impact.

4. Officer response: The BRE daylight guidance primarily relates to residential properties. Commercial properties tend to be less sensitive to changes in daylight than residential properties, and are often designed to rely on artificial lighting. The flank wall of the proposed hotel would be 7.6m from the facing upper floor windows. The impact on the amenity of this neighbouring commercial property was not a reason for the 2018 application being dismissed at appeal. Rights to Light are separate from the planning process.
5. Affordable workspace – Two letters of support have been received. One from Artists Studio Company (ASC) which provides background on the charity's work with artists, makers and not-for-profit arts organisations in the borough. It confirms it has reached agreement with the applicant to take on the affordable workspace unit for local start-up applied artists and designers, which ASC intend to fit out with 33 moveable working desks and benches, a showroom and gallery space, workshops for community groups, youth clubs and schools. The applicant has accepted ASC's offer of £10/sqft rent.
6. Another was received commenting that the Bankside Neighbourhood Forum worked with the applicant to suggest cultural operators in the area who are being priced out due the increase in land values. Supportive of the affordable artist studios, and ASC's involvement (with their commitment to the local community to make sure that the community engagement is as strong as it can be), and would help animate the public courtyard in the scheme and potentially influence the operation of the hotel for the better.
7. Officer response: The section 106 drafting has been amended to refer to ASC as the "preferred occupier" for the unit, at a rent of £10/sqft (excluding service charge). The community access would also be secured in the legal agreement.
8. TfL – additional comment received from TfL regarding residents' concerns of traffic on Valentine Street (a one-way west-bound road on the west side of Blackfriars Road, opposite the site). TfL supports the applicant in ensuring that the construction logistics and the delivery and servicing management arrangements specifically include instructions not to use Valentine Place, and for similar instructions to be given to taxi drivers. TfL would support such wording being referenced in the CEMP and Hotel Management Plan. Also, TfL is investigating the background to the arrangements put in place as part of the cycleway scheme on Blackfriars Road (a TfL road) and to consider whether there are potential means of reducing through traffic.
9. Officer response: The CEMP and Hotel Management Plan would be secured in the s106 agreement, and these documents when submitted at a future date will be expected to address the vehicle routing to avoid Valentine Place.

Updated heads of terms

10. Due to the recent progress made by the applicant for a preferred occupier of the affordable workspace unit, this topic in the heads of terms on page 46 paragraph 209 of the report, can be updated as follows

Planning Obligation	Mitigation
Affordable workspace	<p>Securing the affordable workspace, if the unit is used for B1 space.</p> <p>To use reasonable endeavours to enter into a lease with ASC, or to market the unit to eligible tenants approved by the council (i.e. micro, small or medium enterprises with a social, cultural or economic development purpose).</p> <p>Securing a minimum fit out specification.</p> <p>Securing a management plan.</p> <p>Provision at £10/sqft (indexed linked and excluding service charge) to ASC or at £20/sqft (indexed linked and excluding service charge) to another occupier for a minimum of 30 years.</p> <p>Community use strategy for securing community use of the unit in partnership with a non-profit organisation, and annual reporting for five years.</p>

Conclusion of the Director of Planning

Having considered the additional information as set out above, the recommendation remains that planning permission should be granted, subject to conditions, and completion of a s106 agreement

REASON FOR URGENCY

- 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 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

- The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee 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
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403