

Walworth Community Council Planning

Wednesday 8 September 2010

7.00 pm

InSpire at St Peter's, Liverpool Grove, SE17 2HH

Membership

Councillor Martin Seaton (Chair)
Councillor Neil Coyle (Vice-Chair)
Councillor Catherine Bowman
Councillor Patrick Diamond
Councillor Dan Garfield
Councillor Lorraine Lauder MBE
Councillor Darren Merrill
Councillor Abdul Mohamed
Councillor Helen Morrissey

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Tuesday 31 August 2010



Order of Business

Item Title
No.

1. INTRODUCTION AND WELCOME
2. APOLOGIES

Item No.

Title

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. MINUTES (Pages 3 - 4)

To confirm as a correct record the minutes of the meeting held on 2 June 2010.

6. DEVELOPMENT CONTROL ITEMS (Pages 5 - 61)

Item 6.1 (10-AP-1673) – Unit 32 Garland Court, 26A Wansey Street (also known as 14 Wansey Street)
Recommendation: Grant permission

Item 6.2 (10-AP-1674) – Unit 32 Garland Court, 26A Wansey Street (also known as 14 Wansey Street)
Recommendation: Grant permission

Item 6.3 (10-AP-1507) – 115 Brandon Street, London SE17 1AL
Recommendation: Refuse permission

Date: Tuesday 31 August 2010

Walworth Community Council

Language Needs

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Spanish:

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Somali:

U-Baahnaanshaha Luqadda

Haddii aad u baahan tahay macluumaadka ku saabsan Guddiyada Beelaha oo lagu tarjumay luqaddaada fadlan soo wac khadka taleefoonka 020 7525 7385 ama booqasho ugu tag hawladeennada ku sugan 160 Tooley Street, London SE1 2TZ

French:

Besoins de Langue

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Bengali:

ভাষার প্রয়োজন

আপনি যদি নিজের ভাষায় কমিউনিটি কাউন্সিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7385 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

Yoruba:

Awon Kosemani Fun Ede

Bi o ba nfe àlàyé kíkún l'ori awon Igbimò ti Àwùjò ti a yi pada si ede abíní re, jọwọ tẹ wa l'aago si ori nombá yi i : 020 7525 7385 tabi ki o yo ju si awon òṣiṣẹ ni ojúlé 160 Tooley Street , London SE1 2TZ .

Igbo:

Asusu

I choo imata gbasara Council na asusu gi ikpoo ha n'okara igwe 020 7525 7385 ma obu igaa hu ndi oru ha na 160 Tooley Street, London SE1 2TZ

Krio:

Na oose language you want

If you lek for sabi all tin but Community Council na you yone language, do ya telephone 020 7525 7385 or you kin go talk to dee officesr dem na 160 Tooley Treet, London SE1 2TZ.

Twi:

Kasaa ohohia,

se wopese wo hu nsem fa Community Councils ho a, sesa saakasa yie ko wo kuro kasa mu. wo be tumi afre saa ahoma torofo yie 020 7525 7385 anase ko sra inpanyinfo wo 160 Tooley Street, London SE1 2Tz.



WALWORTH COMMUNITY COUNCIL

MINUTES of the Walworth Community Council held on Wednesday 2 June 2010 at 7.00 pm at Thurlow Lodge Community Hall, 1 Thurlow Street, London SE17 2US

PRESENT: Councillor Martin Seaton (Chair)
 Councillor Neil Coyle
 Councillor Dan Garfield
 Councillor Darren Merrill
 Councillor Helen Morrissey

OFFICER SUPPORT: Becky Baker, Team Leader, for West Area, Development Management
 Gavin Blackburn, Lawyer
 Norman Brockie, Team Leader, Design and Conservation
 Alexa Coates, Principal Constitutional Officer

1. INTRODUCTION AND WELCOME [CHAIR]

The Chair welcomed Councillors, members of the public and officers to the meeting.

2. APOLOGIES

Apologies were received from Councillors: Bowman, Diamond and Lauder.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

5. MINUTES

The minutes of the meeting held on 12 January 2010 were agreed as a correct record and signed by the Chair.

6. DEVELOPMENT CONTROL ITEMS

Item 6.1- (10-AP-0415) – Cambridge House 131-139 Camberwell Road London SE5 7JZ

Item 6.2 - (10-AP-0419) – Cambridge House 131-139 Camberwell Road London SE5 7JZ

The planning officer presented the two applications together as they related to the same site, drawing members' attention to the addendum report which had been circulated.

Members asked questions of the planning officer.

There were no objectors present at the meeting.

The applicant spoke in support of the application.

Members asked questions of the applicant.

No statements were made by local supporters or Members in their capacity as ward members.

Members discussed the applications.

Resolved

That application 10-AP-0415 is approved subject to the conditions outlined in the report and addendum.

That application 10-AP-0419 (listed building consent) is approved subject to the conditions outlined in the report and addendum and subject to any direction by the Secretary of State.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 8 September 2010	Meeting Name: Walworth Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All within the Walworth community council area	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the council on May 23 2007 and amended on January 30 2008. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in part 3F of the Southwark council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the First Secretary of State and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the council's case.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community Impact Statement

14. Community Impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of legal and democratic services, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another

appropriate enactment as shall be determined by the strategic director of legal & democratic services. The planning permission will not be issued unless such an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. Section 106 of the Town and Country Planning Act 1990 as amended introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 - I. restrict the development or use of the land;
 - II. require operations or activities to be carried out in, on, under or over the land;
 - III. require the land to be used in any specified way; or
 - IV. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 5LX	Alexa Coates 020 7525 7385
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE27 3ES	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	March 21 2008	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE WALWORTH CC
on Wednesday 08 September 2010

Appl. Type	Advertisement Consent	Reg. No.	10-AP-1673
Site	UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH	TP No.	TP/ADV/1068-26
		Ward	East Walworth
		Officer	Wing Lau

Recommendation GRANT PERMISSION

Item /1

Proposal

Installation of 1 No. internally illuminated projecting sign and 1 No. internally illuminated fascia sign behind window

Appl. Type	Full Planning Permission	Reg. No.	10-AP-1674
Site	UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH	TP No.	TP/1068-20
		Ward	East Walworth
		Officer	Wing Lau

Recommendation GRANT PERMISSION

Item /2

Proposal

Installation of a new shop front and external roller shutters

Appl. Type	Full Planning Permission	Reg. No.	10-AP-1507
Site	115 BRANDON STREET, LONDON, SE17 1AL	TP No.	TP/1090-115
		Ward	East Walworth
		Officer	Wing Lau

Recommendation REFUSE PERMISSION

Item /3

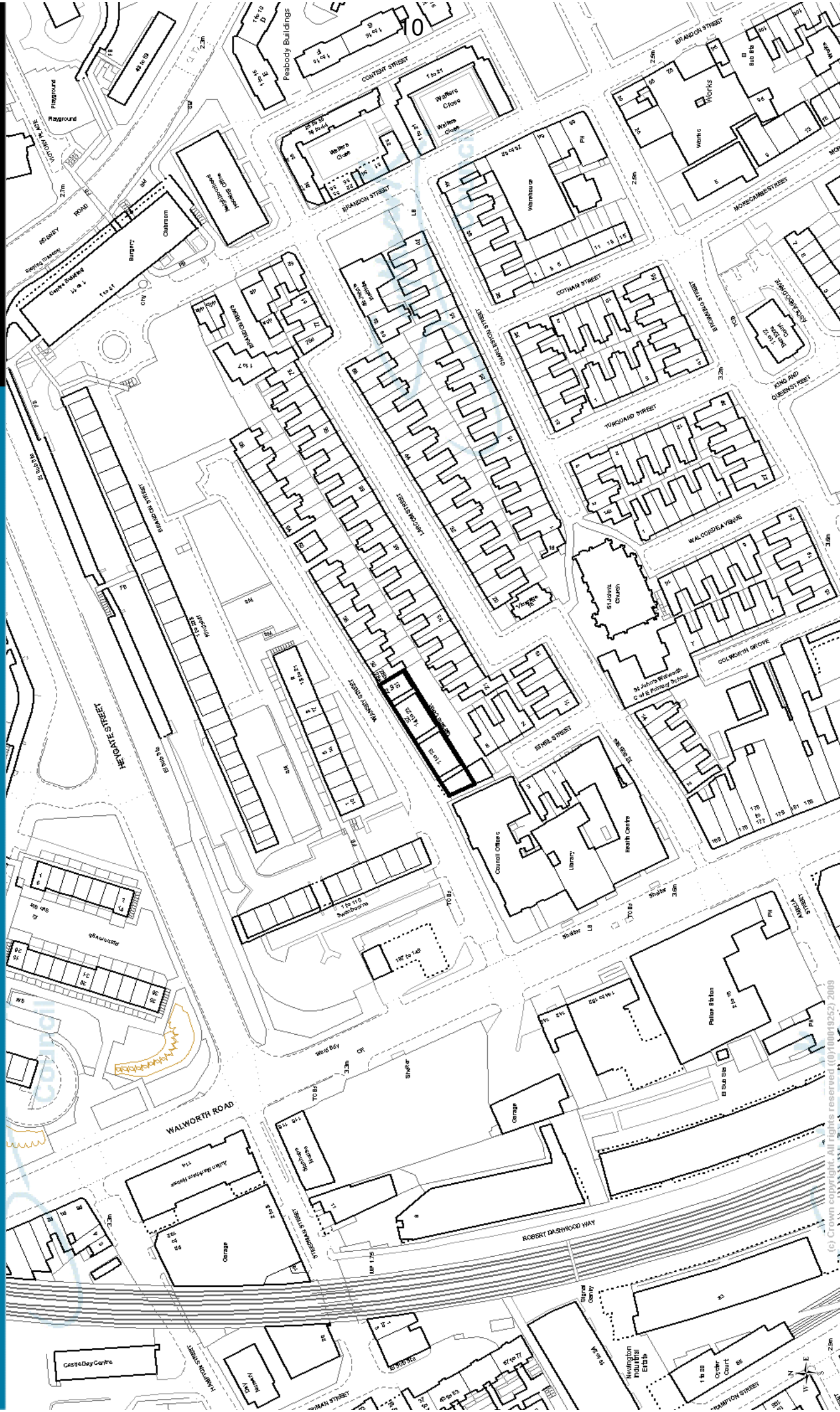
Proposal

Demolition of the existing public house and the erection of a three part four storey mixed use residential development with 9 flats (1 x one bed, 7 x two bed and 1 x three bed) and an office (use class A2 financial/professional services) on part ground and basement floors.

14 WANSEY STREET, LONDON, SE17 1LH

Ordnance Survey

Date 19/8/2010



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Item No. 1	Classification: OPEN	Date: 8 September 2010	Meeting Name: WALWORTH COMMUNITY COUNCIL
Report title:	Development Management planning application: Application 10-AP-1673 for: Advertisement Consent Address: UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH Proposal: Installation of 1 No. internally illuminated projecting sign and 1 No. internally illuminated fascia sign behind window		
Ward(s) or groups affected:	East Walworth		
From:	Head of Development Management		
Application Start Date 02/08/2010		Application Expiry Date 27/09/2010	

PURPOSE

- 1 To consider the above application which is being reported to the Walworth Community Council due to the level of interest in the previous applications and as officers anticipate that there will be more than two objections.

RECOMMENDATION

- 2 Grant Advertisement Consent with conditions

BACKGROUND INFORMATION

- 3 At the time of writing, the application was at statutory consultation stage (expiring 27/8/2010). At the time of writing, one objection was received. However, given the history of the site and the level of interest in the past, it is anticipated that more objections are likely to be received, which would require the application to be reported to Walworth Community Council for consideration.

Site location and description

- 4 The application site is a ground floor vacant commercial unit within a mixed use commercial/residential building (Garland Court), on the south side of Wansey St near the Walworth Rd. Wansey Street is predominantly residential in character, but this site is close to Walworth Road where the ground floor units are primarily commercial. Immediately adjoining the application to the west is a Council office building that is a Grade II Listed Building (Southwark Municipal Offices and attached railings).
- 5 Construction of the building was completed within the last three years and it is of a contemporary design and style. The ground floor of this commercial unit is set back from the upper floors and there is therefore an 'overhang' above. This unit to the right corner of the whole residential building has a higher floor-to-ceiling height and appears to occupy almost two levels of the building.
- 6 The upper floors of the main residential building have a coloured boarded effect constructed from a fibrous and concrete material (giving a timber cladding effect) and

is predominantly coloured orange and yellow. The ground floor is faced with white ceramic tiles. The ground floor currently comprise a row of UPVC windows just below the overhang and domestic sliding doors on the ground level. This front elevation at ground floor is however currently boarded up.

Details of proposal

- 7 This application is a resubmission as the previous application 08-AP2243 was withdrawn, but the design remains essentially the same. The fascia zone for signage is raised and is located just beneath the overhang. The signage zone is 3.15m high from ground level.
- 8 It is now proposed to install an internally illuminated projecting sign (Sign 1) and an internally illuminated fascia sign (Sign 2).

Sign 1

- 9 The projecting sign is 3.15m above ground level and measures 0.8m wide and 1m high. It projects 0.8m from the front building line and has a depth of 0.1m. The sign background is coloured red (RAL ref2002) and the text is a mix of white (BS ref 00E55) and orange (BS ref 06E51). This projecting metal box with perspex face sign is proposed with raised lettering with and is internally lit with LED strips, The illuminance level for this sign is 540cd/m².

Sign 2

- 10 The fascia sign (of the same material) is to be placed inside the building, behind the glazing. It is 3.15m above ground level and measures 4.2m wide and 0.8m high. The background and text colour and type of illumination is same as the projecting sign. It has a maximum illuminance level of 540cd/m².
- 11 A separate full planning application for a new shopfront has also been submitted (ref 10-AP-1674), which is also on this agenda and recommended for approval.

Planning history

- 12 Planning permission was granted for the original building block in Feb 2005 (ref 04-AP-2114):
Construction of 4 interlinked buildings (Blocks A,B,C and D) of 4, 5 and 6 storeys on existing car park to provide 31 apartments (2765 sqm.) with a communal garden and cycle store at rear. One commercial unit 69sq.m.(for either Class A1 retail, A2 financial/professional, B1 business or D1 non-residential institutional use). Blocks 'A', 'B' and 'C' residential units and blocks D commercial on ground floor and residential above.
- 13 Complaints were received raising concerns that a shopfront had been installed that did not have the benefit of planning permission. The Council's Planning Enforcement team investigated this and invited a planning application for a new shopfront.
- 14 A planning application was submitted for full planning permission for the installation of new shopfront, but was withdrawn in August 2008 (ref 08-AP-0298). An advertisement consent was also withdrawn in August 2008 (ref 08-AP-0299) for the display of an illuminated fascia sign and a double sided projecting sign in association with shop unit. These were withdrawn as they were to be recommended for refusal.
- 15 Subsequent to that, a revised planning application for a new shopfront was submitted under ref 08-AP-2241. An Advertisement Consent application under ref 08-AP-2243 was also submitted for consideration simultaneously. Both applications were recommended for approval and was due to be considered at Walworth Community Council in Feb 2009. Following the receipt of a letter from the Landlord (Freeholder) dated 23rd Jan 2009, the Council was made aware that the applicant was to be legally evicted or had the potential to be evicted from the premises. Due to issues regarding the applicant's lease on the premises and no response from the applicant following Council's telephone calls, and having regard to the planning department's practice

that where applications remain undetermined for a considerable period of time without any contact from the applicant, the application was treated as withdrawn.

- 16 Following this, the Council served an Enforcement Notice on 12th Jan 2010, requiring the applicant to remove the unauthorized shopfront from the ground floor of the building. This includes, the uvpc windows and doors and the timber boarding. It also required the removal from the site and resultant material and debris associated with the above. The applicant appealed this notice and is currently is subject to an appeal.
- 17 This current application therefore seeks to remedy this situation.

Planning history of adjoining sites

- 18 There is no relevant planning history on adjoining sites.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 19 The main issues to be considered in respect of this application are:
- a] amenity
 - b] safety, including security

Planning policy

Southwark Plan 2007 (July)

- 20 3.23 - Outdoor Advertisement and Signage

Core Strategy

- 21 The Council submitted the Publication/submission core strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The core strategy policies should be considered when determining planning applications as they are a material planning consideration. However, at present most of the policies in the core strategy have little weight. Applications should continue to be determined primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.

- 22 The Inspector's report on the Core Strategy is expected in October 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the core strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 23 PPG 19 'Outdoor Advertisement Control'

Principle of development

- 24 The display of signage to commercial premises is considered to be acceptable in principle, subject to there being no harm arising in relation to amenity or safety. These matters are addressed below.

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

- 25 The fascia sign would be positioned inside the building and therefore would not directly affect pedestrian or traffic flow. Given that the existing ground floor

commercial unit is set back from the main building, this would not be the main thoroughfare for pedestrians. The projecting sign overhanging the highway is at least 3.15m above ground level, and therefore would be above head height and not affect pedestrian flow. The sign also does not affect highway visibility. No objections were raised from the Council's Transport team.

- 26 The illumination levels are not significant, and levels can be controlled by reference to standard conditions on advertisement consents, and therefore would not harm the amenities of the residents in the building or those opposite. Furthermore, the projecting sign is beneath the overhang and therefore would not be highly visible to the residents above. No objections on public safety terms.

Visual Amenity

- 27 The proposed projecting sign has an area of 0.8m² and is small in scale. It does not protrude beyond the upper floor flats. The fascia sign is proposed just above the shop door entrance, sitting almost along the mid-point of the elevation. Objections have been raised regarding the visual appearance of the sign. The sign occupies the whole width of the front elevation and has an area of approximately 3.36m². The whole ground floor front elevation has an area of approximately 22.8m². The sign is therefore relatively small in scale and does not dominate the elevation. The main building is largely residential, but the ground floor is a commercial unit and the illumination of the sign is not considered to be inappropriate, particularly given the fact that this ground floor unit is set back from the whole building and therefore the illumination is unlikely to cause significant light pollution to the residents above.
- 28 This ground floor unit is the only commercial space on Wansey Street and it is not considered that the signage proposed will result in visual clutter. The projecting sign and the fascia sign would not dominate the appearance of the building nor detract from the appearance of the adjoining listed building, having regard to the size of the signage. The fascia sign is also behind the shop front and the projecting sign is situated further away from the listed building. Officers therefore consider that the signs are acceptable in relation to amenity.

Conclusion on planning issues

- 29 The application is acceptable overall with no objections to safety or amenity. It is therefore recommended for approval.

Community impact statement

- 30 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 33 At the time of writing, one letter of objection from neighbours have raised that the sign would be unsightly with the building and causing annoyance. Any further representations will be reported to Members by way of an Addendum Report.

Human rights implications

- 34 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.
- 35 This application has the legitimate aim of providing advertisement sign. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/1068-26 Application file: 10-AP-1673 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5460 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice Head of Development Management	
Report Author	Wing Lau	
Version	Final	
Dated	19-08-2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional / Community Council / Scrutiny Team		

APPENDIX 1**Consultation undertaken**

Site notice date: 06.08.10

Press notice date: 05.08.10

Case officer site visit date: 06.08.10

Neighbour consultation letters sent: 04.08.10

Internal services consulted:

Design and Conservation

Transport Planning

Statutory and non-statutory organisations consulted:

None required.

Neighbours and local groups consulted:

59-61 Clerkenwell Road London EC1 5LA

9 Garland Court London SE17 1LH

28A WANSEY STREET LONDON SE17 1JP

28B WANSEY STREET LONDON SE17 1JP

GROUND FLOOR FLAT 27A LARCOM STREET LONDON SE17 1NJ

TOP FLOOR 27B LARCOM STREET LONDON SE17 1NJ

WALWORTH ONE STOP SHOP WANSEY STREET LONDON SE17 1JP

BASEMENT PART GROUND FLOOR FIRST FLOOR AND SECOND FLOOR 151 WALWORTH ROAD LONDON SE17 1RY

FLAT 1 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

FLAT 2 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

FLAT 3 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

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FLAT 25 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

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8A ETHEL STREET LONDON SE17 1NH
21A LARCOM STREET LONDON SE17 1NJ
23A LARCOM STREET LONDON SE17 1NJ
27A LARCOM STREET LONDON SE17 1NJ
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FIRST FLOOR AND SECOND FLOOR FLAT 21 LARCOM STREET LONDON SE17 1NJ
GROUND FLOOR FLAT 8 ETHEL STREET LONDON SE17 1NH
GROUND FLOOR FLAT 21 LARCOM STREET LONDON SE17 1NJ
FIRST FLOOR AND SECOND FLOOR FLAT 8 ETHEL STREET LONDON SE17 1NH
PART GROUND FLOOR 151 WALWORTH ROAD LONDON SE17 1RW
8 ETHEL STREET LONDON SE17 1NH
21 LARCOM STREET LONDON SE17 1NJ
25 LARCOM STREET LONDON SE17 1NJ
27 LARCOM STREET LONDON SE17 1NJ
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8B ETHEL STREET LONDON SE17 1NH
151 WALWORTH ROAD LONDON SE17 1RY
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FLAT A 29 LARCOM STREET LONDON SE17 1NJ
FLAT B 29 LARCOM STREET LONDON SE17 1NJ
FLAT B 25 LARCOM STREET LONDON SE17 1NJ

Re-consultation:

N/A

APPENDIX 2**Consultation responses received****Internal services**

Transport Planning - No objections. The applicant is advised that they must apply for a license to overhang the public highway under the Highways Act 1980.

Statutory and non-statutory organisations

N/A

Neighbours and local groups

At the time of writing, one letter of objection from Flat 15 Garland Court, Wansey Street raised that the sign would be unsightly with the building and causing annoyance.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Mr J.H. Chen
Application Type Advertisement Consent
Recommendation Grant permission

Reg. Number 10-AP-1673

Case Number TP/ADV/1068-26

Draft of Decision Notice

EXPRESS CONSENT has been granted for the advertisement described as follows:

Installation of 1 No. internally illuminated projecting sign and 1 No. internally illuminated fascia sign behind window

At: UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH

**In accordance with application received on 15/06/2010
and revisions/amendments received on 23/07/2010**

and Applicant's Drawing Nos. 0715 P03.C, 0715 P11.E, 0715 P21.L, 0715 P31.L, 0715 P42.F
 Email dated 13/8/2010 from Brian Ardron
 Colour sample chart

Subject to the following condition:

Consent is granted for a period of 5 years and is subject to the following standard conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

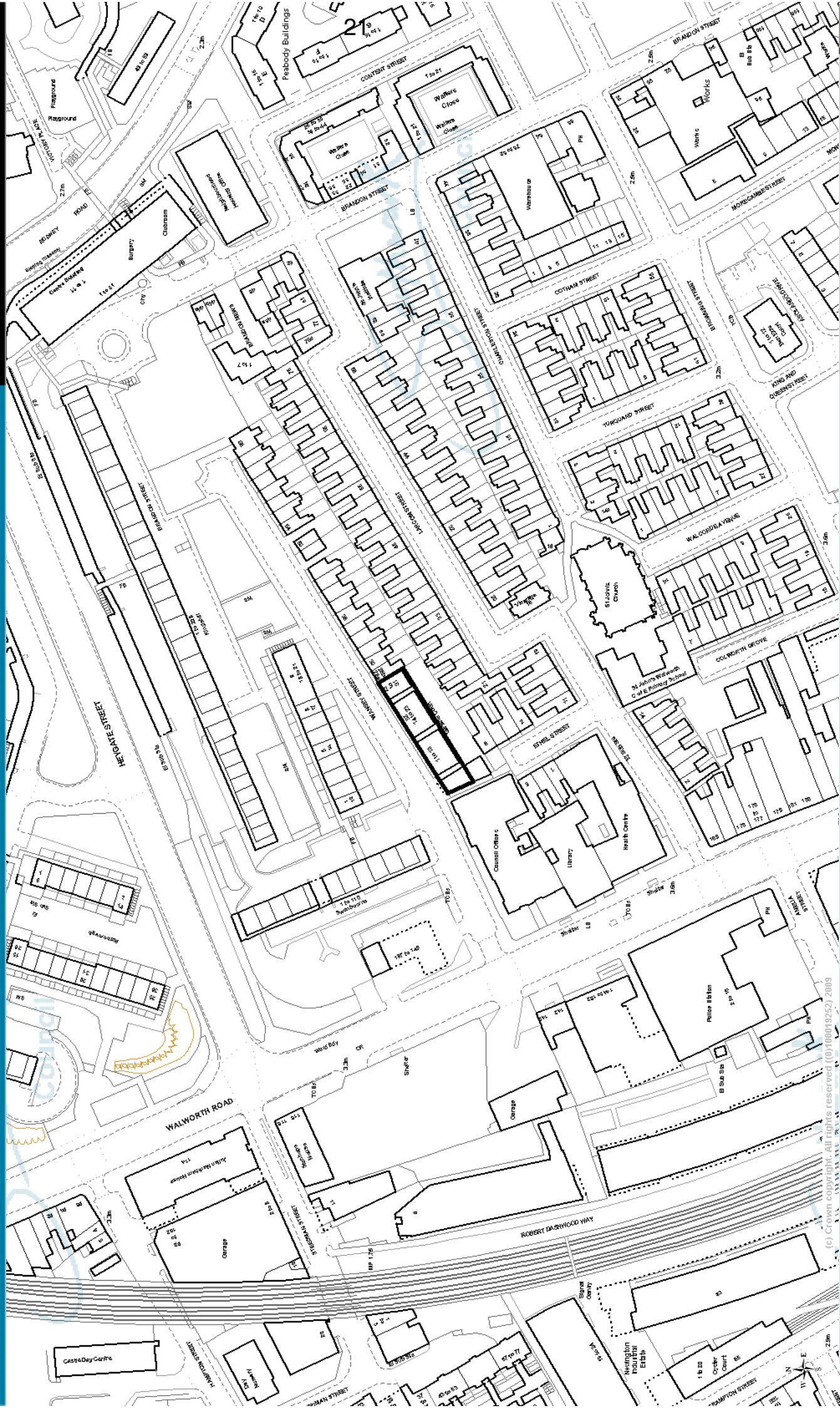
Reason:

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

14 WANSEY STREET, LONDON, SE17 1LH

Ordnance Survey

Date 19/8/2010



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Item No. 2	Classification: OPEN	Date: 8 September 2010	Meeting Name: WALWORTH COMMUNITY COUNCIL
Report title:	Development Management planning application: Application 10-AP-1674 for: Full Planning Permission Address: UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH Proposal: Installation of a new shop front and external roller shutters		
Ward(s) or groups affected:	East Walworth		
From:	Head of Development Management		
Application Start Date 02/08/2010		Application Expiry Date 27/09/2010	

PURPOSE

- 1 To consider the above application which is being reported to the Walworth Community Council due to the level of interest in the previous applications and as officers anticipate that there will be more than two objections.

RECOMMENDATION

- 2 Grant planning permission.

BACKGROUND INFORMATION

- 3 At the time of writing, the application was at statutory consultation stage (expiring 27/8/2010). At the time of writing, one objection was received. However, given the history of the site and the level of interest in the past, it is anticipated that more objections are likely to be received, which would require the application to be reported to Walworth Community Council for consideration.

Site location and description

- 4 The application site is a ground floor vacant commercial unit within a mixed use commercial/residential building (Garland Court), on the south side of Wansey St near the Walworth Rd. Wansey Street is predominantly residential in character, but this site is close to Walworth Road where the ground floor units are primarily commercial. Immediately adjoining the application to the west is a Council office building that is a Grade II Listed Building (Southwark Municipal Offices and attached railings).
- 5 Construction of the building was completed within the last three years and it is of a contemporary design and style. The ground floor of this commercial unit is set back from the upper floors and there is therefore an 'overhang' above. This unit to the right corner of the whole residential building has a higher floor-to-ceiling height and appears to occupy almost two levels of the building.

- 6 The upper floors of the main residential building have a coloured boarded effect constructed from a fibrous and concrete material (giving a timber cladding effect) and is predominantly coloured orange and yellow. The ground floor is faced with white ceramic tiles. The ground floor currently comprise a row of UPVC windows just below the overhang and domestic sliding doors on the ground level. This front elevation at ground floor is however currently boarded up.

Details of proposal

- 7 This application is a resubmission as the previous application was 'treated by the local planning authority as being withdrawn', but the design remains essentially the same. It is now proposed to remove the existing windows and doors and install a new shopfront to the ground floor commercial unit. The front elevation will be predominantly glazed with aluminium skirting (rather than the upvc proposed by the previous application). The window will also 'wrap around' the corner of this building. The shopfront is designed with muntins (strips of aluminium) dividing the glazing horizontally and vertically. A brickbond pattern security grille is also proposed with a recessed shutter box.
- 8 The fascia zone for signage is raised and is now located just beneath the overhang. The signage zone is 3.15m high from ground level.
- 9 A separate application for advertisement consent has also been submitted (ref 10-AP-1673) and this has also been referred to the Community Council for determination.

Planning history

- 10 Planning permission was granted for the original building block in Feb 2005 (ref 04-AP-2114):
Construction of 4 interlinked buildings (Blocks A,B,C and D) of 4, 5 and 6 storeys on existing car park to provide 31 apartments (2765 sqm.) with a communal garden and cycle store at rear. One commercial unit 69sq.m.(for either Class A1 retail, A2 financial/professional, B1 business or D1 non-residential institutional use). Blocks 'A', 'B' and 'C' residential units and blocks D commercial on ground floor and residential above.
- 11 Complaints were received from neighbours relating to the installation of a shopfront that does not have the benefit of planning permission. Enforcement team had investigated this and invited an application for a new shopfront.
- 12 Planning application was submitted for full planning permission for the installation of new shopfront, but was withdrawn in August 2008 (ref 08-AP-0298). An advertisement consent was also withdrawn in August 2008 (ref 08-AP-0299) for the display of an illuminated fascia sign and a double sided projecting sign in association with shop unit. These were withdrawn as it was to be recommended for refusal.
- 13 Subsequent to that, a revised planning application for a new shopfront was submitted under ref 08-AP-2241. An Advertisement Consent application under ref 08-AP-2243 was also submitted for consideration simultaneously. Both applications were recommended for approval and was due to be considered at Walworth Community Council in Feb 2009. Following the receipt of a letter from the Landlord (Freeholder) dated 23rd Jan 2009, the Council was made aware that the applicant was to be legally evicted or had the potential to be evicted from the premises. Due to issues regarding the applicant's lease on the premises and no response from the applicant following Council's telephone calls, and having regard to the planning department's practice that where applications remain undetermined for a considerable period of time without any contact from the applicant, the application was treated as withdrawn.
- 14 Following this, the Council served an Enforcement Notice on 12th Jan 2010, requiring the applicant to remove the unauthorized shopfront from the ground floor of the

building. This includes, the uvpc windows and doors and the timber boarding. It also required the removal from the site and resultant material and debris associated with the above. The applicant appealed this notice and is currently is subject to an appeal.

- 15 This current application therefore seeks to remedy this situation.

Planning history of adjoining sites

- 16 There is no relevant planning history on shopfronts at adjoining sites.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 17 The main issues to be considered in respect of this application are:

- a) the principle of the development in terms of land use and conformity with strategic policies.
- b) Impact of proposed development on amenity of adjoining occupiers
- c) Impact of proposed development on character and appearance of surrounding area

Planning policy

- 18 Southwark Plan 2007 (July)

- 3.2 Protection of Amenity
- 3.11 Efficient Use of Land
- 3.12 Quality of Design
- 3.13 Urban Design
- 3.14 Designing out Crime
- 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Core Strategy

- 19 The Council submitted the Publication/submission core strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The core strategy policies should be considered when determining planning applications as they are a material planning consideration. However, at present most of the policies in the core strategy have little weight. Applications should continue to be determined primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.
- 20 The Inspector's report on the Core Strategy is expected in October 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the core strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.
- 21 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)
PPS 5 'Planning and the Historic Environment'

Principle of development

- 22 The principle of a scheme to provide a new shopfront is considered acceptable for a commercial unit, but is subject to detailed assessment of impacts in relation to impact and design. These matters are addressed below.

Environmental impact assessment

- 23 Not is required for the scale of works proposed.

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

- 24 The proposal is identical to the previous withdrawn scheme of 08-AP-2241. Since this, there has been no material change in circumstances or site conditions. Notwithstanding this fact, the proposal should still be considered on its merits.
- 25 The proposed shopfront will be flush with the main elevation at ground floor and therefore will not impact on the amenity of neighbours in relation to light or outlook. There is at least 25m from the front of the shopfront and the residential building opposite on Wansey Street and therefore no privacy issues raised.
- 26 An objection was received in response to consultation regarding the lack of information of the roller shutters and potential noise generation. The applicant has confirmed that it would be motorised. As this is a standard shutter design, it is unlikely to create undue noise or disturbance.
- 27 The construction noise levels from any future work is controlled under the Environmental Protection acts and regulations. These regulations would also address other areas of concern that have been raised by neighbours in the past such as the potential fumes/odour from potential use as a nail bar, and can be enforced by the Environmental Protection Team. In any case the use of the premises as an A1 retail unit is not a material consideration in this application, since the commercial use of the ground floor for A1, A2, B1 or D1 use was granted consent under the previous permission 04AP2114. Matters such as hours of operation cannot be reasonably addressed in this application which is for a new shopfront and roller shutter, rather than a change of use in itself.

Impact of proposed development on character and appearance of surrounding area and impacts on setting of listed buildings and conservation areas

- 28 It is considered that the proposed new shopfront with its floor-to-ceiling glazing is would improve the appearance of the existing shopfront and is acceptable. Although the shopfront uses different materials to the concrete on the upper floors, this ground floor element is distinct from the whole building as it is set back from the main residential block. It does not follow the fenestration pattern of the rest of the building, (which are smaller in width and height) but this is a commercial unit and it is not considered absolutely necessary to replicate the form of the residential units. The applicant has attempted to use the same window manufacturers of the main building (Velfac), which would maintain some consistency in terms of glazing.
- 29 The scheme provides a strong an emphasis of a retail shopfront, by raising the proposed fascia sign to the top of the shop front. The applicant has proposed framing around the glazing using aluminium skirting at the bottom and top of the shopfront. The use of floor-to-ceiling height glazing would ensure that there is active frontage and does not 'compete' with the design of the main building.
- 30 The applicant has indicated external roller shutters to be installed due to the high levels of vandalism in this area. The specification submitted by the applicant indicates that it would not have any visible hinges or operating system. The Metropolitan Police Crime Prevention Design Advisor had made comments in the previous withdrawn scheme 08-AP-2241. He had confirmed that there are higher levels of crime and vandalism in the area. In any case, the applicant has confirmed that a 'brickbond' pattern security grille would be used, which allows some light and visual access into the shop. This is considered to be particularly important at night to ensure that the shop would still be visible externally when the shutters are down. The proposed brickbond security grille is of a brown colour to match the existing windows and therefore is unlikely to detract from the bright colour scheme of the main building. It is recommended that further details of the roller shutter should be secured by way of a condition to ensure a satisfactory external appearance.
- 31 It is not considered that the proposed shopfront with its large areas of glazing would

impact on the setting of the adjoining listed building as it has a lightweight appearance. Further, it does not draw the eye away to the ground floor unit. It is considered that the scheme would preserve the setting of the adjoining listed building, and would be of an acceptable appearance and impact within the streetscene in relation to amenity and safety, having had regard to policies 3.12, 3.13, 3.14 and 3.18 of the Southwark Plan 2007.

Other matters

- 32 The inclusion of the mezzanine is not part of this application. Furthermore, planning permission is not required to install mezzanine floors that are under 200sqm.

Conclusion on planning issues

- 33 The proposed shopfront is considered acceptable overall and is recommended for approval. There have been a number of objections over noise and disturbance, but this is enforced under the Environment Protection Act 1990. This proposal would replace what is a poorly designed shop front.

Community impact statement

- 34 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

37 Summary of consultation responses

One response has been received so far objecting on the grounds: that there are no details of the proposed shutter type or operation mechanism; whether it is fixed to the main structure or whether it will be operated manually or motorised; possible noise nuisance from the roller shutter - it should be of a standard design; request Southwark's Approved Code of Construction Practice is included as a condition, in particular hours. Any further representations will be reported to Members by way of an Addendum Report.

Human rights implications

- 38 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.

- 39 This application has the legitimate aim of providing improvement to commercial 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1068-20 Application file: 10-AP-1674 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5460 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice Head of Development Management	
Report Author	Wing Lau	
Version	Final	
Dated	19-08-2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional / Community Council / Scrutiny Team		

APPENDIX 1**Consultation undertaken**

Site notice date: 06.08.10

Press notice date: 05.08.10

Case officer site visit date: 06.08.10

Neighbour consultation letters sent: 04.08.10

Internal services consulted:

Design and Conservation

Planning Enforcement

Statutory and non-statutory organisations consulted:

None required.

Neighbours and local groups consulted:

59-61 Clerkenwell Road London EC1 5LA

9 Garland Court London SE17 1LH

28A WANSEY STREET LONDON SE17 1JP

28B WANSEY STREET LONDON SE17 1JP

GROUND FLOOR FLAT 27A LARCOM STREET LONDON SE17 1NJ

TOP FLOOR 27B LARCOM STREET LONDON SE17 1NJ

WALWORTH ONE STOP SHOP WANSEY STREET LONDON SE17 1JP

BASEMENT PART GROUND FLOOR FIRST FLOOR AND SECOND FLOOR 151 WALWORTH ROAD LONDON SE17 1RY

FLAT 1 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

FLAT 2 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

FLAT 3 GARLAND COURT 26 WANSEY STREET LONDON SE17 1LH

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FLAT A 25 LARCOM STREET LONDON SE17 1NJ
FLAT A 29 LARCOM STREET LONDON SE17 1NJ
FLAT B 29 LARCOM STREET LONDON SE17 1NJ
FLAT B 25 LARCOM STREET LONDON SE17 1NJ

Re-consultation:

N/A

APPENDIX 2**Consultation responses received****Internal services**

No response has been received.

Statutory and non-statutory organisations

N/A

Neighbours and local groups

One response has been received so far from No. 3 Garland Court objecting on the grounds: that there are no details of the proposed shutter type or operation mechanism; whether it is fixed to the main structure or whether it will be operated manually or motorised; possible noise nuisance from the roller shutter - it should be of a standard design; request Southwark's Approved Code of Construction Practice is included as a condition, in particular hours.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Mr J.H. Chen
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 10-AP-1674

Case Number TP/1068-20

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Installation of a new shop front and external roller shutters

At: UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH

**In accordance with application received on 15/06/2010
and revisions/amendments received on 22/07/2010**

and Applicant's Drawing Nos. 0715 P03.C, 0715 P11.E, 0715 P12.C, 715 P13.C, 0715 P21.L, 0715 P31.L, 0715 P32.C, 0715 P33.C

Design and Access Statement, Velfac specifications Enclosure A, B C and D

Subject to the following condition:

- 1 The development hereby permitted shall be implemented within six months from the date of this permission.

Reason:

To ensure that the existing unauthorized shopfront is removed and the development hereby permitted is carried out in a timely manner to ensure that the character and appearance of the adjoining Grade II Listed Building is preserved or enhanced, and in order to accord with Policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.18 'Setting of Listed Building, Conservation Areas and World Heritage Sites' of the Southwark Plan (2007).

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:
0715 P21.L, 0715 P31.L, 0715 P32.C, 0715 P33.C

Reason:

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

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.18 'Setting of Listed Building, Conservation Areas and World Heritage Sites' of the Southwark Plan (2007).

- 4 Detailed drawings and specifications of the proposed 'brick bond pattern security grille' from Shaw Security shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the details of the roller shutters will be satisfactory in the interest of the appearance of the building in accordance with Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan July 2007.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Southwark Plan 2007:

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention.

Policy 3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

b] Planning Policy Statements [PPS] PPS 5 'Planning and the Historic Environment'.

Particular regard was had to the impact of the development on character and appearance of the host building, the streetscene and the surrounding area that would result from the proposed development, where it was considered that the scheme would preserve the character of the building and the area and would preserve the setting of the nearby listed building at Southwark Municipal offices. Regard was also had to the amenities of surrounding occupiers, where it was considered that there would be no significant harm arising. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

115 BRANDON STREET, LONDON, SE17 1AL

Ordnance Survey

Date 25/8/2010



Item No.	Classification: OPEN	Date: 8 September 2010	Meeting Name: WALWORTH COMMUNITY COUNCIL
Report title:	Development Management planning application: Application 10-AP-1507 for: Full Planning Permission Address: 115 BRANDON STREET, LONDON, SE17 1AL Proposal: Demolition of the existing public house and the erection of a three part four storey mixed use residential development with 9 flats (1 x one bed, 7 x two bed and 1 x three bed) and an office (use class A2 financial/professional services) on part ground and basement floors.		
Ward(s) or groups affected:	East Walworth		
From:	Wing Lau		
Application Start Date 11/06/2010		Application Expiry Date 06/08/2010	

PURPOSE

- 1 To consider the above application which is being reported to the Walworth Community Council due to the number of objections that have been received and the level of interest.

2 RECOMMENDATION

Refuse planning permission

BACKGROUND INFORMATION

Site location and description

- 3 The existing building comprises a two storey stand alone public house (PH) located on the east side of Brandon Street. This area is predominantly residential with some small scale retail and industrial uses.
- 4 The site adjoins the Nursery Row Park which is designated in the Southwark Plan 2007 as 'Other Open Space' (OOS). The site is between two designated proposals sites (Sites 52P and 53P, both of which designations seek Residential use (C3)). These proposal sites will however not be 'saved' under the saved policies when the Core Strategy is adopted, and are likely to revert back to OOS designation in a future planned Development Plan Document (DPD). A small strip of land immediately to the south of the public house, but within the application site, is also designated as OOS. This strip of land is also proposed to be designated as Borough Open Land (BOL) and a Site of Importance for Nature Conservation (SINC) in the emerging Core Strategy.
- 5 The site is also on land designated as Urban Density Zone, Public Transport Accessibility Zone (PTAZ), Elephant and Castle Opportunity Area, Elephant and Castle Town Centre and it is also an air quality management area. The site is within the Flood Zone (Flood Zone 3). The site is also in the South East Walworth Controlled Parking Zone (CPZ). The existing building is not listed and is not within a Conservation Area.

That part of the application site (to the south of the Crown Pub) which is now

6 designated as OOS, was formerly Eltham Street and has been enclosed by site boundaries to form the application site. This land had been sold by Southwark Council in the 1980s to the pub owner. Subsequently, Southwark Council built a wall around this area. Timber gates to the front provide access. This small courtyard is being used as a drying area/yard and access. It therefore never served the public as an open space since the 1980s.

7 The existing building forms almost an isolated pavilion like building surrounded by open green space on three sides. The site is already developed with approximately 75sqm A4 Class use (Public House) floorspace. The development opposite the site is a row of two storey terraced houses, dating back to the 19th century (C19). There is one 3 storey building to the north west of the site on Brandon Street. The development further to the south of the site is generally 4-5 storey residential blocks of flats.

Details of proposal

8 It is proposed to demolish the existing public house building and erect a four storey building (plus basement) comprising 83m² of A2 floor space and 9 residential units.

9 The A2 use would occupy part of the ground floor and the basement floor. This is located to the southern end of the building (right-hand side when viewed from the front). Fronting Brandon Street, it would have a glazed frontage and a separate entrance from the residential units.

10 The 9 flats (1 x one bed, 7 x two bed and 1 x three bed) would occupy the remainder of the building. A single residential entrance is proposed situated just off the centre of the building front elevation. The large 3 bedroom flat is located on the ground floor (north end, left-hand side of the building). A 2 bedroom flat on the ground floor is located to the rear of the A2 office unit.

11 A central stairwell would provide access to the remainder of the residential flats on the upper floors.

12 The building would be 4 storeys in height, with the fourth floor set back from all sides of the building line. The total height measures 10.6m on the Brandon Street side. The bulk of the building (ground to second floor) forms the main part of the building and has a height of 7.9m. The footprint of the building measures 16.5 x 12.3m. The front of the building is on the same building line as the existing PH, located between 2.01 and 2.36m from the pavement on Brandon Street. The building is set in from all the outer edges of the application site. It is at least 2.05m from the northern boundary, 2.1m from the eastern boundary and at least 2m from the southern boundary. The proposed building is positioned approximately 14m away from the facing two storey terraced houses on Brandon Street.

13 The top floor would provide for a 2 bedroom unit set in from all sides of the building and would have its own private terrace/amenity space. All residential units on the upper floors would have private balconies, providing amenity space for the occupants. The ground floor units have private garden space to the side and rear. Galvanised steel tubing surround the garden area (to the north, east and south boundaries).

14 A bicycle store and bin store shed is proposed on the triangular section of the site (to the south of the building), providing storage for 9 No. cycle spaces for the residential units. A separate cycle storage area would be provided for the A2 commercial unit. Visitor cycle spaces in the form of bicycle stands would be provided at the front of the commercial unit.

Planning history

15 Planning permission was granted in 1979 for the formation of a beer garden and storage yard (ref TP/1090-115).

Planning history of adjoining sites

- 16 There is some planning history on some of the two storey terraced properties on Brandon Street. These are of domestic/residential nature and would not be directly relevant to this case.

KEY ISSUES FOR CONSIDERATION**Summary of main issues**

- 17 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) Impact of proposed development on open space, including within the site itself and the amenity of the adjoining park, and wildlife
 - c) Impact of proposed development on amenity of future occupiers of the site, and surrounding and nearby occupiers
 - d) Impact of proposed development on character and appearance of the surrounding area
 - e) Transport impacts

Planning policySouthwark Plan 2007 (July)

- 18 Policy 1.7 Development within Town and Local Centres
 Policy 2.5 Planning obligations
 Policy 3.2 Protection of Amenity
 Policy 3.4 Energy Efficiency
 Policy 3.6 Air Quality
 Policy 3.7 Waste Reduction
 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 3.27 Other Open Space
 Policy 3.28 Biodiversity
 Policy 3.31 Flood defences
 Policy 4.1 Density of Residential development
 Policy 4.2 Quality of Residential Accommodation
 Policy 4.3 Mix of Dwelling
 Policy 4.5 Wheelchair Affordable Housing
 Policy 4.6 Loss of residential accommodation
 Policy 5.1 Locating Developments
 Policy 5.2 Transport Impacts
 Policy 5.3 Walking and Cycling
 Policy 5.6 Car Parking
 Policy 5.7 Parking Standards for disabled people and the mobility impaired
 Policy 6.1 Elephant and Castle Opportunity Area

London Plan 2008 consolidated with alterations since 2004

- 19 3A.1 Increasing London's Supply of Housing
 3A.5 Housing choice
 3A.6 Quality of new housing provision
 3B.3 Mixed-Use development
 3C.22 Improving conditions for cycling
 3C.23 Parking Strategy

3D.2 Town Centre Development
 4B.1 Design Principles for Compact City
 4B.8 Respect Local Context and Communities

Core Strategy

- 20 The Council submitted the draft Core Strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The Core Strategy policies should be considered as currently having no weight when determining planning applications as they are awaiting the Inspector's report and his finding of soundness. Applications should continue to be determined pending receipt of the Inspector's report primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.
- 21 The Inspector's report on the Core Strategy is expected in October 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the Core Strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 22 PPS1 Delivering Sustainable Development
 PPS3 Housing
 PPS23 Planning and Pollution Control
 PPS25 Development and Flood Risk

Principle of development

- 23 The site is within land designated in the UDP as Urban Density Zone, Public Transport Accessibility Zone (PTAZ), Elephant and Castle Opportunity Area, Elephant and Castle Town Centre.
- 24 The site is already developed with approximately 75sqm Public House floorspace (Class use A4). In accordance with Policy 1.7 'Development within Town and Local Centres', the LPA will permit developments providing a range of uses provided that a number of criteria are met. The proposal to replace the existing PH with 83sqm of Financial and Professional Services (A2 Class use) floorspace is acceptable as the site is within the Elephant and Castle Town Centre and the loss of A4 use and replacement with another 'A' use class (A2 in this case) would not harm the vitality and viability of the centre. The proposal is for a mixed-use development comprising residential above an A Class use, and therefore complies with Policy 1.7 which encourages a mix of uses. This area is predominantly residential with some small scale retail and industrial uses and the proposal to provide additional housing is compatible with the surrounding uses.
- 25 The loss of the existing residential unit above is acceptable given that the proposal would be replacing the existing amount of, and adding additional, residential floorspace.

Loss of Open Space

- 26 Notwithstanding the above, which establishes the land uses (retail and residential) as being acceptable in principle, part of the site is designated as 'Other Open Space' (OOS). The area in question is immediately to the south of the existing PH. This was formerly Eltham Street and is now enclosed (and therefore a stub road). This parcel of land was sold by Southwark Council in 1981.
- 27 Policy 3.27 'Other Open Space' states:

"Development on Other Open Space will only be permitted if it meets the following criteria:

- i. it is ancillary to the enjoyment of Other Open Space; and*
- ii it is small in scale; and*
- iii. it does not detract from the prevailing openness of the site or from its character; and*
- iv. it positively contributes to the setting and quality of the open space; and*
- v. where appropriate, it enhances public access to open spaces; or*
- vi. land of equivalent or better size and quality is secured within the local catchment area for similar or enhanced use before development commences, provided that this would not result in the creation of or an increase in district local park deficiency as identified in Appendices 11 and 12."*

- 28 The proposed building would encroach into the area designated as OOS by 2.7m. The remainder of this OOS area is proposed as private amenity space for the ground floor 2 bedroom flat. It is considered that by the building encroaching onto the OOS, the scheme would be contrary to Policy 3.27, for the following reasons (having had regard to the above policy criteria):
- the building in itself would not be ancillary to the enjoyment of Other Open Space; and
 - being of several storeys in height, the building could not be considered to be small in scale;
 - it is arguable whether the encroachment of a small amount of the building (by footprint rather than overall massing) into the OOS would detract from the prevailing openness of the site or from its character;
 - it is also arguable whether the encroachment of the building would positively contribute to the setting and quality of the open space; or whether it enhances public access to open spaces; and
 - no provision has been made for land of equivalent or better size and quality to be secured within the local catchment area for similar or enhanced use before development commences.
- 29 Nevertheless, whilst the proposed building would occupy part of the OOS and is not considered to be in accordance with the development plan, officers do not consider that any development of the subject site could necessarily be ruled out, as there may be additional material considerations that should be taken into account. It is considered necessary in this instance to examine whether very special circumstances have been demonstrated that could justify an exemption to the policy.
- 30 As mentioned above, this parcel of land was sold by Southwark Council in 1981. The transfer of that land contained a specific obligation on the Council inter alia "To construct a boundary wall around the proposed yard shown edged blue on the said plan providing therein close boarded timber gates to the yard". Upon a site visit by the case officer, it was apparent that this hard surfaced courtyard is being used as a private drying area/yard and access.
- 31 The Southwark Plan states that open spaces should be easily accessible to all members of the community. OOS is defined in the Glossary of Appendix 18 and it includes public parks and gardens.
- 32 The definition in the UDP does however state that OOS does not include open spaces that are ancillary to, and/or within the curtilage of a building. The Inspector's Report in 2005 on the Southwark Plan (March 2004) states that "OOS is defined in such a way as to preclude inaccessible open spaces and so there might be some scope for their development, subject to the suitable location and usual development control criteria. The most important characteristic of open space is its prevailing and often complete openness".
- 33 The Inspector then continues to say that the policy reasonably anticipates some development, but only where rigorous and demanding criteria are met. To that extent

any development should take place only exceptionally.

- 34 This piece of land is currently hard surfaced, enclosed on all sides and has been in private ownership for nearly 30 years. It has therefore never been used as public open space since the 1980s. It currently does not serve the normal functions of open space and even without building on this area, it is unlikely to become available for public access in any event. Being enclosed, and taking into account its inaccessibility to the public, it is not considered to be a very valuable part of the OOS. In this particular instance, the land in question is considered 'low value' other open space. Even if it is in private ownership, any development on this part of site could not be ancillary to the enjoyment of OOS (Criterion i. of Policy 3.27), and nor would it be feasible to enhance public access to open spaces (Criterion v. of the policy) (as the land which is proposed to be un-built would form private amenity space for the development, rather than being open to the public).
- 35 PPG17 identifies that the Local Planning Authority (LPA) need to consider not just the current value of open spaces but also their future potential so it could be argued that this part of the site could be incorporated back into the park. Nevertheless, the Council's Parks Team have confirmed that there are no current plans to incorporate this land into Nursery Row Park.
- 36 On 14th July 2010, Council assembly voted to not save the two housing proposal sites in the Southwark Plan 2007 (52P and 53P), which is immediately to the north and south of this application site. This would however still be subject to the Secretary of State's decision to issue a direction on which policies and designations in the Southwark Plan the LPA can save. These two sites are likely to revert back to open space instead of housing sites and the change will be through the preparation of a Development Policies Document (DPD).
- 37 Should the two housing proposal sites be reverted back to OOS, then access to the Nursery Row Park will be retained. It would therefore no longer necessary for the designated part of the application site to provide access to the park from Brandon Street in these circumstances.
- 38 Irrespective of ownership however, the land in question is OOS so there should be regard to the OOS policy 3.27. Whilst the exceptional circumstances mentioned above may provide justification for some form of development on the site (and the OOS land), the particular development proposed would detract from the prevailing openness of the site/its character (Criterion iii of the policy) and it does not positively contribute to the setting and quality of the open space (as set out in Criterion iv). The design of the building is such that it does not satisfactorily address or enhance the park and this is discussed further below in the design assessment section.
- 39 Therefore in conclusion, despite the specific circumstances mentioned above, the proposed development would not comply with Policy 3.27 in that it does not enhance the public open space.

Environmental impact assessment

- 40 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required

Impact of proposed development on amenity of adjoining occupiers and

surrounding areaPrivacy

- 41 The proposed building is approximately 13.5m from the nearest two storey terraced houses on Brandon Street and the proposed front balconies are at least 12m distant from the closest facing properties. This complies with the Residential Design Standards SPD, which suggests a minimum of 12m at the front of the building and any elevation that fronts onto a highway. There are no residential dwellings to the rear of the site as this backs onto Nursery Row Park. The proposed building will also be at least 35m from the flank walls of Harrison House (to the south on Brandon Street).
- 42 The proposed roof terrace is set back from the front building which therefore limits visibility into the habitable rooms of the houses on Brandon Street. Therefore, the proposed building is unlikely to result in a loss of privacy to adjoining residents.

Daylight

- 43 The main impact of the proposed building in terms of daylight and overshadowing would mainly be on the two storey terraced houses on Brandon Street. The proposed building is situated to the north east of these neighbouring properties. The position in relation to the adjoining houses would therefore not result in a significant loss of daylight. The applicant has shown in the submitted plans the 25 degree line upwards from the centre of the window at adjoining property. The proposed development would be below this 25 degree line and complies with the guidelines in relation to sunlight and daylight having had regard to the Residential Design Standards SPD.
- 44 Therefore, it not considered that the proposal would lead to a significant loss of daylight or sunlight to nearby properties.

Outlook of neighbouring properties

- 45 The existing PH is approximately 7m in height from ground to the parapet wall. The proposed building up to second floor level is 8m in height with the third floor being set back from the front building line. Though proposed with a wider footprint, the increase in height of 1m for the main bulk of the building is not considered to be a significant increase in bulk or massing such as to be over dominant in relation to the the nearby two storey houses.
- 46 It is also not considered that the development would have an overbearing impact on neighbouring residents and would not lead to a loss of outlook.

Noise and disturbance

- 47 Concerns were raised regarding the use of the top floor terrace and its potential to create noise and disturbance to neighbouring residents. The terrace serves a 2 bedroom unit and would be separated from the Brandon Street neighbours by more than 16m. As such, officers do not consider that the use of the terrace would lead to undue noise and disturbance.
- 48 In light of the above, the proposed development is unlikely to lead to a significant loss of amenity to neighbouring residents and would comply with Policies 3.2 Protection of amenity and 3.11 Efficient use of land.

Density

- 49 The scheme has a density of approximately 754 habitable rooms per Ha (HR/Ha), which includes allowance within the density calculations for the commercial element. The site is within an Urban Zone, which allows a density range of 200-700HR/Ha. It is also within a Public Transport Accessibility Zone (PTAZ). In a PTAZ, the density policy provides that the Urban Zone density range may be exceeded subject to the development possessing an exemplary standard of design, with an excellent standard of living accommodation, and a significant contribution to environmental improvement in the area. As the report will discuss below, it is not considered that the proposed development is of such an exemplary standard as to justify exceeding the maximum

density, having had regard to the effects of the density on the consequent massing and building envelope of the scheme which has been found to be harmful to the setting and character of the open space.

Standard of Accommodation

50 The room sizes of each flat satisfy the minimum room standards set out in the Residential Design SPD.

51 Each flat has been designed to be dual aspect and to have external private amenity space. There is no communal space proposed. The ground floor units would have at least the 50sqm of private amenity space which is required for a three bedroom dwelling. The top floor 2 bedroom residential flat has a terrace on the roof, providing at least 70sqm of amenity space. The other units on the first and second floor (1 and 2 bedrooms) are provided with balconies for amenity space and ranges between 6.1sqm to a maximum of 9.3sqm. Although this falls below the minimum 10sqm ideally set out in the SPD, this is not a significant shortfall. Furthermore, the adjoining public space provides for general recreation use and this close proximity and access should be taken into account. It therefore does not warrant a ground refusal in itself.

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The residential units would receive adequate sunlight and daylight. Sufficient outlook is also provided and the distance between the development and nearby dwellings ensures that privacy is maintained. Objections were raised regarding the proposed rear boundary treatment, which comprise of 1.8m high galvanised steel tubing around the side and rear elevations. The intention is to provide a robust and secure form of boundary as well as provide some outlook to ground floor residents given that there is only 2.1m from the rear boundary and the habitable room at ground floor. This design principle is acknowledged, but it is also correct that the semi-translucent boundary may deter the use of this part of the park. Though this in itself is not a ground for refusal, it contributes to the overall objection that the development does not satisfactorily address the park, contrary to Policy 3.27.

Impact of adjoining and nearby uses on occupiers and users of proposed development

53 The character of the surrounding area is predominantly residential in nature, with a small number of retail and commercial premises also in the locality. The loss of the PH and the provision of an A2 use at basement and ground floor level would be compatible with the character of the adjoining uses and the proposed residential use. It is not considered that there would be any significant adverse impact arising from the adjoining and nearby uses, on occupiers and users of the proposed development.

Impact of proposed development on the adjoining park and wildlife

54 The assessment of the principle of the development on designated OOS land has been discussed above. This section covers the impact of the development on the users of Nursery Row Park including impacts on amenity, and wildlife/biodiversity impacts.

55 The proposed building would be located between 2.01 and 2.36m from the pavement on Brandon Street. The building would be set in from all the outer edges of the application site. It would be at least 2.05m from the northern boundary, 2.1m from the eastern boundary and at least 2m from the southern boundary.

Openness of the park

56 Officers consider that any built development on the site, even development that excluded development on that part of the site which is designated as OOS, may to some extent detract from the open nature of the principle open space. As discussed above, although material considerations indicate that some form of development may take place on this particular OOS land, the main objection in the opinion of officers is considered to be the failure of the development to address the park appropriately and enhance its setting.

57 In general, whilst the development would result in the loss of a small area of open space, there are dwellings and other buildings close to the park. The erection of a building on this site, in principle, would therefore not appear incongruous in this context.

58 As discussed below in the Design section of this report, there is no overall objection to the height or massing of the proposed building. Nevertheless, the perception of the mass and bulk of the building is such that it is not considered to contribute positively to the setting and quality of the open space and therefore contrary to Policy 3.27.

Balconies and boundary treatment

59 Objections were received relating to the proposed rear balconies. These are within the boundaries of the application site. The boundary treatment is proposed to be galvanised steel tubing, which provides some outlook and natural light into the occupants of the ground floor flat. Concerns were raised by Friends of Nursery Row Park stating that this boundary treatment (described as "translucent") cannot contribute to the setting or quality of open space. Officers consider that this aspect of the development partly fails to respond to and enhance the setting of the park, although it is not considered in itself to result in such harm as to warrant a ground for refusal, if this were the only issue. In combination with the overall scale and massing however, this aspect of the scheme contributes to a view that the development would be contrary to criteria iii) and iv) of Policy 3.27, which stresses that (among the other criteria), that development will be permitted if it does not detract from the prevailing openness of the site or from its character; and it positively contributes to the setting and quality of the open space.

Shading of the meadow

60 The main bulk of the building would be approximately 1m higher than the existing PH, with the top floor being set back from the main building footprint. Objections were raised that the proposed building with its increase in size would affect the amount of sunlight to the wildflower meadow to the east of the site. Although the proposal would have a wider footprint and a greater height, and the Council's Ecology Officer has advised that the impacts of the additional height would not result in a significant additional degree of shading to this area such as to warrant refusal of the scheme for this reason.

Trees

61 Objections were received regarding the impact on the nearby Plane trees and pear trees outside of the application site. The crown of the Plane Tree north of the site overhangs the current pub garden. These trees are within designated public open space and the Tree Officer has confirmed that there are no plans to place Tree Preservation Orders on these.

62 It is acknowledged that the trees contribute to the visual amenity of Brandon Street and should be protected where possible. A tree survey has not been submitted, but the Tree Officer has confirmed that standard tree protection conditions (including conditions in relation to protective fencing, methodology for carrying out of building works and foundation design details) could be imposed on any planning consent to avoid or mitigate impacts on the surrounding trees, if consent were to be granted.

Biodiversity and Wildlife

63 The part of the site that is designated as OOS is to be proposed as a SINC and objections were raised regarding the impact on wildlife. Policy 3.28 'Biodiversity' highlights the importance of nature conservation, in particular of SINCs. The existing application site contains the PH building and is hard surfaced in other areas. The Council's Ecology Officer has advised that the existing hard surfaced area would not have any ecology value, so the scheme could not be said to result in any loss of habitat or biodiversity values.

- 64 The applicant has proposed a sedum roof with solar panels and areas of glass and brick. A sedum roof, if of a biodiverse specification, would provide for enhancements to biodiversity. Representations have been received regarding the extent of this sedum roof, stating that part of the top floor is to accommodate a private terrace (as amenity space) and thereby reducing the potential size of the sedum roof to a minimal level. While this might be the case, there is no policy requirement to seek that the whole roof be comprised of sedum roof. Furthermore, the proposal would provide grass to the private amenity space at ground floor (around the north, east and south perimeters). This proposed soft landscaping would be an improvement on the existing situation, and details of biodiverse specification could be secured if consent were to be granted.
- 65 A bat survey had been commissioned and the Council's Ecology Officer was satisfied with the findings. There are no bats roosting in the building, but are present locally. A condition requiring bat and swift bricks to be installed within the development, to provide for additional habitat, could be imposed if consent were granted.

Other matters

- 66 Concern was raised by Friends of Nursery Row Park regarding the development being built on the garden north of the pub. This is part of the beer garden belonging to the PH and is currently paved with hard standing and is not considered to constitute 'garden land'.

Traffic issues

Local Highway Network

- 66 The site has a high public transport accessibility level (PTAL) rating of 6a (a small area of the site has a PTAL of 5). It is also within the public transport accessibility zone (PTAZ). It is therefore in an area with excellent level of public transport accessibility. The submitted Transport Assessment prepared by Re: Engineering Consultancy Ltd finds that car ownership levels in this Ward are low and that a high proportion of journeys to and from work by the resident population are undertaken by alternative modes of transport to the private car.
- 67 The proposal is a car-free scheme which provides scope for the provision of on-street car parking for disabled drivers. The applicant's Transport Assessment has shown that the traffic generation associated with the residential element of the development would not be significant. The Council's Transport Planning Team has also confirmed that the development would not generate a harmful impact on the performance and safety of the surrounding highway network. Further, the Council's Transport Planning officer has insisted that developments within this high PTAL area are required to be car free in order to promote more sustainable transport choices, reduce congestion and pollution within Southwark, as per Strategic Policies 18 and 19. This application is proposed as car free and, as such, is in accordance with Southwark Plan Policy 5.6. The proposal site is situated in a CPZ. If consent were to be granted, a planning obligation should be required in order to exempt occupiers from applying for parking permits, in order to prevent additional car parking burden within the CPZ and to encourage more sustainable transport choices, pursuant to policies 5.2, 5.3 and 5.6 which encourage parking restraint in appropriate locations such as CPZs and policy 2.5 Planning obligations.
- 65 The small triangular part of the site to the south of the proposed building is currently adopted highway. This area of highway within the development boundary would need to be stopped up. As the proposed development has no need for the existing vehicular crossover, then the crossover will have to revert to footway. Should a consent be granted, an informative could be attached stating the planning permission granted includes alterations and amendments to areas of the public highway, which will require the applicant entering an agreement with the Highways Authority and works to be funded by the developer.

Cycle Parking

- 66 Southwark Plan guidelines state a minimum secure parking standard for cycles of 1.1 per residential unit. For this development of 9 units, provision for 10 cycles is required. Proposed ground floor plans show 15 (nine for residents and six for visitors) cycle parking spaces. It would be secure and weatherproof and therefore satisfies Policy 5.3. Although the cycle storage for the A2 commercial unit is not weatherproof, this is only for 2 spaces and therefore are no significant objections to this not being weatherproofed especially as the cycle parking may be for casual use rather than a dedicated regular user.

Design issues67 Existing quality of building in the local environment

The existing building is a good quality C19 public house with a historic architectural character that contributes to its late C19 and early C20 setting. Under the terms of PPS 5 it and its local environment have a distinctive historic character and should be considered as an environment which is a heritage asset.

- 68 The existing PH forms an isolated almost pavilion like building surrounded by open green space on three sides. Though there are other larger buildings at some places on the opposite side of the road and further to the north and south along Brandon Street, its location on the edge of the park gives it an important presence in the street. Its well mannered Victorian PH typology sits comfortably in this mixed inner-city environment location.

- 69 The Crown has a historic character in its own right and one that makes an appropriate contribution to the related historic environment. It is a heritage asset which if lost and replaced with the current proposal would have a negative impact on the historic character of the area and the prevailing historic height scale and massing.

- 70 If its loss is to be considered, PPS 5 states that: "Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use." These matters are assessed below.

Impact on streetscape

- 71 Facing the pub on the west side of Brandon Street is the terrace of two storey C19 cottages. These form part of the same local historic environment on this stretch of Brandon Street as The Crown PH. It is contemporary with them and is at a scale that sits comfortably in their shared Victorian Townscape. By comparison the scale and massing of the proposed building is considered to be out of scale with these cottages and the modelling of the proposed building has larger scale modulation of the frontage which contrasts with the fine grain frontages and fenestration of the other buildings in the area. Despite the projecting balconies, the facade is relatively featureless, providing no interest to the streetscape.

- 72 Though the top floor is set back, the open space all around it will make it clearly visible from most directions and the materials being in timber and glass while most of the body of the building is brick will make this a strongly contrasting but still prominent element. To justify the greater scale of development on the site it must not only be of excellent architectural design but also be more architectural character of the site and its setting.

Height of building

- 73 Replacing this small two storey pub with four storey block of 9 flats would result in a greater quantum and bulk of development of the site, putting more pressure on the park with a building that not only dominates this opens space but would become the most substantial building in the immediate townscape as the buildings opposite are not so large. The proposed building is 7.9m high to the top of the second floor and a

total height of 10.6m including the set back top floor. The existing PH is 7m to the top of the parapet. The difference is therefore not significant when seen from Brandon Street. It is acknowledged that the building would have a wider footprint, but reference should also be made to the surrounding buildings along the rest of Brandon Street. There are 4-5 storey buildings south of the site (Harrison House and Ellis House on Browning Estate). There is also an isolated 3 storey building to the north-east of the site at 94 Brandon Street.

- 74 Therefore, although the buildings immediately opposite the site are two storeys, there are examples of taller buildings and should be taken into consideration. Whilst there is no objection to the height *per se*, the proposed design gives the building a bulky and over dominant appearance. If a building of this scale is to be approved it should respond more sympathetically to the local urban structure, space and urban grain.

Materials

- 75 Though the presence of the park may make the use of timber cladding appropriate for some parts of this building, the elevation onto Brandon Street faces a much harsher urban environment with a mix of residential, industrial and some retail buildings. Timber is not considered to be a material best suited for the Brandon Street frontage.
- 76 The street frontage has all its fenestration grouped together into four large blocks of windows, balconies and linking panelling. This creates a facade of heavy blocks that contrasts strongly with the finer grain surfaces of other buildings in the townscape.
- 77 The boundaries railing are, in themselves, acceptable in design terms, but they provide very little privacy to the bedrooms and living rooms on the ground floor. However the harm to the amenity of the occupiers is not considered to be so detrimental as to warrant refusal on this ground.
- 78 It is considered that by reason of its inappropriate design solution, specific to the site's shape, size, location and development opportunities, the scheme would not preserve or enhance the historic environment. Furthermore, it would fail to enhance the setting of the adjoining park. The principle of demolishing of the PH is acceptable as it does not enjoy any statutory protection (as with listed buildings or if it is within a Conservation Area), but it is considered that, any replacement development should be of very high quality design to be in keeping with the surrounding area and to positively contribute to the setting of the public open space. The proposal is therefore contrary to Policies 3.12 'Quality of Design' and 3.13 'Urban Design'.

Impact on character and setting of a listed building and/or conservation area

- 79 The site is not within a conservation area and is not listed. It is also not close to any nearby listed buildings. Though the building is unlisted and not in a conservation area and could be demolished without consent it can be seen as an undesignated heritage asset under the terms of PPS 5. The PH is of architectural and historic interest and contributes to the scale, character and quality of the best elements of the local townscape. Whilst there are no objections to its loss in principle, any proposal should make a more positive contribution to the setting so than this proposal to ensure that the redevelopment with a new building should not be to the detriment of the local environment.

Planning obligations (S.106 undertaking or agreement)

- 80 The scheme for 9 units falls under the threshold of 10 residential units that would normally require Section 106 financial contributions to mitigate negative impacts of development.
- 81 The proposal is a car-free development and the site is situated in a CPZ. Therefore, in order to prevent possible overspill parking from the development, the Traffic Management Order (TMO) needs to be amended to prevent any occupiers of this development being eligible for on-street parking permits. In order that the TMO can

be changed, a sum of £2,750 would need to be secured from the applicant for the costs associated with amending the TMO, either through a S106 agreement, unilateral undertaking. The applicant had submitted a unilateral undertaking, but as this application is recommended for refusal, it has not proceeded to completion stage. If consent were to be granted then a 'dual recommendation' should be imposed to secure the S106 within one month of the date of the resolution to grant consent.

Sustainable development implications

- 82 The scheme for 9 units falls under the threshold of 10 residential units to provide on-site renewable energy sources. The proposal addresses the need to provide for energy efficiency in that it would provide 9 domestic solar panels on the roof to supplement the hot water. Part of the sedum roof would also reduce surface water runoff. The proposed ground floor landscaping is detailed with porous paving to the A2 unit, timber decking and grass to the flats and thereby reducing flood risk and pollution (albeit a small improvement to the current site situation).
- 83 A car free scheme is proposed in this high PTAL area and sufficient cycle storage is provided, reducing the use of private vehicles.

Other matters

Waste storage

- 84 The proposed development provides for bin storage and recycle bins within the same enclosure as the cycle store (being separated by an internal wall). Servicing and refuse collection will be undertaken from Brandon Street. Due to site constraints no off street servicing facility's can be provided. Given the nature of the proposed development and the central location of the bin stores it is not thought there will be many service vehicle movements associated with the above application or refuse vehicles stationary in the highway for an extended period.

Flood Risk

- 85 The applicant submitted a Flood Risk Assessment. The sequential test is considered to have been met as the site is in a town centre location where mixed uses including residential are to be encouraged. The Environment Agency has not objected to the application.

Conclusion on planning issues

- 86 As discussed above, the proposed development is unacceptable. It occupies part of designated OOS land and the design does not justify this loss. Despite the specific material circumstances that may allow some form of development on this small strip of OOS land, the proposal still does not comply with Policy 3.27 in that it does not address and enhance the public open space. The scheme should be refused on these grounds. If consent were to be granted, then a number of conditions should be imposed to address detailed design including materials and boundary treatments, secure a S106 planning obligation in relation to parking permit exemption, and to secure the proposed waste and cycle storage facilities.

Community impact statement

- 87 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

14 letters of objection were received, and two petitions objecting to the scheme. The objections are summarised as follows.

- Contrary to Policy 3.27 as there will be a loss of OOS land. The design does not justify building on this space. BOL status is proposed within the Core Strategy, indicating the importance of the park.
- Loss of green space/open space as a result of encroachment on Nursery Row Park.
- The building is of a scale that does not take into account the adjacent public open space.
- The Crown Public House Team Captain (Thursday Night Darts Team run by the South East London Darts League) believes that the PH should be retained in its current use for its convenient location (accompanied by a petition). No demonstration from the Applicant relating to the pub's viability and therefore its loss.
- Demolition of building runs against principles of PPS5 – the pub meets many of the criteria for being of heritage interest. The pub has architectural, design and artistic interest that should be retained. It is also considered a beautiful 'London style' pub of historic interest.
- Proposed development out of proportion with the existing architecture of the street. The proposed building will dominate and overlook the two storey terraced houses opposite with balconies at the front – affecting quiet enjoyment and result in the loss of amenities to all residents living opposite.
- Proposed development will not enhance or preserve the character or vitality of the area.
- The development is too tall to fit in with the character of the street.
- The trees in the park presently overhang the proposed development. The development will mean the removal of espalier pear trees that were planted by the local community with CGS money.
- The height of the building would diminish the amount of direct daylight the meadow (to east of the site) gets – negatively impacting on the wildflower garden.
- Applicant has not submitted a tree survey.
- No account has been taken of the effects of the adjoining parkland and the community orchard. The park is to be designated a local SINC. Bats are often seen in the evening and at the very least, a full bat survey should be undertaken.
- No reference to means of supporting biodiversity.

- The density is too high, further aggravated by the fact that the proposal offers no significant environmental or improvements to the area (below the S106 threshold).
- The land that formerly formed Eltham Street remains public highway – the development has not presented any evidence to demonstrate ownership.
- The proposed rear boundary treatment (steel tubes) is translucent and is unacceptable and would adversely affect the park. The development footprint should exist within its boundaries. Balconies proposed at front or rear is unacceptable.

No indication as to how construction can be achieved within the boundaries of the site and no use of the park

Human rights implications

- 90 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.
- 91 This application has the legitimate aim of providing commercial and residential 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1090-115 Application file: 10-AP-1507 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5460 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice Head of Development Management	
Report Author	Wing Lau	
Version		
Dated		
Key Decision		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance		
Strategic Director of Regeneration and Neighbourhoods		
Strategic Director of Environment and Housing		
Date final report sent to Constitutional / Community Council / Scrutiny Team		

APPENDIX 1

Consultation undertaken**Site notice date:** 29.06.10 and subsequently 06.08.10**Press notice date:** 05.08.10**Case officer site visit date:** 29.06.10**Neighbour consultation letters sent:** 22.06.10 and reconsultation 03.08.10**Internal services consulted:**

Design and Conservation
 Transport Planning
 Planning Policy
 Parks
 Tree Officer
 Ecology Officer
 Metropolitan Police

Statutory and non-statutory organisations consulted:

Environment Agency

Neighbours and local groups consulted:

1 TOWNLEY STREET LONDON SE17 1DZ
 32 ORB STREET LONDON SE17 1LG
 34 ORB STREET LONDON SE17 1LG
 36 ORB STREET LONDON SE17 1LG
 78-82 BRANDON STREET LONDON SE17 1ND
 26 BROWNING STREET LONDON SE17 1LU
 30 BROWNING STREET LONDON SE17 1LU
 86 BRANDON STREET LONDON SE17 1ND
 44 CHARLESTON STREET LONDON SE17 1NF
 12 ORB STREET LONDON SE17 1EW
 16 ORB STREET LONDON SE17 1EW
 102 BRANDON STREET LONDON SE17 1AL
 104 BRANDON STREET LONDON SE17 1AL
 108 BRANDON STREET LONDON SE17 1AL
 112 BRANDON STREET LONDON SE17 1AL
 94 BRANDON STREET LONDON SE17 1AL
 108A BRANDON STREET LONDON SE17 1AL
 FIRST FLOOR AND SECOND FLOOR FLAT 40 CHARLESTON STREET LONDON SE17 1NF
 BLOCK H FLAT 2 PEABODY ESTATE RODNEY ROAD LONDON SE17 1BN
 FLAT 18 HARRISON HOUSE BROWNING ESTATE BRANDON STREET LONDON SE17 1EE
 FLAT 2 HARRISON HOUSE BROWNING ESTATE BRANDON STREET LONDON SE17 1EE
 BLOCK H FLAT 11 PEABODY ESTATE RODNEY ROAD LONDON SE17 1BN
 BLOCK H FLAT 14 PEABODY ESTATE RODNEY ROAD LONDON SE17 1BN
 36 NICHOLSON HOUSE BROWNING ESTATE BRANDON STREET LONDON SE17 1ED
 BLOCK J FLAT 13 PEABODY ESTATE RODNEY ROAD LONDON SE17 1BW
 BLOCK J FLAT 15 PEABODY ESTATE RODNEY ROAD LONDON SE17 1BW
 31 NICHOLSON HOUSE BROWNING ESTATE BRANDON STREET LONDON SE17 1ED
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26A BROWNING STREET LONDON SE17 1LN
LIVING ACCOMMODATION 115 BRANDON STREET LONDON SE17 1AL

Re-consultation:

Reconsultation carried out and readvertised in the press notice as 'Departure from Development Plan' on 05.08.10. Letters sent 03.08.10.

APPENDIX 2

Consultation responses received**Internal services**

Design and Conservation - comments incorporated into the main body of the report.

Ecology Officer - There is no tree assessment included. There should be as the site is bordered by several mature plane trees which would be affected by the larger building footprint.

Recommend that there should be a buffer zone between the park and the development and this should utilise native planting. The balconies come out to the park boundary which leaves no space between the two. If something fell off a balcony it could hit a park user.

Satisfied with the findings in the bat report. There are no bat roosting in the building. But there are bats locally. Bat and swift bricks should be conditioned into this development with at least 6 of each.

The height of the building will not be as much of a factor as originally thought (which has the potential of shading the park and impact on the plants in the park).

There were original concerns about light pollution spilling from development out into the park. A condition restricting lighting to the balconies would however be sufficient.

Ideally a SUDS scheme should be included. This would divert rain water into a system that the Friends of the park could use to water the community planting areas within the park. It is noted that the SUDS scheme would however be an act of good will and compliant with Policy 3.28 that seeks ecological enhancements from developments rather than a specific requirement.

A brown roof would also enhance the building.

Parks Management - Whilst Parks management have no immediate plans to incorporate this land into Nursery Row Park it is requested that the following considerations be taken into account for the development and boundary treatment;

- A tree assessment should be conducted as the site is bordered by several mature plane trees which would be affected by the larger building footprint.
- The new building is twice as tall and much wider, this will result in shading the park and we are concerned that this will be detrimental to the plants in the park. Therefore require details of how this impact can be mitigated.
- There is some concern about light pollution from this development as the park is clearly a feature of the development with balconies facing out into the park.
- As we understand it the proposal is to replace the existing boundary wall with galvanised steel fencing to allow ground floor views into the park. We would caution that this may have a detrimental affect on the security and privacy of the new dwellings. We suggest that the developers consider introducing low - medium level planting along the park side of the boundary fence to provide screening, enhanced security and softening of the boundary.
- The bin storage should be as shown with timber walls that provide additional screening at the park side boundary.
- There should be a buffer zone between the park and the development and this should utilise native planting. The balconies appear to overhang or are very

close to the park boundary leaving little space between the two. The risk of debris falling from these structures into the park needs to be minimised.

- The application has not included a bat survey, given that it is adjacent to open space and the age of the building then a bat survey is a required.
- Bat and swift bricks should be conditioned into this development with at least 6 of each.
- Ideally a SUDS scheme should be included. This would divert rain water into a system that the Friends of the park could use to water the community planting areas within the park.
- A brown roof would also enhance the building.

Tree Officer (Urban Forester) - Both trees are within designated public open space there are no plans to raise TPOs as Parks have no desire to see them be removed. There are also no plans to permit development either side of the current building.

However, should ensure that any proposed building does take both trees into account so that they are protected .

Transport Planning - The application will not generate a significant negative impact on the performance and safety of the surrounding highway network.

This proposal is located in an area with a high TfL PTAL rating (6a) reflecting the area's high level of access to all forms of public transport.

Developments in areas with this PTAL rating are required to be car free in order to promote more sustainable transport choices, reduce congestion and pollution within Southwark, as per Strategic Policies 18 and 19.

This application is proposed as car free and, as such, is in accordance with Southwark Plan Policy 5.6. The proposal site is situated in a CPZ. Therefore, in order to prevent possible overspill parking from the development, the applicant should be informed that a planning condition will be imposed preventing any occupiers of this development being eligible for on-street parking permits. In order that the TMO can be changed, a sum of £2,750 must be secured from the applicant for the costs associated with amending the TMO, either through a S106 agreement, unilateral undertaking or Grampian condition.

Given that there are site constraints, it may be more expedient to allocate the two disabled parking bays on street. Following further discussions with Officer, the disabled parking is not required as it is not a 'Major' development.

Servicing and refuse collection will be under taken from Brandon Street. Due to site constraints no off street serving facility's can be provided. Given the nature of the proposed development and the central location of the bin stores it is not thought there will be:

- many service vehicle movements associated with the above application
- refuse vehicles stationary in the highway for an extended period

Statutory and non-statutory organisations

Environment Agency - No objections to the development.

Metropolitan Police Design Advisor - There are no references to adhering to the principles of Secured by Design in the Design and Access Statement.

The Victorian Society - (not a statutory consultee) Object to the demolition of the

Crown PH. It is an attractive Victorian pub, originally owned by the Shoreditch based Wenlock Brewery Company (WBC). The WBC had a small number of pubs, very few of which retain their original tiling and signage. The Crown makes a positive contribution to the character and appearance of the area; it is in keeping with the scale, materials and character of the terraced houses opposite, it is an attractive landmark on the street and it has community value as a historic local pub. As the pub is a building of good local character which makes positive contribution to the environment it should be treated as a non-designated heritage asset by the Council, in accordance with PPS5 - it should be a material consideration. The Council should also consider Southwark Plan Policy 3.15 - by demolishing the historic pub the proposals fail to protect or enhance Southwark's historic environment. If the building is no longer viable as a pub it could be adapted and converted to a new use. Recommend refusal.

Neighbours and local groups

13 letters of objection were received, and two petitions objecting to the scheme. These are summarised as follows.

One letter of objection from occupier at 8 Harrison House, Brandon Street with the following concerns: The area is already densely populated and it would be undesirable to lose any more of green space as a result of encroachment on Nursery Row Park.

One letter of objection from occupier at 102 Brandon Street with the following concerns: The demolition of the building runs against the principles of PPS5, the existing pub meets the many of the criteria for being of heritage interest and therefore demolition should not be approved; would like to understand what assessment of the heritage value of the building has been undertaken.

Another letter from occupier at 102 Brandon Street with the following concerns: The development involves knocking down one of Walworth's finer pubs; the tiling is rare in London; should protect what few 'gems' there are; no evidence to indicate that the locals would be pleased to see the pub go; proposed development is out of proportion with the existing architecture of the street; the nearest buildings are the two storey terraced houses opposite and the proposed building will dominate and overlook these with balconies at the front overlooking bedrooms - affecting quiet enjoyment and result in the loss of amenities to all residents living opposite; there are no buildings of similar size; development will not preserve or enhance the character or vitality of the area; trees in the park presently overhang proposed development and it may mean the removal of espalier pear trees that were planted by the local community.

One letter of objection from occupier at 85c Balfour Street with the following concerns: the building is of listable quality and in an area which has lost many heritage assets; the new design is unsympathetic to the parkland and Victorian terrace surrounds; proposed footprint is too big and encroaches on land designated as public open space; building is too big - taking no account of adjacent public open space and nearby trees; no account has been taken of the effects of adjoining parkland the community orchard; the park is to be designated a local SINIC; a full set of bat survey should be done.

One letter of objection from occupier at 114 Brandon Street with the following concerns: Although there will be 4 and 5 storey buildings in the neighbouring area, there are traditional 2 storey terrace houses adjacent which will be crowded and shadowed by this development; encroaches to the very edge of the proposed site and will probably affect the trees in the surrounding park; the Eltham Street section of land is classified as Other Open Space in Southwark Plan and the design does not justify building on this space; roof terrace in this area will affect local residents and inappropriate directly opposite a terrace of houses.

One letter of objection from occupier at 12 Newbolt House, Brandon Street with the

following concerns: The ownership of the service road which is incorporated in the building plans is not owned by the development; this small service road is part of the Highway with use for deliveries to the PH and does not belong to the PH owners; question over when the piece of Highway land was sold and the price; development would affect trees that are growing close to the boundary; The Council rejected its own plans for more new housing in favour of the park and retaining this green space and the development would contradict this; whilst opposing this development, not opposed to something smaller on the footprint of the PH, outside of the part of the Highway and in keeping with the green space and with less housing.

A second letter of objection from occupier at 12 Newbolt House, Brandon Street following reconsultation of the application stating: that there are no new changes to the plans and no Departure Plan from the original; part of the service road still part of the highway; land designated as OOS.

One letter of objection from People's Republic of Southwark with the following concerns: The scale and size are inappropriate and would have a negative impact on the existing wildlife and plants; there are a number of trees very close to the boundaries of the development; its height would greatly diminish the amount of direct daylight the meadow gets; it would negatively impact the wildflower garden to the north; its density is unacceptably high, which is further aggravated by the fact that the proposal offers no significant environmental or other improvements to the area, falling short of the S106 contribution threshold; its height is incongruous with the surrounding buildings which are up to two storeys high; the amount of daylight on Brandon Street would also be affected; it would be against the PPS3 guidance on building on the whole curtilage of the site.

Two letters of objection from Friends of Nursery Row Park with the following concerns: The proposed footprint is too big and encroaches on land designated as Other Open space and is inconsistent with PPS3; it will have adverse impacts on Nursery Row Park - including adjacent trees, planting and the feeling of openness of the park; loss of amenity for local resident user of the park and residents of the terrace opposite; existing building makes a unique contribution to local character and should be retained.

The replacement building designed to squeeze the absolute maximum out of both the footprint of the building, to build on the adjacent garden and the remaining entrance to Eltham Street - resulting in an absurd proposal out of keeping with the terrace opposite and the park; Eltham Street is classified as OOS and is currently expected to be reclassified as BOL and a SINC under the forthcoming Core Strategy - there is general presumption against development on such land. Development is contrary to Policy 3.27 'Other Open Space'.

Development is 4 storeys in height and of stark design which has no visual relevance to the two storey Victorian terrace opposite; scale of the building should at a maximum mirror the terrace opposite; no reference to other means of supporting biodiversity; land formerly Eltham Street remains public highway and developer has presented no evidence that he owns the site or that it no longer remains public highway; without owning this freehold the development has no right to develop the site beyond the Crown Pub building boundary.

The wildflower area and 4 espalier pear trees will be destroyed by the proposals.

Existing boundary wall presents no windows to the park and allows fruit trees to be grow against them. The boundary fence is translucent - as a way of letting in light to the ground floor flats - entirely unacceptable. In effect it is assuming that existing park space is also something a developer can sell as 'semi-private' space; balconies at front and rear almost to the exterior boundary would be dangerous should objects fall off on member of the public; overlooking from first floor bedrooms.

No indication how construction can be achieved given the extent of the floor plan - should not allow public open space land for access or storage.

Developer has not submitted evidence to demonstrate the viability of the pub and therefore demolition of a historic and valuable building. Also concerned over the use of the proposed office space and whether this would be occupied.

One letter of objection from occupier at 106 Brandon Street with the following concerns: The development at 4 storeys would be too tall to fit in with the character of the street; the pub is of historical interest and should not be pulled down; possibly convert the existing building into flats/restaurant instead of being pulled down.

One letter of objection from Southwark Friends of the Earth with the following concerns: The application is incorrect in their description of the site, the applicants maintain that there are no adjacent overhanging trees - but there are on either side of the site and are likely to be felled or damaged; a modern 4 storey block of flats would be out of character and place at this location; extra storeys would have adverse effect on light levels for the buildings across the road and that the design is of an inferior quality; present PH blends in with the local streetscape and is a landmark building; Council should seek a development that will retain the shell of the building; application will include OOS, taking up part of Nursery Row Park; Council should refuse permission on the grounds of overdevelopment, height, design and layout and the non-disclosure of the trees.

One letter of objection from the Chair of the Campaign for Real Ale's (CAMRA) London Pubs Group with the following concerns: Loss of amenity - pubs provide a focus for the community and can still be viable; loss of a building of merit - makes a positive contribution to the townscape and retains its Wenlock Brewery livery.

loss of amenity and loss of a building of merit.

One petition with 37 signatures submitted by the Crown Public House Team Captain (Thursday Night Darts Team run by the South East London Darts League) believes that the PH should be retained in its current use for its convenient location (accompanied by a petition). No demonstration relating to the pub's viability and therefore its loss.

One petition with 63 signatures submitted objecting to the proposal.

One letter of support from the tenant of The Crown Pub, Brandon Street stating that it is difficult to compete in the current climate and the local competition.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr S. Kelly Terramek Ltd	Reg. Number 10-AP-1507
Application Type	Full Planning Permission	
Recommendation	Refuse permission	Case Number TP/1090-115

Draft of Decision Notice

Planning Permission was REFUSED for the following development:

Demolition of the existing public house and the erection of a three part four storey mixed use residential development with 9 flats (1 x one bed, 7 x two bed and 1 x three bed) and an office (use class A2 financial/professional services) on part ground and basement floors.

At: 115 BRANDON STREET, LONDON, SE17 1AL

In accordance with application received on 29/05/2010 08:00:51

and Applicant's Drawing Nos. 126 P 01, 126 P 02, 126 P 03, 126 P 04, 126 P 05, 126 P 06, 126 P 07, 126 P 08, 126 P 09, 126 P 10 A, 126 P 11, 126 P 12, 126 P 13, 126 P 14, 126 P 15, 126 P 16

Letter with title details.

Design and access and planning statement

Transport assessment May 2010

Flood Risk Assessment Ref 1433 dated May 2010

Draft Unilateral Undertaking

Reason for refusal:

- 1 The proposed development by reason of its poor design on this part of the designated 'Other Open Space' land fails to positively contribute to the setting and quality of the adjoining Nursery Row Park and in this regard would have a harmful impact on the amenity of the local area or the amenities of users of this open space, contrary to Policy 3.27 Other Open Space of The Southwark Plan 2007.

- 2 The proposed development by reason of its poorly detailed design, its scale, bulk and massing, and materials, would not be in keeping with the character and appearance of the surrounding context and in this regard the scheme would appear incongruous in this part of the townscape and would negatively impact on the setting and quality of the adjoining Nursery Row Park, contrary to Policies 3.11 Efficient use of land, 3.12 Quality of Design, 3.13 Urban Design and 3.27 Other Open Space of The Southwark Plan 2007.

MEMBERS & EXTERNAL DISTRIBUTION LIST MUNICIPAL YEAR 2010-2011
WALWORTH COMMUNITY COUNCIL

Note: Original held by Constitutional Team (Community Councils)
(Tel: 020 7525 7385)

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Councillor Martin Seaton (Chair)	1	Geoffrey Banister	1
Councillor Neil Coyle (Vice-Chair)	1	Ground Floor	
Councillor Catherine Bowman	1	160 Tooley Street	
Councillor Patrick Diamond	1		
Councillor Dan Garfield	1		
Councillor Lorraine Lauder MBE	1		
Councillor Darren Merrill	1		
Councillor Abdul Mohammed	1	Borough Commander	1
Councillor Helen Morrissey	1	Southwark Police Station 323 Borough High Street London SE1 1JL	
Other Members			
Councillor Lisa Rajan	1		
		Trade Unions	
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		One Stop Shop Walworth 151 Walworth Road London, SE17 1 RY	1
Members of Parliament			
Harriet Harman M.P.	1		
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Valerie Shawcross	1	Total	45
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London SE17 2AA			
Constitutional Officer (Community Councils) (at CLG, Tooley Street – Second Floor – Hub 4)	15		