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Item No. 7.1	Classification: Open	Date: 19 October 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 21/AP/4199 for: Planning Permission Address: INDIA HOUSE 45 CURLEW STREET LONDON SOUTHWARK SE1 2ND Proposal: Construction of a new roof terrace to serve the existing offices with privacy screening, composite decking and terraced seating, external balustrade and lighting.		
Ward(s) or groups affected:	North Bermondsey		
From:			
Application Start Date	29/11/2021	Application Expiry Date	23/01/2022
Earliest Decision Date	11/08/2022		

RECOMMENDATIONS

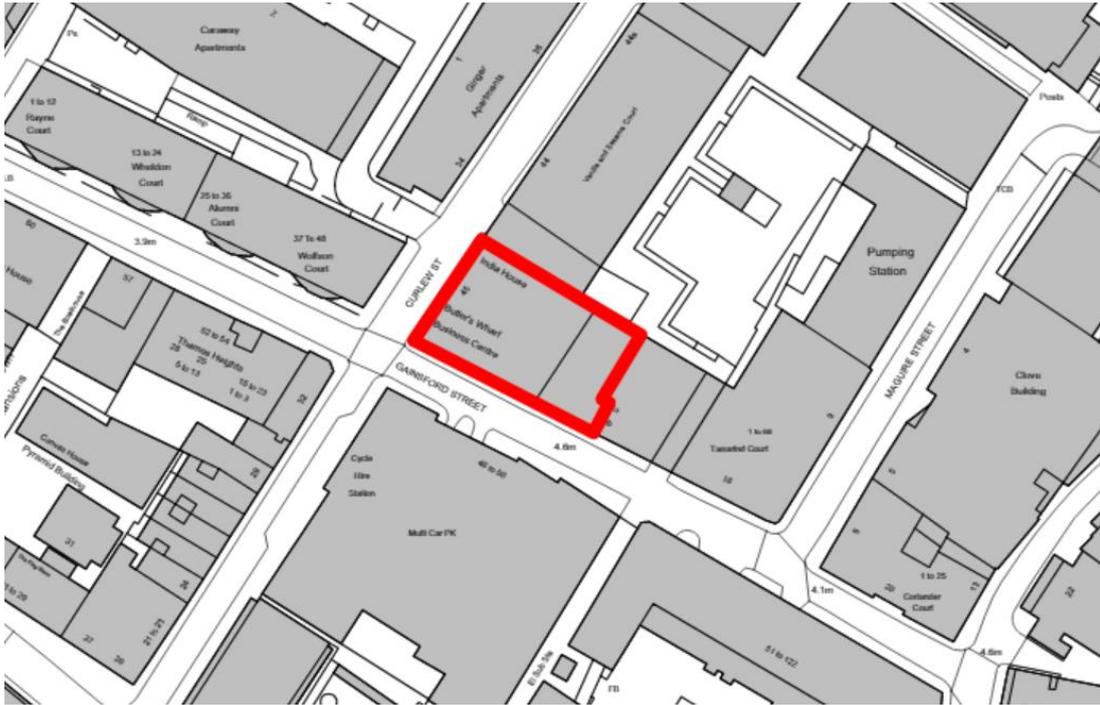
1. That planning permission be granted subject to the conditions as set out in the report.

BACKGROUND INFORMATION

Site location and description

2. The application site refers to India House, a modern six storey office building (Class E(c)) located on the corner of Curlew Street and Gainsford Street in the centre of Butler's Wharf. The site adjoins Vanilla and Sesame Court to the north-east and Tamarind Court to the south-west, two former warehouse buildings converted into apartment blocks. Vanilla and Sesame Court has commercial uses and a nursery on the ground floor.

Site location plan



3. The surrounding area is predominantly residential in terms of land use, comprising four to six storey apartment blocks, however there is a multi-storey car park located on the opposite side of Gainsford Street and a number of commercial uses at ground floor level on the surrounding streets, though these tend to be more greatly concentrated around Shad Thames and Queen Elizabeth Street. Clove Building on Maguire Street to the east of the site is a six storey modern office building of a similar character to the application site, and there is an application for the construction of a roof terrace at this site currently under consideration (ref. 21/AP/3131).

4. *Photograph of existing building from Curlew Street*



5. The site is subject to the following designations:

- Air Quality Management Area
- Bankside, Borough, London Bridge Strategic Cultural Areas
- Bermondsey Controlled Parking Zone
- Blackheath Point to St Paul's Cathedral Panorama
- Borough, Bermondsey and Rivers Archaeological Priority Zone
- Central Activities Zone
- Flood Zone 3 and area benefitting from defences
- Primrose Hill Panorama
- Smoke Control Zone
- Thames Policy Area
- Urban Density Zone

6. The site is not listed, however it is located within the Tower Bridge Conservation Area. There are also a number of Grade II listed buildings within the surrounding area, north towards Butler's Wharf Pier and south towards St Saviour's Dock, including:

- Butler's Wharf Building
- Eagle Wharf
- The Cardomon Building
- Wheat Wharf

- Anise Warehouse
- 22 Shad Thames
- Java Wharf
- Crown Wharf
- St Andrew's Wharf "A" and "B" Warehouses
- St Saviour's Warehouse
- Butler's Grinders and Operators Warehouse
- The Circle

7. *Map of nearby Grade II listed buildings*



Details of proposal

8. The proposal is for the construction of a landscaped roof terrace to provide outdoor amenity space for the existing office accommodation (Class E(c)). The roof terrace would be divided into two parts, with a larger 'communal' terrace serving the whole of the building and a smaller 'private' terrace serving the fifth floor only.
9. The roof terrace would have timber decking and tiered seating with integrated planters formed along the existing pitched roof closest to the south-western elevation of the building. It would also incorporate slatted and solid timber screens throughout to divide the two terraced areas and for privacy purposes. Low level downlighters would be mounted to the inside face of the perimeter wall and new horizontal guardrails would be fitted to the existing balustrade for safety purposes.

Consultation responses from members of the public and local groups

10. Summarised below are the material planning consideration raised by members of the public.
11. 34 objection comments have been received relating to the following matters:
12. Design quality and impact on heritage assets and views
 - Over-development
 - Out of keeping/scale with warehouse conversions
 - Harmful impact on historic character of conservation area, skyline and local views
 - Additional height and massing would increase existing sense of massing and overbearing buildings, reducing light and views of the sky
 - Noise would disturb the quiet ambience
13. Neighbouring amenity impacts
 - Inappropriate in predominantly residential area
 - No other office block with roof terrace overlooking flats in Shad Thames
 - Noise nuisance and disturbance during construction and when operational
 - Poor quality Noise Impact Assessment/report
 - Light pollution
 - Loss of privacy/overlooking
 - Loss of light/overshadowing
 - Heightened sense of enclosure within courtyard
 - Conditions restricting music, alcohol, access and hours of use requested
 - Additional screens and protection for privacy and noise requested
14. Transport/highway impacts
 - Increase in the number of vehicles on the roads
 - Construction work ruining streets as pavements/spaces are not restored
15. Consultation
 - No street notices or notification of neighbouring residential properties/limited consultation undertaken
 - Extension to public consultation period requested
16. Safety and security
 - Security risk to adjoining properties with balconies at roof level

- Loose garden furniture would present a risk to public safety
- Smoking would be a fire hazard/increase fire risk of adjoining properties

17. Other

- Insufficient information on use and relationship with adjacent buildings
- Unnecessary development as more people working from home and there are other open public spaces nearby
- Concern over how the hours of operation would be controlled and the roof terrace being rented out to third parties for events
- Harmful precedent for future developments

18. 1 support comment has been received relating to the following matters:

- Progressive development/will enhance vibrancy of area

19. These matters are addressed comprehensively in the relevant parts of this report, however smoking is not a material planning consideration (though fire safety will be addressed in the report) and the sale of alcohol is a licensing matter. Any breaches of planning conditions would be dealt with by planning enforcement.

Planning history of the site, and adjoining or nearby sites

20. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. A fuller history of decisions relating to this site, and other nearby sites, is provided in Appendix 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

21. The main issues to be considered in respect of this application are:

- Principle of the proposed development in terms of land use
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Design quality and impact on heritage assets and views
- Transport and highways impacts
- Fire safety
- Other matters
- Consultation responses, and how the application addresses the concerns raised
- Community impact and equalities assessment and
- Human rights.

22. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

23. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
24. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

25. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

26. There are no land use issues associated with the proposal, which seeks to construct a roof terrace to serve the existing offices (Class E(c)). It is outlined that parts of the building are currently vacant and the roof terrace would enhance the quality of the existing office space, facilitating the successful re-occupation of the floorspace and providing outdoor amenity space to improve staff well-being within the workplace.
27. The proposal is therefore supported in principle, provided it does not have an adverse impact on the amenity of any adjoining or nearby occupiers or uses, and is of a high standard of design, preserving the character and appearance of the surrounding Tower Bridge Conservation Area and the wider setting of nearby Grade II listed buildings.

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

Privacy

28. The proposal seeks to construct a roof terrace to serve the existing offices. Permission was originally sought for a larger roof terrace, which included areas of tiered seating along both existing mono-pitched roofs, however following concerns raised by officers regarding the impact on the privacy of the adjoining residential blocks, the roof terrace was reduced in size to provide a greater set back from Vanilla and Sesame Court to the north-east and privacy screening with planters was incorporated along the tiered seating area and around the smaller roof terrace, including along the south-eastern edge adjacent to Tamarind Court.
29. It is acknowledged that contributors have raised concerns regarding a loss of privacy, however it is not considered that the revised proposal would have an adverse impact on the privacy of any adjoining or nearby occupiers. In terms of the larger of the two terraces, the privacy screening above the tiered seating would measure approximately 1.89m in height from the highest tier, which would predominantly screen views of the balconies serving Vanilla and Sesame Court to the north-east, and the other apartment blocks beyond fronting the courtyard. Views from the tiered seating area towards the balconies serving Tamarind Court would also be significantly restricted by the screening at terrace floor level, but also the oblique angle, as the pitched roof is set further back from the edge of the roof than the adjacent balconies and therefore, would sit slightly behind them, with views limited by the flank wall of Tamarind Court. Further, the primary views from the tiered seating area and roof terrace as a whole would be towards the car park located on the opposite side of Gainsford Street, and the buildings beyond.
30. The smaller of the two roof terraces would be set back approximately 7.1m from the north-eastern edge of the roof and would have a 2.1m high surround for privacy. As such, it would not overlook the courtyard nor the buildings fronting it. It is likely that there would be some visibility of the higher level balconies to the rear of Vanilla and Sesame Court, however the set back and privacy screening, coupled with the change in elevations (with the balconies being at a higher level), would mitigate any detrimental loss of privacy. As above, the primary views would also be in the opposite direction towards Gainsford Street, where screening is not proposed. A privacy screen measuring 2.2m in height would also be erected along the south-eastern edge of the roof terrace, between the access door and the adjoining balconies serving Tamarind Court, to protect the privacy of these occupiers.
31. The closest residential building directly facing the site is Wolfson Court (LSE student accommodation), located on the opposite side of Curlew Street. The roof terrace would be separated approximately 11m from the flank wall of this building, which is slightly under the 12m minimum separation distance set out in the 2015 Technical Update to the Residential Design Standards SPD (2011) for windows fronting a highway. However, there are not many windows on this elevation of Wolfson Court and there is an existing relationship of mutual overlooking between the facing windows of these two buildings. As such, it is not considered that the roof terrace would have a detrimental impact on the privacy of these occupiers.
32. The residential buildings located diagonally across from the site on Curlew Street and Gainsford Street, including no. 32 Curlew Street, Thames Heights,

Ginger Apartments and Butler's and Colonial Wharf, would all be located at least 12m away, complying with the minimum requirement set out in the 2015 Technical Update to the Residential Design Standards SPD (2011) for windows fronting a highway. The proposal would therefore not harm the privacy of these occupiers, with any views being similar to the existing windows.

Daylight and sunlight

33. The proposed roof terrace is not considered to be of such a scale that would subject the adjoining and neighbouring buildings to a detrimental loss of daylight or sunlight. The main bulk and massing comprises the privacy screening and planters above the tiered seating, which would only be approximately 1.38m higher than the ridge of the existing pitched roof and would be set back a considerable distance from all edges of the roof, including 13m from the balconies serving Vanilla and Sesame Court to the north-east. The screening at decking level would also height and mass, however it would not be a dissimilar height to the existing pitched roofs and acoustic screening surrounding the mechanical plant, and again would be predominantly set back from the perimeter of the roof. Therefore, whilst it is anticipated that there would be some additional shading towards the surrounding buildings, this would not be to a significantly greater degree than the existing building.
34. It is acknowledged that the privacy screen to the south-eastern edge of the roof would be located directly adjacent to the neighbouring balcony at Tamarind Court. However, whilst this screen would be fairly tall, measuring approximately 2.2m in height, it is not particularly deep and is unlikely to significantly overshadow this balcony given it's siting to the south-east of the site.

Openness and outlook

35. For similar reasoning to the above, the proposed roof terrace is not considered to be overbearing or unduly enclosing towards any adjoining or neighbouring buildings, or the courtyard to the rear, given the scale and siting of the privacy screens and planters, which are predominantly set back from the edges of the roof. As noted above, the 2.2m high privacy screen to the south-eastern edge of the roof would not be set back from the immediately neighbouring balcony at Tamarind Court, however it is limited in depth and therefore would not give rise to a harmful sense of enclosure.
36. In terms of outlook, there are no balconies or windows/doors at the adjoining buildings directly facing the site. The primary outlook from the balconies to the rear of Vanilla and Sesame Court towards the Shad Thames Pumping Station and Tamarind Court on the opposite side of the courtyard would not be impeded by the proposal. Similarly, outlook from the balconies to the front of Tamarind Court towards the car park and Butler's & Colonial Wharf would not be materially impacted.

Noise disturbance

37. It is acknowledged that contributors have raised significant concerns regarding noise disturbance from the proposed roof terrace given the proximity to

residential buildings. The roof terrace would be used in connection with the existing offices and would be able to accommodate up to 120 people. The applicant has submitted a Noise Impact Assessment Report prepared by KP Acoustics, which concludes that a slight (3.2dB) increase in noise levels may be experienced by residents nearby to the roof terrace, which is considered to be the minimum perceptible change (see table below).

Table from Noise Impact Assessment Report

Importance/Sensitivity of receptor	Magnitude /Scale of change
Very substantial	Greater than 10 dB L_{Aeq} change in sound level perceived at a receptor of great sensitivity to noise
Substantial	Greater than 5 dB L_{Aeq} change in sound level at a noise-sensitive receptor, or a 5 to 9.9 dB L_{Aeq} change in sound level at a receptor of great sensitivity to noise
Moderate	A 3 to 4.9 dB L_{Aeq} change in sound level at a sensitive or highly sensitive noise receptor, or a greater than 5 dB L_{Aeq} change in sound level at a receptor of some sensitivity
Slight	A 3 to 4.9 dB L_{Aeq} change in sound level at a receptor of some sensitivity
None/Not Significant	Less than 2.9 dB L_{Aeq} change in sound level and/or all receptors are of negligible sensitivity to noise or marginal to the zone of influence of the proposals

Table 4.2 Effects descriptors as recommended by IEMA Guidelines for Environmental Noise Impact Assessment (2014)

38. The report has been reviewed in consultation with the council's Environmental Protection Team, who have advised that it doesn't break down the background level for each hour, which is likely to undersell the impact at certain times, and that it doesn't consider LMAX (the maximum noise from short sounds such as laughing/shouting/banging etc.), which would give a better idea of how distinct the noise would be. However, they have advised that there is no accepted standard methodology for this type of assessment and that they consider the roof terrace to be acceptable, provided it is only used in connection with the offices and subject to conditions restricting the hours of use to no later than 20:00 on weekdays and 18:00 on weekends, so that it cannot be used when the background noise level is lower and people are more sensitive to noise.
39. In view of the above, and that balconies and roof terraces are not uncharacteristic of the surrounding area, albeit the majority are in residential use, the proposal is not anticipated to subject any adjoining or nearby

occupiers to undue noise disturbance, subject to the following conditions:

- The roof terrace shall only to be used in connection with the existing offices and shall not be let out to third parties;
 - The roof terrace shall not be used outside the hours of 8:00-19:00 on weekdays and 10:00-16:00 on Saturdays, and shall not be used at all on Sundays or bank holidays, taking into consideration the site context, with residential buildings adjoining to either sides, and shorter hours requested by contributors; and
 - No amplified or live music shall be played externally on the roof terrace.
40. It is noted that contributors also raised concerns about noise during construction. Given the scale and nature of the works, the proposal is not considered to warrant a construction environmental management plan, however an informative is recommended advising the applicant to review the council's guidance on best practice during demolition and construction.

Light pollution

41. The proposal would include low level wall mounted downlighters to the perimeter of the roof terrace, which would support evacuation in the event of a fire/emergency. In order to safeguard the amenity of adjoining and nearby occupiers against light pollution, a condition is recommended requiring the external lighting to be switched off when the roof terrace is not operational.

Design quality and impact on heritage assets and views

42. The application site refers to India House, a modern six storey office building located on the corner of Curlew Street and Gainsford Street in the centre of Butler's Wharf. The building is not listed, however it is located within the Tower Bridge Conservation Area and within the vicinity of a number of Grade II listed buildings. Whilst the building is modern, it conforms to the scale and fenestration pattern of the surrounding former warehouse buildings and fronts the street in the manner of one. There is good cohesion between the wider street and built form.
43. It is acknowledged that contributors have raised significant concerns regarding the scale and massing of the roof terrace, and its impact on the historic character of the surrounding conservation area, including local views and ambiance. However, the main massing of the proposal comprises the tiered seating and privacy screening, which would be sufficiently set back from the edge of the roof and therefore would not be visible from close views. There would be some glimpsed views along Curlew Street and Gainsford Street at a greater distance, however these would be read in context with the other parapets and roof railings in the area, plus other rooftop activity, including balconies and terraces of the surrounding buildings and the car park immediately opposite. As such, whilst there would be some visibility in the wider context, where the roof terrace would be visible, it would not appear out of keeping with its surroundings. The proposal would therefore preserve the significance of the surrounding Tower Bridge Conservation Area and the wider

setting of the nearby Grade II listed buildings.

44. The proposed materials include timber decking supported on a metal framed structure and timber planters and screens, which are considered appropriate within the context of the site and surrounding area. The additional horizontal guardrails would receive a paint spray finish. A condition is recommended requiring details of the privacy screening, including the materials, finish and spacing between the slats, to be submitted to the council for approval prior to installation.

Transport and highways impacts

45. The proposal is not anticipated to give rise to any adverse transport or highways impacts. It is noted that contributors raised concerns that the proposal would increase the number of vehicles on the roads, however the roof terrace would be used by the existing office accommodation and therefore is unlikely to generate a significant increase in traffic. Any increase vehicles accessing the site during construction work would be temporary. Concerns were also raised regarding the impact of construction work on the pavement, however vehicles would not need to drive over or park on any pavements or other pedestrian spaces in order to access the site, as it is directly accessible from the public highways of Curlew Street and Gainsford Street.

Fire safety

46. Policy D12(A) 'Fire safety' of the London Plan 2021 requires all developments to be accompanied by a planning fire safety strategy. The strategy should address the criteria set out under Policy D12(A).
47. A Fire Management Plan prepared by Ark Workplace Risk has been submitted, along with a supporting note prepared by the agents, outlining where the FMP addresses the criteria of Policy D12(A). The key information is summarised below.

Active and passive fire safety measures

48. The FMP outlines that all floors will be provided with a British Standard 5839 Part 1: Category L1 detection and alarm system. It also states that the structural elements of the building provide 60 minutes of compartmentation between the floors and the masonry elements to the staircases achieve a minimum of 30 minutes fire resistance. In relation to the roof terrace, it provides details of the timber decking specification by SHERA, which confirms that it is an A1 building material and is therefore fire resistant and does not produce smoke or droplets when exposed to fire.

Means of escape and evacuation strategy

49. The FMP outlines that the proposal would not alter the existing means of escape from the building, which is served by two protected staircase enclosures at all levels (including the roof) leading to an ultimate place of safety, i.e. Curlew Street and Gainsford Street. A simultaneous evacuation strategy will be adopted in the event of a fire, whereby on first evacuation of

the alarm, all occupiers of the building will evacuate via the escape routes outlined above. This strategy is supported by the fire alarm system and passive fire safety provisions. The designated evacuation assembly point for occupants of the building is All Bar One, located adjacent to the River.

Firefighting access and equipment

50. The FMP considers that adequate access for Fire and Rescue Service appliances is provided to the building, in terms of access to the building footprint and a suitable entrance with adequate turning circles where necessary in accordance with British Standard 9999. It also states that this is supported with a good standard of water supply available via a hydrant system in the main roadway.
51. Whilst the submitted information considered to sufficiently address the majority of the criteria of Policy D12(A), it is unclear whether a fire sounder would be installed on the roof terrace to alert occupiers in the event of a fire. No details have also been provided to confirm whether the timber privacy screens would be fire resistant. Conditions are therefore proposed requiring details of the fire sounder and the screening to be submitted to the council for approval in the interest of fire safety.

Other matters

Safety and security

52. It is acknowledged that contributors raised concerns that the proposal would present a security risk to Vanilla and Sesame Court and Tamarind Court, which have balconies adjoining the site at roof level. However, the proposed roof terrace would be separated from these buildings by privacy screening measuring approximately 2.1-2.2m in height (varies in different locations), which would prevent those using the roof terrace from accessing, or unduly overlooking, the adjoining balconies.
53. Concerns were also raised that the loose garden furniture on the roof terrace would present a risk to public safety. A condition is therefore recommended requiring details of how the furniture would be secured in place or stored to be submitted to the Council for approval prior to installation.

Consultation

54. A number of contributors have also raised concerns about the consultation process, including the extent of consultation and the length of the consultation period. Two site notices were displayed outside the site on the 03/12/2021, however following concerns raised by local residents regarding consultation, consultation letters were posted to the two adjoining buildings, Vanilla and Sesame Court and Tamarind Court, to notify these occupiers of the proposed development and provide an opportunity to submit comments. A further two site notices were also displayed outside the site on the 21/07/2022 to publicise the development. The consultation undertaken is considered to be proportionate to the scale of development and to adhere to the requirements of the council's statement of community involvement.

55. It is acknowledged that the planning register was unavailable for a number of days during the consultation period, and therefore the consultation period was extended by 10 days (expiry of 21/08/2022) to ensure that members of the public were given sufficient time to submit comments, as requested.

Insufficient/missing information

56. It is acknowledged that concerns have been raised about information missing from the application including on the use of the roof terrace and its justification, however it is considered that this information is sufficiently covered within the application covering letter and the design and access statement. A contributor has also raised concerns that the submitted plans do not show the close proximity to the adjacent buildings, however the immediately adjoining buildings have been included on the roof plan and a number of the sectional/elevational drawings. A site visit was also undertaken to view the existing relationship with the adjoining buildings at roof level.

Unnecessary development and over-development

57. The proposed development is not considered to be unnecessary. As addressed in the relevant preceding sections of this report, it would enhance the quality of the existing office accommodation and promote well-being within the workplace, which is supported. It is also not considered to constitute 'over-development' as it would be ancillary to the offices and is considered to be an appropriate addition to the building in terms of its scale, massing and visual impact.

Consultation responses from internal and divisional consultees

58. Summarised below are the material planning considerations raised by internal and divisional consultees.

59. Environmental Protection Team (initial comments):

- No objections to the proposal. Roof terrace quite substantial and risk of it becoming an events space. To restrict this and protect amenity, conditions are recommended including restricting hours of use to 07:00 - 20:00 Monday to Friday and 09:00 - 18:00 on Saturdays. Standard plant noise condition recommended and external lighting condition recommended requiring the lighting to comply with the Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.

Officer response: Comments noted. Informed EPT that no plant equipment is proposed under this application and agreed that the standard plant noise condition is therefore not required. The external lighting condition recommended by EPT is not sufficiently precise and therefore could prove difficult to enforce. In lieu of this, a condition is recommended requiring the external lighting to be switched off when the roof terrace is not operational.

60. Environmental Protection Team (additional comments on Noise Impact Assessment Report):

- Report finds that noise from terrace would be roughly the same as the existing background level so that when the 'new' noise from the terrace and the existing background are combined, the new total noise level is around +3dB, which is a slight increase (+3dB is considered the minimum perceptible change).
- Report doesn't break the background down to look at each hour, which is likely to undersell the impact at certain times, and it does not consider LMAX (the maximum noise from short sounds such as laughing/shouting/banging etc.), which would give a better idea of how distinct the noise would be. It does suggest people on the terrace would be audible at the receptor locations.
- No accepted standard methodology for this type of assessment so they are always only indicative at assessing the level of impact. Does not change view that the roof terrace is acceptable provided it remains as an office (i.e. not an entertainment or events use where alcohol may be involved) and subject to restrictions on the hours of use so it cannot be used when the background level is lower and people are more sensitive to noise.

Officer response: Comments noted.

61. Design and Conservation Team:

- No objections to the proposal. There would be glimpsed views along Gainsford Street in wider view, but would not be out of context with the surrounding area. Proposal would therefore preserve the significance of the Tower Bridge Conservation Area in accordance with national and local design and conservation policies.

Officer response: Comments noted.

Consultation responses from external consultees

62. No consultation was carried out with external consultees.

Community impact and equalities assessment

63. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
64. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
65. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of

the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
66. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
67. It is against this background that it is assessed that this application has the legitimate aim of providing a new outdoor amenity space for the office users of the application site. The rights potentially engaged by this application as listed and assessed above, 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.

Human rights implications

68. 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.
69. This application has the legitimate aim of providing a landscaped roof terrace ancillary to the existing office accommodation. 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.

Positive and proactive statement

70. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
71. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO

CONCLUSION

72. The proposed development would enhance the quality of the existing office accommodation and promote well-being within the workplace. It would give rise to an acceptable level of impact towards adjoining and neighbouring occupiers, and would respond appropriately to the site context in terms of its scale, massing and materials, preserving the character and appearance of the surrounding Tower Bridge Conservation Area, including the wider setting of nearby Grade II listed buildings.
73. It is therefore commended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation
Appendix 2	Relevant planning policy
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Louise Dinsdale, Graduate Planner	
Version	Final	
Dated	4 October 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		6 October 2022

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	UBS REAL ESTATE GMBH(D) COE	Reg. Number	21/AP/4199
Application Type	Minor application	Case Number	208-45
Recommendation	GRANT permission		

Draft of Decision Notice

planning permission is **GRANTED** for the following development:

Construction of a new roof terrace to serve the existing offices with privacy screening, composite decking and terraced seating, external balustrade and lighting.

India House 45 Curlew Street London Southwark

In accordance with application received on 26 November 2021 and Applicant's Drawing Nos.:

SITE LOCATION PLAN 1137-P100-0 received 26/11/2021

Existing Plans

EXISTING ROOF PLAN WITH DEMO 1137-P122-0 received 26/11/2021

EXISTING SECTIONS A-A AND B-B 1137-P210-0 received 26/11/2021

EXISTING SECTIONS A-A AND B-B WITH DEMO 1137-P220-0 received 26/11/2021

EXISTING SOUTH-WEST AND NORTH-EAST ELEVATIONS 1137-P310-0 received 26/11/2021

EXISTING NORTH-WEST ELEVATION 1137-P311-0 received 26/11/2021

EXISTING SOUTH-WEST AND NORTH-EAST ELEVATIONS WITH DEMO 1137-P320-0 received 26/11/2021

EXISTING NORTH-WEST ELEVATION WITH DEMO 1137-P321-0 received 26/11/2021

EXISTING ROOF PLAN 1137-P112-0 received 26/11/2021

Proposed Plans

PROPOSED ROOF PLAN 1137-P132-3 received 18/07/2022

PROPOSED SECTIONS A-A AND B-B 1137-P230-3 received 18/07/2022

PROPOSED SECTION C-C 1137-P231-1 received 18/07/2022

PROPOSED SECTION D-D 1137-P232-1 received 18/07/2022

PROPOSED SOUTH-WEST AND NORTH-EAST ELEVATIONS 1137-P330-2 received 18/07/2022

PROPOSED NORTH-WEST ELEVATION 1137-P331-2 received 18/07/2022

Other Documents

Time limit for implementing this permission and the approved plans

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Permission is subject to the following Pre-Commencements Condition(s)

3. Prior to its installation, details of the screening for the roof terrace hereby permitted, including details of the materials, finish, any necessary fire resistant treatment and elevation showing the spacing of slats, shall be submitted to the local planning authority for approval; the approved screening shall be installed before the first use of the roof terrace and maintained permanently thereafter.

Reason:

In order to protect the privacy of neighbouring occupiers and achieve high standards of fire safety in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021; Policy D4 (Delivering good design) and D12 (Fire safety) of the London Plan 2021; and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

4. Prior to the first use of the roof terrace hereby permitted, details of a fire alarm sounder shall be submitted to the local planning authority for approval; any approved system shall be installed before the first use of the roof terrace and maintained permanently thereafter, subject to agreement with Building Control.

Reason:

In order to ensure that the roof terrace achieves high standards of fire safety in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021 and Policy D12 (Fire safety) of the London Plan 2021.

5. Prior to the first use of the roof terrace hereby permitted, details of any loose or movable furniture shall be submitted to the local planning authority for approval; details should show means by which the furniture is either stored or secured in place; only furniture that has been approved shall be used on the roof terrace.

Reason:

In order to ensure that the furniture on the roof terrace does not present a risk to public safety in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021 and policies D4

(Delivering good design) and D11 (Safety, security and resilience to emergency) of the London Plan 2021.

Permission is subject to the following Compliance Condition(s)

6. MATERIALS TO BE AS SPECIFIED

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 unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

7. The roof terrace hereby permitted shall not be used outside the hours of 08:00-19:00 Monday to Friday and 10:00-16:00 Saturday. It shall not be used on Sundays and Bank Holidays. Any external lighting on the roof terrace shall be switched off outside of these hours and no amplified or live music shall be played externally on the roof terrace.

Reason:

In order to protect the amenity of nearby residential occupiers against noise nuisance and light pollution in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021; policies D4 (Delivering good design) and D14 (Noise) of the London Plan 2021; and policies P56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

8. The roof terrace hereby permitted shall not to be used for any purposes other than in connection with the existing offices.

Reason:

In order to protect the amenity of nearby residential occupiers against noise nuisance in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework 2021; policies D4 (Delivering good design) and D14 (Noise) of the London Plan 2021; and policies P56 (Protection of amenity) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

Informatives

- 1 The fire management plan/strategy covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire management plan/strategy, not planning officers who make planning decisions.
- 2 The applicant is advised to review the council's guidance on best practice during demolition and construction:

<https://www.southwark.gov.uk/environment/environmental-protection/construction>

RELEVANT PLANNING POLICY

National Planning Policy Framework (the framework)

The revised National Planning Policy Framework ('NPPF') was published on 20 July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental. Paragraph 218 states that the policies in the Framework are material considerations, which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed places
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- Policy D4 Delivering good design
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D14 Noise
- Policy E1 Offices
- Policy HC1 Heritage conservation and growth
- Policy T4 Assessing and mitigating transport impacts
- Policy T7 Deliveries, servicing and construction

Southwark Plan 2022

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- Policy P13 Design of places
- Policy P14 Design quality
- Policy P16 Designing out crime
- Policy P19 Listed buildings and structures
- Policy P20 Conservation areas
- Policy P25 River Thames
- Policy P30 Office and business development
- Policy P50 Highways impacts

- Policy P56 Protection of amenity
- Policy P66 Reducing noise pollution and enhancing soundscapes

SPDs

Of relevance in the consideration of this application are:

- Sustainable Design and Construction SPD (2008)
- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Heritage SPD (2021)

Other

- Tower Bridge Conservation Area Appraisal (2003)

RELEVANT PLANNING HISTORY

Application site

99/AP/1429	Alterations to roof to provide 3 air conditioning condensers, external water tank and acoustic screening.	Application granted 14/12/1999
00/AP/1117	Install rooftop radio based station comprising one equipment cabin with 3 favel antennae.	Application granted 05/09/2000
01/AP/0612	Construction of two storey roof extension to provide additional office space.	Application refused 02/08/2001
LBS Reg. 0200007	Construction of one additional storey roof extension.	Application granted 05/07/2002
05/AP/0924	The retention of four condenser units at roof level together with the retention of acoustic panel enclosure.	Application granted 06/12/2005
07/AP/1570	Details of the cladding materials as required by condition 2 of planning permission dated 05/07/02 LBS Reg.0200007 for construction of one additional storey roof extension.	Application granted 06/11/2007
07/AP/1924	Increase height of existing 6 metre stub tower by 2 metres in order to erect to additional antennas for telecommunications equipment.	Application refused 02/10/2007
08/AP/2951	Removal of the existing six antennas and reducing them to three new dual band dual polar antennas. The removal of three equipment cabinets and the installation of six new equipment cabinets. Swapping the existing tower for a slim line stub mast and increasing the height from 6 to 9 metres.	Application granted 23/03/2009
11/AP/3652	Rooftop telecommunications equipment installation consisting of: 3 x panel antennas, 2 x dish antennas and 2 x equipment cabinets.	Application refused 08/03/2012
13/AP/2960	Rooftop installation consisting of: 3 flagpole solutions with integrated antennas, 3 dish antennas and 1 equipment cabinet.	Application refused 18/11/2013

Clove Building, 4 Maguire Street

21/AP/3131

Construction of sixth floor and part-seventh floor extension providing office floor space (Use Class E), with landscaping, green roof and plant room at roof level including installation of sixth floor roof terrace and fifth floor infill extension with basement cycle parking, refuse storage and other associated works.

Under
consideration.

Consultation undertaken

Site notice date: 21/07/2022

Press notice date: 02/12/2021

Case officer site visit date: 25/04/2022

Neighbour consultation letters sent: 19/07/2022

Internal services consulted

Design and Conservation Team [Surgery]

Environmental Protection

Design and Conservation Team [Surgery]

Statutory and non-statutory organisations

Neighbour and local groups consulted:

50 Tamarind Court 18 Gainsford Street
London

32 Tamarind Court 18 Gainsford Street
London

15 Tamarind Court 18 Gainsford Street
London

2 Tamarind Court 18 Gainsford Street
London

16B Gainsford Street London Southwark

44 Tamarind Court 18 Gainsford Street
London

23 Tamarind Court 18 Gainsford Street
London

33 Tamarind Court 18 Gainsford Street
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38 Tamarind Court 18 Gainsford Street
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62 Tamarind Court 18 Gainsford Street
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11 Tamarind Court 18 Gainsford Street
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7 Tamarind Court 18 Gainsford Street
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4 Tamarind Court 18 Gainsford Street
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59 Tamarind Court 18 Gainsford Street
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56 Tamarind Court 18 Gainsford Street
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54 Tamarind Court 18 Gainsford Street
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51 Tamarind Court 18 Gainsford Street
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46 Tamarind Court 18 Gainsford Street
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43 Tamarind Court 18 Gainsford Street
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41 Tamarind Court 18 Gainsford Street
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25 Tamarind Court 18 Gainsford Street
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22 Tamarind Court 18 Gainsford Street
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19 Tamarind Court 18 Gainsford Street
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17 Tamarind Court 18 Gainsford Street
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14 Tamarind Court 18 Gainsford Street
London

G7 Tamarind Court 18 Maguire Street

G4 Tamarind Court 18 Maguire Street
G2 Tamarind Court 18 Maguire Street
9 Tamarind Court 18 Gainsford Street
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8 Tamarind Court 18 Gainsford Street
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61 Tamarind Court 18 Gainsford Street
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60 Tamarind Court 18 Gainsford Street
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5 Tamarind Court 18 Gainsford Street
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3 Tamarind Court 18 Gainsford Street
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1 Tamarind Court 18 Gainsford Street
London
16A Gainsford Street London Southwark
G8 Tamarind Court 18 Maguire Street
G6 Tamarind Court 18 Maguire Street
G5 Tamarind Court 18 Maguire Street
G3 Tamarind Court 18 Maguire Street
G1 Tamarind Court 18 Maguire Street
Flat 5 Vanilla And Sesame Court Curlew
Street
Flat 72 Vanilla And Sesame Court
Curlew Street
Flat 50 Vanilla And Sesame Court
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Flat 30 Vanilla And Sesame Court
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Flat 13 Vanilla And Sesame Court
Curlew Street
Flat 10 Vanilla And Sesame Court
Curlew Street
Flat 6 Vanilla And Sesame Court Curlew
Street
Flat 116 Vanilla And Sesame Court
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Flat 111 Vanilla And Sesame Court
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Flat 82 Vanilla And Sesame Court
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Flat 77 Vanilla And Sesame Court
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Flat 4 Vanilla And Sesame Court Curlew
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Flat 112 Vanilla And Sesame Court
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Flat 93 Vanilla And Sesame Court
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Flat 78 Vanilla And Sesame Court
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Flat 51 Vanilla And Sesame Court
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Flat 59 Vanilla And Sesame Court
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Flat 92 Vanilla And Sesame Court
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Flat 60 Vanilla And Sesame Court
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Flat 22 Vanilla And Sesame Court
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Flat 83 Vanilla And Sesame Court
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44A Curlew Street London Southwark
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Flat 118 Vanilla And Sesame Court
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Flat 74 Vanilla And Sesame Court
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Flat 2 Vanilla And Sesame Court Curlew
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Flat 105 Vanilla And Sesame Court
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Flat 86 Vanilla And Sesame Court
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Flat 66 Vanilla And Sesame Court
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Flat 58 Vanilla And Sesame Court
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Flat 62 Vanilla And Sesame Court
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Flat 44 Vanilla And Sesame Court
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Flat 85 Vanilla And Sesame Court
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Flat 73 Vanilla And Sesame Court
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Flat 54 Vanilla And Sesame Court
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Flat 124 Vanilla And Sesame Court
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Flat 120 Vanilla And Sesame Court
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Flat 121 Vanilla And Sesame Court
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Flat 3 Vanilla And Sesame Court Curlew
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Flat 106 Vanilla And Sesame Court
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Flat 104 Vanilla And Sesame Court
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Flat 21 Vanilla And Sesame Court
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Flat 11 Vanilla And Sesame Court
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Flat 108 Vanilla And Sesame Court
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Flat 97 Vanilla And Sesame Court
Curlew Street
Flat 95 Vanilla And Sesame Court
Curlew Street
Flat 64 Vanilla And Sesame Court
Curlew Street
Ground Floor Vanilla And Sesame Court
Curlew Street
Flat 98 Vanilla And Sesame Court
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Flat 20 Vanilla And Sesame Court
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Flat 99 Vanilla And Sesame Court
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Flat 38 Vanilla And Sesame Court
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Flat 91 Vanilla And Sesame Court
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Flat 56 Vanilla And Sesame Court
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Flat 18 Vanilla And Sesame Court
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Flat 42 Vanilla And Sesame Court
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Flat 40 Vanilla And Sesame Court
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Flat 25 Vanilla And Sesame Court
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Flat 84 Vanilla And Sesame Court
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Curlew Street
Flat 103 Vanilla And Sesame Court
Curlew Street
Flat 49 Vanilla And Sesame Court
Curlew Street
Flat 115 Vanilla And Sesame Court
Curlew Street

Re-consultation:

APPENDIX 5

Consultation responses received

Internal services

Design and Conservation Team [Surgery]
Environmental Protection
Design and Conservation Team [Surgery]

Statutory and non-statutory organisations

Neighbour and local groups consulted:

Flat 59 Tamarind Court 18 Gainsford Street London	Street London
503 Cinnamon wharf 24 Shad Thames London	76 Vanilla and Sesame Court Curlew St London
Apartment 24, Coriander Court 20 Gainsford Street London	110 Vanilla and Sesame Court 44 Curlew Street London
24 coriander court 20 gainsford street london	61, Butlers and Colonial Wharf 10, Shad Thames London
21 Wheat Wharf Apartments 27 Shad Thames London	25 Curlew Street London SE1 2ND
Flat 22 Wheat Wharf Apartments 27 Shad Thames London	706 TEA TRADE WHARF 26 SHAD THAMES LONDON
71 Vanilla and Sesame Court Curlew Street London	209 Tea Trade Wharf 26 Shad Thames London
226 Caraway Apartments 2 Cayenne Court London	715 Tea Trade Wharf London Se1 2as
Flat 6, Wheat Wharf Apartments 27 Shad Thames London	5 Southview House 19A Queen Elizabeth Street London
Flat 16 The Cooperage 6 Gainsford St London	Flat 16 Wheat Wharf Apartments 27 Shad Thames London
Studio 4 21 Three Oak Lane London	Flat 10 13 Shad Thames London
Flat 390, Tamarind Court, 18 Gainsford Street, London,	110 Vanilla and Sesame Court Curlew Street London
116 Butler's & Colonial Wharf London SE1 2PY	Flat 505, Ginger Apartments Curlew Street London
203 spice quay heights 32 Shad Thames London	13 Thames Heights 52-54 Gainsford Street London
115 Butlers and Colonial Wharf Shad Thames London	Flat 116, Vanilla and Sesame Court Curlew Street London
Flat 23 Tamarind Court 18 Gainsford street London	94 Vanilla and Sesame Court Curlew St London
Flat 14 Wheat Wharf Apartments, 27 Shad Thames London,	
Tamarind Court 18 Gainsford St London	
28 Thames Heights 52-54 Gainsford Street London	
Flat 96 Vanilla & Sesame Court Curlew	

