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| | |
|--|---|
| Meeting Name: | Planning Committee (Smaller Applications) |
| Date: | 23 October 2024 |
| Report title: | Development Management planning application: Application 24/AP/1868 for: Full Planning Application Address: 291- 299 Borough High Street, London SE1 1JG Proposal: Change of use of one ground floor retail unit and offices at upper floors (Class E) to create 47-bedroom Hotel (Class C1). |
| Ward(s) or groups affected: | Chaucer |
| Classification: | Open |
| Reason for lateness (if applicable): | Not Applicable |
| From: | Director of Planning and Growth |
| Application Start Date: 26 June 2024 | Application Expiry Date: 29 November 2024 |
| Earliest Decision Date: 24 October 2024 | |

RECOMMENDATION

1. That planning permission be granted subject to conditions and completion of **S106** Legal Agreement.
2. In the event that the requirements of paragraph 1 above are not met and the agreement has not been completed by 25 April 2025, the committee is asked to authorise the director of planning and growth to refuse permission, if appropriate, for the reason set out in paragraph 59.

BACKGROUND INFORMATION

Site location and description

3. The building is located on the east side of Borough High Street in between

Hulme Place and Trinity Street. The surrounding buildings along Borough High Street are generally mid-rise (between 4 and six storey) and are of a variety of ages and architectural styles. There is also a mix of uses, with some retail at ground floor and a mix of offices and residential accommodation to the upper floors.

4. The building is not a designated heritage asset, nor is it on the Council Locally Listed buildings. The closest listed buildings are the Grade II listed dwellings at 2 - 12 Trinity Street, as well as the Grade II listed properties which surround Trinity Church Square. The site itself does not lie within a conservation area, however it is in relatively close proximity to the Borough High Street Conservation Area (which lies approx. 90m to the north) and the Trinity Church Square conservation area (which lies approx. 75m to the South East). The rear upper levels and rear of the application site is partially visible in some views from Trinity Church Square and Trinity Street. Avon House and Britannia House (275 Borough High Street and 7 Trinity Street) adjacent to the site to the north and east are allocated within the Southwark Plan (NSP09) requiring a new east-west pedestrian and/or cycle link between Borough High Street and Swan Street, enhancing Borough High Street and Swan Street with active frontages and providing residential floorspace.
5. The site is subject to the following designations:
 - *Bankside and the Borough Area Vision Boundary*
 - *Better Bankside BID Area*
 - *Central Activities Zone*
 - *Bankside and Borough District Town Centre*
 - *North Southwark and Roman Roads Archaeological Priority Area*
 - *South Bank Strategic Cultural Area*
 - *Air Quality Management Area*
 - *Bankside, Borough and London Bridge Opportunity Area*
 - *Flood Zones 2 and 3*

Details of proposal

6. Change of use of one ground floor retail unit and offices at upper floors (Class E) to create 47-bedroom Hotel (Class C1).
7. Other important features of development
 - *Total floorspace: 998sqm*
 - *Ancillary café use at ground floor: 100sqm*
 - *Existing roof terrace to be used as hotel amenity for guests: 96 sqm*

Consultation responses from members of the public and local groups

8. The public consultation process included various forms of publicity. The council website was updated with information and residents were informed on the status of the application. The application received 12 contributions all

objections, which are summarised below.

9. Objections (12)

- *Risks to health and safety during construction (similar related issues to construction logistics and environmental concerns)*
- *Increased air pollution*
- *Increased noise pollution*
- *Increased light pollution*
- *Unreasonable impacts to children and those of health conditions to residents within Hulme Place*
- *Overlooking from rooftop terrace and hotel rooms*
- *Increased traffic and congestion through users of hotel*
- *Refuse storage and collection arrangements are inadequate*
- *Against principle of hotel development due to over saturation of hotels within area*
- *Impact upon adjacent nearby conservation areas*
- *Failure of developer to appropriately consult residents*

10. In response to concerns raised on the extent of public consultation, the planning department met with Cllr Vambe and agreed that an online consultation event should be conducted with the applicants/developers and residents at Hulme Place. The event was conducted with the presence of the Planning Officer in a purely observational manner and was through MS Teams on Wednesday 11 September. Where appropriate, responses to the material planning issues raised are addressed within the assessment section of this report.

Planning history of the site and adjoining or nearby sites.

11. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. No relevant planning history is attributed to the site as outlined in Appendix 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- Principle of the proposed development
- Quality of commercial floorspace
- Marketing and Hotel Needs Assessment
- Fire safety
- Impact of proposed development on amenity of adjoining occupiers
- Transport and highways
- Environmental matters

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

Legal context

13. 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.
14. 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

15. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2023) 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

16. The application site is located within the CAZ (Central Activity Zone) and the Bankside, Borough and London Bridge Opportunity Area. Policies SD1 (Opportunity Areas), SD4 (The Central Activity Zone), SD6 (Town centres and high streets) and E10 (Visitor infrastructure) of The London Plan (2021) and; policies P35 (Town and local centres) and P41 (Hotels and visitor accommodation) of the Southwark Plan (2022) identify sites within Opportunity Areas and the CAZ as appropriate for accommodating significant growth to meet the demands of high quality serviced visitor accommodation for inner London. The CAZ is recognised as a significant tourist location (CAZ SPG 2016) and the LP sets a strategic benchmark target for 40,000 net additional hotel bedrooms by 2036. Improving the accessibility of hotel accommodation in London is highlighted as a priority, particularly with the CAZ Boroughs. The designation of Area Vision 2 within the Southwark Plan (2022) for Bankside and The Borough, also further empathises that development should continue to develop the CAZ as an international destination for business, tourism and transport services.
17. Policy P30 (Office and business development) of the Southwark Plan (2022)

seeks to protect employment floorspace within the CA, town centres and opportunity areas. The loss of employment floorspace would only be accepted in exceptional circumstances if no demand of its existing use can be demonstrated through a marketing exercise. The policy proceeds to outline that any development which results in the loss of employment floorspace must provide a financial contribution towards training and jobs for local people. The proposed development does involve the loss of employment floorspace. Southwark's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD 2015 set this contribution at £4300 (average cost for a Southwark unemployed resident to gain support and training to get access to a skilled job) multiplied by 10% of the number of full-time equivalent jobs that may have been provided in equivalent amount of (net) lost floorspace in the existing employment use class. For general offices this is 12 sq. m. per full-time equivalent job and this is further outlined in the assessment of this proposal.

18. Policy E10 (Visitor infrastructure) of The London Plan (2021) supports the provision of serviced visitor accommodation, confirming its need to be strengthened by enhancing and extending its attractions, legibility, visitor experience and supporting infrastructure. It further outlines that serviced accommodation should be promoted within Opportunity Areas within the CAZ, in order to meet the accommodation demands of tourists who want to visit the capital. Policy P41 (Hotels and other visitor accommodation) of the Southwark Plan (2022) further outlines that such development brings employment potential and growth which will be supported, although development for hotels must ensure the design, scale function and servicing arrangements must protect the amenity of the local community.
19. Policy SD6 (Town centres and high streets) of The London Plan (2021) states that development within town and district centres should promote and enhance the vitality and viability of the town centres, and that visitor infrastructure should be enhanced and promoted. This position is further supported through Policy P35 (Town and local centres) of the Southwark Plan (2022) which identifies Bankside and The borough as a District Town Centre of importance; and as such, should provide an active use to the general public (not just visitors within the hotel) that would not harm the vitality and viability of the centre.
20. The proposed development would strategically comply with the aims and objectives of the CAZ and Opportunity Area, by providing important visitor accommodation in the District Town Centre. The Bankside, Borough and London Bridge Opportunity Area identifies this zone as suitable for delivering such visitor infrastructure. Therefore, the proposed development would contribute to meeting this identified growth opportunity in the Southwark Plan (2022). As such, the principle of development is supported, providing the proposal does not harm the vitality and viability of the town centre or the amenity of neighbours and provides satisfactory marketing evidence for the loss of employment floorspace.

Quality of commercial floorspace

21. The proposed development would provide 998sqm of Class C1 (Hotel) floorspace. As required by policy E10 of The London Plan (2021) and policies

P35 and P41 of the Southwark Plan (2022), such development should provide 10% of the GIA as an active area, that provides an alternative use to the general public which would not harm the vitality and viability of the centre. This should be ancillary to the hotel facilities and incorporate a range of publicly accessible daytime uses whilst providing employment opportunities.

22. The development would provide 100sqm on the ground floor as an ancillary café. This would not be restricted to hotel guests but open and accessible to members of the public to use. As the site is located within a district town centre, the proposed café use would be considered a suitable operation of the premises and would likely serve a localised catchment. This arrangement would comply and satisfy the policy requirements and therefore considered acceptable.

Quality of hotel accommodation

23. The first to fifth floors comprise of 47-bedrooms, all rooms would include ensuite facilities. All of the bedrooms would have windows, providing outlook to the front and rear of the building – demonstrating good quality visitor accommodation. Policy P41 specifies requirements to provide at least 10% of hotel and visitor accommodation as accessible, and the proposal includes 5 rooms which are classified as accessible rooms. The proposal also includes the provision of the existing roof terrace, which is only for use attributed to users of the hotel. Recognising the constraints of a change of use application, the quality of hotel accommodation is considered to be of a good standard.

Marketing and hotel needs assessment

24. The applicant has provided a marketing and hotel needs assessment report commissioned by BBG Real Estate Advisors. This outlines the premises of the building had been advertised since later summer/early autumn of 2022 on the basis of the office being made available to let. The marketing campaign included advertisements on Zooplar, Rightmove, Costar, Egi, Propertylink and Realla – details were also advertised on the BBG website. The office premises was advertised as follows:

25.

| Floor | Area (m2) | Availability |
|-----------------------|-----------|--------------|
| 1 st Floor | 159.0 | Available |
| 2 nd Floor | 158.7 | Available |
| 3 rd Floor | 158.9 | Available |
| 4 th Floor | 161.2 | Available |
| 5 th Floor | 120.5 | Available |

26. The pricing was advertised as:

- *Rent: £32.50 psf*
- *Rates: £14.64 psf*
- *Service Charge: £7.10 psf*

27. This satisfies the Southwark marketing requirements of:

- *Registration of the property with at least one commercial agent*
 - *Property marketed for appropriate use*
 - *Property marketing at a reasonable price in relation to use, condition, quality and location.*
28. Section 5.0 of the statement indicates that between December 2019 and until September 2022, 8 interested parties made viewings of the premises with 31 enquiries during that period. From the parties who viewed the premises, no subsequent offer was submitted to the landlord in which an agreement was found.
29. The marketing statement is considered to be detailed and headline covers the main interested parties and record of viewings. The statement also provides a complete list of these parties with corresponding dates. The evidence appears to be sufficient as so far as to consider that reasonable attempts have been made to market and let the office space.
30. As the Development would incur the loss of commercial Class E floorspace within the CAZ, a financial contribution towards training and jobs should be provided to the Council. For this proposal the calculation is as follows:
- Loss of Class E floorspace: 998 sqm
 - Area per FTE m2 (General Office): 12
 - FTE jobs: $998 / 12 = 83.17$
 - $83.17 / 10 = 8.31$
 - $8.31 \times \text{£}4300 = \text{£}35,733.00$
 - (*£4300 average cost of Southwark unemployed resident to gain skills and support back into paid employment).
31. The loss of this commercial floorspace within the CAZ is therefore acceptable and this payment is to be secured through a Planning Obligation within a S106 Legal Agreement. The introduction of C1 (Hotel) use on site is considered an appropriate use within the CAZ.
32. The submission includes a letter of statement from the real estate agent Savills (dated: 13 June 2024 by Richard Dawes). It specifies that the demand for C1 Hotel use within this location would be highly desirable to operators from a range of domestic and international hotel groups, due to the limited hotel development opportunity in the immediate area. Savills also confirm they would be entering into detailed discussions with a shortlist of these operators and will agree terms with a preferred partner should planning permission be granted.

Fire safety

33. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
34. Paragraph 3.12.9 of Policy D12 of The London Plan (2022) explains that Fire Statements should be produced by someone who is “third-party independent

and suitably qualified". The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

35. Fire details have been provided for this proposal. These matters are required by planning policy only and are in no way a professional technical assessment of the fire risks presented by the development. All technical related matters regarding fire safety should seek expertise from a qualified Fire Safety Engineer.

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

Overlooking/privacy and noise

36. The existing office building includes a 96 sqm roof terrace and the proposal seeks to use this as ancillary amenity space for the C1 Hotel use. The existing roof terrace allows unobstructed views to adjacent buildings, and particular concern has been raised by residents at Hulme Place that the terrace and rear elevation windows, would create overlooking and privacy issues negatively impacting upon their amenity.
37. It is important to acknowledge the terrace and rear views of the building toward Hulme Place are already existing, and the development does not create any unacceptable new harm. However the application does provide good opportunity to mitigate any potential harmful impacts in terms of overlooking, privacy and noise.
38. In order to ensure protection of amenity for residents, the following conditions shall be attached to mitigate any negative amenity impacts for residents.
 - Use hours of roof terrace
 - Details on privacy screening/obscure glazing to all rear elevation windows
 - Details of balustrading, landscaping(planter) / privacy screening details for roof terrace

Transport and highways

39. The application site has a PTAL score of 6B, which demonstrates excellent connectivity to TfL transport services.

PTAL calculation parameters

40.
 - Day of Week: M-F
 - Time Period: AM Peak

- Walk Speed: 4.8 kph
- Bus Node Max Walk Access Time (mins): 8
- Bus Reliability Factor: 2.0
- LU Station Max Walk Access Time (mins): 12
- LU Reliability Factor: 0.75
- National Rail Station Max Walk Access Time (mins): 12
- National Rail Reliability Factor: 0.75

Site access

41. The primary hotel lobby access to the site is currently proposed on Borough High Street. The secondary access on Hulme Place is proposed to be retained and is intended to provide access to the cycle store and the 'service access' to the rear of 291-299 Borough High Street. Hulme Place is a private road, providing vehicle and pedestrian access to St Michaels Court a residential building to the rear of the site. Hulme Place effectively operates as a shared surface, with no demarcation or lineation denoting pedestrian priority. Although vehicular traffic on Hulme Place would likely be limited.
42. It is recommended that a S278 Highways Agreement be submitted to demonstrate what improvements can be made to the surface and layout of Hulme Place, to provide an appropriate means of access to all potential users whilst maintaining access to St Michaels Court.

Walking and cycling access and provision

43. The footways on Borough High Street are considered to be of a reasonable quality, and the site is also within a short distance of a number of cycle routes, as demonstrated within the accompanying Active Travel Zone assessment. There is tactile paving and dropped kerbs at the existing crossover to Hulme Place, although the existing footway and crossing are damaged in this location. The crossover on Hulme Place must be upgraded to current Southwark Streetscape Design Manual standards and should be included within the S278 works for the site.

Cycle parking provision

44. Cycle parking is currently proposed to the rear of the site and accessed via Hulme Place. The quantum of cycle parking proposed is generally acceptable, subject to further details on the type of stand that can be accommodated within this space and confirmation that these accord with London Cycling design standards to ensure accessibility and usability.
45. The applicant currently proposes to provide short-stay cycle parking within the long-stay store. It would be preferable that this provision is located within the public realm within the vicinity of the site, and the width of footway on Borough High Street is sufficient to comfortably accommodate this. This would enable and encourage deliveries by cargo bike or similar to the site. The provision of Sheffield stands within the highway would form part of the S278 works and would be subject to agreement with LBS Highways, but is supported by LBS

transport planning.

Deliveries and servicing

46. Loading on borough high street within the vicinity of the site is restricted between 7am and 7pm, Monday to Sunday, as indicated by kerb markings and signage. The applicant therefore currently proposes that deliveries to the site will only be undertaken on borough high street outside of these hours. Given the land use proposed, it is expected that most deliveries and servicing requirements can be scheduled. Any vehicles not following the on-street loading restrictions will be subject to enforcement. The applicant further states that deliveries which cannot be easily scheduled or arranged can be undertaken via Trinity Place to the south of the site utilising existing kerbside restrictions.
47. Refuse storage would be located adjoining the application building, along Hulme Place within a stored container. Residents have raised this as an objection with regard to pedestrian access and safety. As the premises is a commercial premises, the frequency and volume of refuse collection is conducted through a private operator and not the council. Details of the servicing and delivery arrangements shall be conditioned, and details of the enclosure of refuse storage shall also be attached to any such permission.

Trip generation

48. A multi-modal trip generation assessment is included within the Transport Assessment, which assesses the likely existing and proposed trip generation characteristics of the site. The methodology and results of this assessment are acceptable. The results indicate that the proposed development would result in a net decrease in peak hour trips and an increase in daily trips in comparison with the existing land use. However, the total net additional daily two-way trips (+82 trips) would be expected to have a negligible impact on the local highway and transport networks.

Highways development

49. Borough high street is an adopted highway - the highways development team have been consulted on this application, and it has been determined that the proposal would not have any adverse impact to the Highway network. However given the sensitive location of the site upon a busy road, a full Construction Logistics Plan must be submitted and approved by the council prior to the commencement of any works.
50. The developer would be required to undertake a precommencement survey to catalogue the existing condition of footway fronting the site prior to works commencing. A S278 agreement shall also ensure that any damage caused by construction to the Highway shall be repaired to SSDM standards.

Construction management

51. An outline Construction Management Plan (CMP) has been submitted. The contents and scope of the CMP are generally acceptable at this stage. However, given the site's sensitive location, a full and detailed Construction Environment Management Plan (CEMP) must be conditioned.

Environmental matters

Construction management

52. Given the sensitive location of the application site, a Construction Environmental Management Plan (CEMP) shall be required to ensure health, safety and impacts from deliveries and servicing, does not cause pollution or unreasonable disturbance to residents. A pre-commencement condition providing details of this shall be attached to any such permission – this position is agreed with highways and transport and also in response to raised objections from contributors during public consultation.

Air quality

53. The Air Quality Assessment (ref: BE15814/A1 dated April 2024 by Build Energy Ltd) has been reviewed by the council's environmental protection team. This was requested from the applicant as the application site is located within the Southwark Air Quality Management Area (AQMA) – which is defined through annual mean exceedances of NO₂ and 24-hour mean exceedance of PM₁₀. This means that stricter air quality requirements exist for proposed developments within the AQMA designation.
54. The results of the dispersion modelling assessment indicated that predicted concentrations of NO₂ and PM₁₀ were below the relevant targets across the proposed development. Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against the screening criteria provided within the IAQM guidance. As the proposals are 'car-free', road traffic exhaust impacts were predicted to be not significant. Overall the adverse impacts of the development on air quality are likely to be negligible to exposed NO₂, PM₁₀ and PM_{2.5}. A condition requiring compliance with the Air Quality Screening Assessment shall be applied to any such approval.

Planning obligations (S.106 agreement)

55. IP Policy 3 of the Southwark Plan and Policy DF1 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. IP Policy 3 of the Southwark Plan is reinforced by the Section 106 Planning Obligations SPD 2015, which sets out in detail the type of development that qualifies for planning obligations. The NPPF emphasises the Community Infrastructure Levy Regulation 122 which requires obligations be:
- necessary to make the development acceptable in planning terms

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

56. Following the adoption of Southwark’s Community Infrastructure Levy (SCIL) on 1 April 2015, much of the historical toolkit obligations such as Education and Strategic Transport have been replaced by SCIL. Only defined site specific mitigation that meets the tests in Regulation 122 can be given weight.

57.

| Planning Obligation | Mitigation |
|----------------------------------|--|
| Loss of employment floorspace | Employment and enterprise contribution towards training and upskilling of Southwark unemployed residents - £35,733.00 |
| S278 Agreement for Highway Works | Associated upgrade, renewal of existing associated infrastructure relevant and commensurate to scale of development and safety of pedestrians. |

58. In the event that an agreement has not been completed by 25 April 2025, the committee is asked to authorise the director of planning and growth to refuse permission, if appropriate, for the following reason:

59. *In the absence of a signed S106 legal agreement there is no mechanism in place to mitigation against the adverse impacts of the development through contributions and it would therefore be contrary to IP Policy 3 Community infrastructure levy (CIL) and Section 106 planning obligations of the Southwark Plan 2022; and Policy DF1 Delivery of the Plan and Planning Obligations of the London Plan 2021; and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.*

Mayoral and borough community infrastructure levy (CIL)

60. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material ‘local financial consideration’ in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark’s CIL will provide for infrastructure that supports growth in Southwark. In this instance, based on information provided by the applicant, The development would not be CIL Liable, as the proposal constitutes less than 100 sqm of new build floor area within the site boundary. To seek written confirmation of this, the applicant can submit a CIL Additional Information and Assumption of Liability Forms in which the CIL team would be able to formally confirm NIL liability should the developer seek further confirmation prior to implementation of the development.

Community impact and equalities assessment

61. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
62. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

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.
63. The protected characteristics are race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human rights implications

64. This planning application engages certain human rights under the Human Rights Act 1998 (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.
65. This application has the legitimate aim of providing hotel 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

66. 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.
67. 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.

68. **Positive and proactive engagement: summary table**

| | |
|--|-----|
| Was the pre-application service used for this application? | YES |
| If the pre-application service was used for this application, was the advice given followed? | YES |
| 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 agreed Planning Performance Agreement date? | YES |

Conclusion

69. It is therefore recommended that planning permission be granted, subject to conditions, the timely completion of a S106 Agreement and referral to the Mayor of London.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|---|--|
| Southwark Local Development Framework and Development Plan Documents | Planning and Growth Directorate 160 Tooley Street London SE1 2QH | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Recommendation (draft decision notice) |
| 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 | Zaib Khan, Team Leader | |
| Version | Final | |
| Dated | 4 October 2024 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director, Resources | No | No |
| Strategic Director, Environment, Sustainability and Leisure | No | No |
| Strategic Director, Housing | No | No |
| Date final report sent to Constitutional Team | | 9 October 2024 |

APPENDIX 1

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 | C/o agent C/o agent C/o agent Create Asset Management | Reg. Number | 24/AP/1868 |
| Application Type | Minor application | | |
| Recommendation | | Case Number | PP-12829884 |

Draft of Decision Notice

for the following development:

Change of use of one ground floor retail unit and offices at upper floors (Class E) to create 47 bedroom Hotel (Class C1).

291 - 299 Borough High Street London Southwark

In accordance with application received on 25 June 2024 and Applicant's Drawing Nos.:

LOCATION PLAN 2207-LAT-XX-00-M2-A-P10002 received 25/06/2024

Existing Plans

Proposed Plans

PROPOSED FIRST FLOOR PLAN 2207-LAT-XX-01-M2-A-1502 received 25/06/2024

PROPOSED SECOND FLOOR PLAN 2207-LAT-XX-02-M2-A-15103 received 25/06/2024

PROPOSED THIRD FLOOR PLAN 2207-LAT-XX-03-M2-A-15104 received
25/06/2024

PROPOSED FOURTH FLOOR PLAN 2207-LAT-XX-04-M2-A-15105 received
25/06/2024

PROPOSED FIFTH FLOOR PLAN 2207-LAT-XX-05-M2-A-15106 received
25/06/2024

PROPOSED GROUND FLOOR PLAN 2207-LAT-XX-GF-M2-A-15101 received
25/06/2024

PROPOSED ELEVATION TO HULME PLACE 2207-LAT-XX-NE-M2-A-15202
received 25/06/2024

PROPOSED ELEVATION TO BOROUGH HIGH STREET 2207-LAT-XX-NW-M2-A-
15201 received 25/06/2024

PROPOSED ELEVATION TO BOROUGH HIGH STREET 2207-LAT-XX-NW-M2-A-
15205 received 25/06/2024

PROPOSED ELEVATION TO TRINITY STREET 2207-LAT-XX-SW-M2-A-15204
received 25/06/2024

PROPOSED REAR ELEVATION 2207-LAT-XX-SE-M2-A-15203 received 25/06/2024

Other Documents

PROPOSED ROOF TERRACE PLAN 2207-LAT-XX-06-M2-A-15107 received
25/06/2024

PROPOSED ROOF PLAN 2207-LAT-XX-RF-M2-A-15108 received 25/06/2024

1. Development shall be carried out in accordance with the approved plans (listed above).

Reason:

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

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

3. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:
 - A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
 - Site perimeter continuous automated noise, dust and vibration monitoring;
 - Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
 - Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, resident's liaison meetings, etc.);
 - A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
 - Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations; and
 - A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

To follow current best construction practice, including the following:

- Southwark Council's Technical Guide for Demolition & Construction at <https://www.southwark.gov.uk/construction>;
- Section 61 of Control of Pollution Act 1974;
- The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition';
- The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites';
- BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise';
- BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration';
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration;
- BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting; and
- Relevant Stage emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 as amended & NRMM London emission standards (<https://nrmm.london>).

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework (2023); Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Permission is subject to the following Grade Conditions

4. Roof Terrace Privacy Screening

Prior to the commencement of above grade works, details of the roof terrace privacy screening (plans, elevations and sections including any green planting) shall be submitted to and approved in writing by the Local Planning Authority. The agreed privacy screening should be installed and maintained in perpetuity. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In the interests of visual and residential amenity in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivery good design) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P15 (Residential Design) and Policy P56 (Protection of Amenity) of the Southwark Plan (2022).

5. Lighting and security surveillance - roof terrace

Prior to above grade works, details of Lighting and Security Surveillance - Roof Terrace Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment at roof terrace level of the building, shall be submitted to and approved by the Local Planning Authority in writing before any such lighting or security equipment is installed. The development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with Chapter 8 (Healthy and safe communities) of the National Planning Policy Framework (2023); P56 Protection of amenity; P66

Reducing noise pollution and enhancing soundscapes, P15 Residential design, P16 Designing out crime, P13: Design of places and P14: Design quality of Southwark Plan (2022).

6. Cycle Parking Details

Before any above grade work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose, and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2023); Policy T5 (Cycling) of the London Plan (2021); Policy P53 (Cycling) of the Southwark Plan (2022).

Permission is subject to the following Pre-Occupation Conditions

7. Prior to the commencement of use of the roof terrace, an Operational Management Plan shall be submitted to and approved in writing by the local planning authority. The use of the roof terrace shall, unless otherwise agreed by the local planning authority, comply with the terms of the Operational Management Plan at all times.

The Operational Management Plan shall include:

- The arrangements to manage the use of the roof terrace including oversight by a building manager;
- The arrangements to manage the number of people using the roof terrace at any one time so as to protect the amenity of neighbouring residents and to minimise noise and disturbance;

Reason

In order to ensure that the use of the terrace operates in a neighbourly way and is not harmful to the amenity of adjoining occupiers. In accordance with Policy P56 Protection of Amenity of the Southwark Plan 2022.

8. Service Management Plan

Before the first occupation of the building hereby permitted, a Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason: To ensure compliance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2023); Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) and Policy P50 (Highways Impacts) of the Southwark Plan (2022).

9. Commercial Refuse Arrangements

Before the first occupation of the extension hereby permitted begins, details of the arrangements for the storing commercial refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse storage facilities shall be provided and made available for use by the occupiers of the development and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P62 (Reducing Waste) of the Southwark Plan (2022).

Permission is subject to the following Compliance Conditions

10. Obscure Glazing

The window(s) on the south-east elevation of the building shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing for the duration of the use.

Reason: In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at Hulme Place from undue overlooking in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

11. Deliveries and Collections

Any deliveries or collections to building shall only be between the following hours:

- 07:00 to 20:00 on Monday to Saturday and;
- 10:00 to 16:00 on Sundays and public holidays

Reason: To safeguard the amenity of neighbouring residential properties in accordance with policy P56 (Protection of Amenity) of the Southwark Plan (2022) and the National Planning Policy Framework (2023).

12. Roof Terrace Hours

The hotel roof terrace (which is not restricted to servicing only) shall only be used during the hours of:

- 09:00 to 22:00 Monday to Saturday and;
- 10:00 to 20:00 on Sunday and public holidays

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with policy P56 (Protection of Amenity) of the Southwark Plan (2022) and the National Planning Policy Framework (2023).

13. Air Quality Assessment

The development must be carried out in accordance with the provisions of the Air Quality Assessment ref: (BE15814/A1 dated April 2024 by Build Energy Ltd), unless otherwise approved in writing by the Local Planning Authority. Any such relevant mitigation measures should be incorporated into the Construction Environmental Management Plan.

Reason

To ensure that the development incorporates the necessary air quality measures and mitigations to address the impacts of poor air quality in accordance with P65 (Improving Air Quality) of the Southwark Plan (2022) and SI 1 (Improving Air Quality) of The London Plan (2021).

14. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level ($L_{A90\ 15min}$) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014 +A1:2019.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework (2023); Policy P56 (Protection of amenity) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

15. RESTRICTION ON THE INSTALLATION OF ROOF PLANT

No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted.

Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places), Policy P14 (Design quality) and P56 (Protection of amenity) of the Southwark Plan (2022).

Relevant planning policy

The National Planning Policy Framework (NPPF) 2023

- Chapter 2 – Achieving sustainable development.
- Chapter 6 – Building a strong, competitive economy.
- Chapter 7 – Ensuring the vitality of town centres.
- Chapter 9 – Promoting sustainable transport.
- Chapter 11 – Making effective use of land.

The London Plan (2021)

- Policy GG5 Growing a good economy.
- Policy SD1 Opportunity Areas
- Policy SD4 The Central Activity Zone (CAZ)
- Policy SD5 Offices, other strategic functions and residential development in the CAZ.
- Policy SD6 Town centres and high streets.
- Policy D1 London's form character and capacity for growth.
- Policy D3 Optimising site capacity through the design led approach.
- Policy E10 Visitor infrastructure
- Policy D12 Fire safety
- Policy E1 Offices
- Policy SI1 Improving air quality.
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction.
- Policy DF1 Delivery of the Plan and Planning Obligations

Southwark Plan (2022)

- Policy P18 Efficient use of land
- Policy P30 Office and business development
- Policy P35 Town and local centres
- Policy P41 Hotel and visitor accommodation
- Policy P50 Highway impacts
- Policy P53 Cycling
- Policy P56 Protection of amenity
- Policy P65 Improving air quality.
- Policy P66 Reducing noise pollution and enhancing soundscapes.
- Policy P70 Energy
- Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

Relevant planning history

No relevant planning history.

APPENDIX 4

Consultation undertaken

Site notice date: 12/08/2024

Press notice date: n/a

Case officer site visit date: 12/08/2024

Neighbour consultation letters: Requested

Southwark Planning Register: 15/07/2024

Internal services consulted.

LBS Community Infrastructure Levy Team

LBS Urban Forester

LBS Environmental Protection

LBS Highways Development & Management

LBS Transport Policy

formal consultation and response to Pol

LBS Community Infrastructure Levy Team

Statutory and non-statutory organisations

None.

Neighbour and local groups consulted:

Hulme Place residents association following request.

Consultation responses received

Internal services

LBS Community Infrastructure Levy Team
LBS Urban Forester
LBS Highways Development & Management
LBS Transport Policy
formal consultation and response to Pol
LBS Community Infrastructure Levy Team

Neighbour and local groups consulted:

Flat 2 St Michaels Court 3 Hulme Place
London

Flat 1 St Michaels Court, 3 Hulme Place
London SE1 1HY

1 Hulme Place London SE1 1HX

Flat 1, St Michael's Court 3 Hulme Place
London

Flat 4 St Michaels Court 3 Hulme Place
London

Flat 8, St Michaels Court 3 Hulme Place
Southwark, London

FLAT 3 34 TRINITY CHURCH SQ
LONDON

Flats 6, 11 and 12 St Michael's Court 3
Hulme Place London

Flat 3, Hulme Place London SE1 1HY

2 HULME PLACE LONDON SE11HX

Flat 1 St Michaels Court 3 Hulme Place
London

Flat 1 St Michaels Court, 3 Hulme Place
London