

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 03 July 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 16/AP/4525 for: Listed Building Consent  <b>Address:</b> METROPOLITAN TABERNACLE CHURCH, ELEPHANT AND CASTLE, LONDON, SE1 6SD  <b>Proposal:</b> Minor amendments to the northern elevation of the grade II listed Metropolitan Tabernacle building by virtue of the demolition of the immediately adjacent/abutting London College of Communications building (subject to planning application reference: 16-AP-4458).		
<b>Ward(s) or groups affected:</b>	St George's		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 07/11/2016		<b>Application Expiry Date</b> 02/01/2017	
<b>Earliest Decision Date</b> 03/02/2017			

## RECOMMENDATION

1. That listed building consent be granted, subject to a s106 legal agreement

## BACKGROUND

2. This application is before members owing to its links to planning application 16-AP-44548 for redevelopment of the Elephant and Castle Shopping Centre and London College of Communications sites (the main planning application) which appears as item 6.1 on the committee agenda.
3. This application was on the agenda for the 16 and 30 January 2018 planning committee meetings, but a decision was deferred because the main planning application was deferred to enable officers to consider and consult upon a revised proposal submitted by the applicant.

## Site location and description

4.

Type of property	The Metropolitan Tabernacle which is a large church located on the western side of Elephant and Castle.
Site bound by	
Is property listed?	YES - Grade II - facade only.
In conservation area?	NO

## The proposal is for:

5. Minor amendments to the northern elevation of the grade II listed Metropolitan Tabernacle building by virtue of the demolition of the immediately adjacent/abutting London College of Communications building (subject to planning application reference:

16-AP-4458).

### Planning history

6.	15/AP/2242 Application type: Advertisement Consent (ADV) Display of internally illuminated and static double sided advert panel at departure end of bus shelter Decision date 03/08/2015 Decision: Granted (GRA)
	15/AP/3705 Application type: Advertisement Consent (ADV) Display of x1 digital 84" screen advertisement to bus shelter, with illuminated, static and dynamic content capabilities; and with x1 static poster advertisement on the reverse side. Decision date 24/11/2015 Decision: Granted (GRA)
	15/AP/3704 Application type: Advertisement Consent (ADV) Display of a double-sided freestanding forum structure, featuring 1 x digital 84" screen on one side and a static poster advertisement panel on the reverse. Decision date 24/11/2015 Decision: Granted (GRA)
	16/AP/0094 Application type: Listed Building Consent (LBC) Installation of a pedestrian guard rail to the two lower landings on either side of the east entrance of the The Metropolitan Tabernacle; Installation of a ramp and associated guard rail, involving minor excavation works. Decision date 24/02/2016 Decision: Granted (GRA)
	16/AP/1147 Application type: Advertisement Consent (ADV) Installation of double-sided freestanding Forum Structure, featuring 2 x Digital 84" screens positioned back to back Decision date 10/06/2016 Decision: Granted (GRA)
	16/AP/1131 Application type: Advertisement Consent (ADV) Installation of double-sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back Decision date 10/06/2016 Decision: Granted (GRA)

### Policy

7. Listed Building Consent is considered under the terms of the Planning (Listed Building and Conservation Areas) Act (1990) [the Act]. There is material guidance as to the application of the relevant legal duties in the NPPF (2012) and associated guidance. The council's policies also protect listed buildings in a manner which is consistent with the applicable duties.
8. The Act requires that special regard should be had to the importance of preserving and enhancing the 'special interest' of listed buildings and their settings. The NPPF reinforces these principles stressing that heritage assets are irreplaceable and once lost can never be recovered. It requires Local Planning Authorities to avoid harm to heritage assets and to ensure that development conserves and enhances heritage assets and their settings.

#### National Planning Policy Framework (NPPF)

9. Chapter 12: Conserving and Enhancing the Historic Environment.

#### The London Plan 2016

10. Policy 7.8: Heritage Assets and Archaeology.

#### Core Strategy 2011

11. Strategic Policy 12: Design and Conservation

### Southwark Plan 2007 (July) - saved policies

12. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

3.15 Conservation of the Historic Environment; and

3.17 Listed Buildings.

3.18 Setting of listed buildings, conservation areas and world heritage sites

### **Summary of consultation responses**

- 13.

Total number of representations:	0				
In favour:	0	Against:	0	Neutral:	0
Petitions in favour:	0		Petitions against:	0	

### **Issues raised by neighbours and statutory consultees**

14. None

### **Understanding the significance and the proposal**

15. Paragraph 129 of the NPPF requires Local Planning Authorities to identify the architectural or historic significance of a designated heritage asset and to record the effect of any proposal on that architectural or historic significance.
16. The architectural or historic significance of any heritage asset includes its internal and external historic features and its setting. In addition to the facades of a Listed Building its features of significance could include its roof, its plan form, decorative internal features like original cornices, skirtings and fireplaces and important structures like floor beams, staircases or chimneys.

17. In addition to the features described or noted in the Listing **No** Description, are there features of architectural or historic significance that this property currently retains?
- Details:** The Listing Description is clear that the only part of the Tabernacle that is statutory listed is the stone-finished neo-Classical facade facing Newington Butts including the central pediment and its north and south flanks. The extent of the historic fabric is apparent especially when viewed on the southern edge where the stone facade and cornice returns for a short distance before the facing material changes to a render face.

### **Assessment of harm to significance**

18. The NPPF requires Local Planning Authorities to consider whether a proposal would result in harm to the significance of a heritage asset and to decide whether that harm would be 'substantial' or 'less than substantial'.
19. Paragraphs 133 and 134 of the NPPF also require Local Planning Authorities to weigh any that harm against the public benefits of the development proposed, including

securing the optimal viable use of the heritage asset.

20. Harm can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset. Whether 'substantial' or 'less than substantial', any harm should be avoided unless it can be justified by what is proposed by the application.

21.	Does the proposal cause harm to the architectural or historic significance of the heritage asset or its setting? <b>No</b>
	<b>Details:</b> The proposed repairs to the Listed Building are entirely appropriate, complementary and will greatly enhance the listed fabric.
	Is there sufficient information to show the public benefits of the proposal or improved usability of the heritage asset? <b>Yes</b>
	<b>Details:</b> The proposal anticipates the demolition of the existing London College of Communications on the northern edge of the Tabernacle. As a consequence of this the northern flank of the historic Tabernacle facade will be exposed. The current London College of Communications building has a very harsh relationship with the listed building and abuts it abruptly. In this location the stone return and cornice, (which currently extends around the corner on the southern edge) was simply truncated by the College building at this northern edge.  The proposal seeks to carry out repairs to the exposed northern flank of the listed building and could include the reinstatement of the stone return and cornice on the northern edge of the listed facade. This is welcomed and would greatly enhance the appearance of the statutory listed building. The repairs will be scheduled when the flank is exposed (at the demolition of the existing London College of Communications) and should match exactly the materials, workmanship and detailing of the preserved southern facade.  It has not been possible to assess the condition of this wall during the application as it is currently behind an existing building and is on an adjacent site.  Taking this into account officers recommend that after the demolition of the adjacent LCC Building and prior to occupation of the W2 towers, that a scheme of repairs for the northern facade of the Tabernacle should be reserved as a s106 obligation of the associated planning application, requiring a minimum of 1:20 scale details of the proposed repairs / reinstatement of the stone return and cornice (to match the southern end). Details would need to be agreed in writing by the Local Planning Authority.
	Do you consider that harm to be 'less than substantial'? <b>No Harm</b>
	<b>Details:</b> No harm is envisaged

### Conclusion on planning and other issues

22. The NPPF requires Local Planning Authorities to balance the harm against the benefits of the proposed development and to conclude whether the proposed harm is outweighed by the public benefits of the development. The greater the harm the greater the justification necessary.

23.	Is any harm to the heritage asset outweighed by public benefits arising from the proposal including securing an optimal viable use? <b>There is no harm. The works are in the public interest</b>
	<b>Details:</b> The proposed repairs to the Listed Building are entirely appropriate, complementary and will greatly enhance the listed fabric.

## Conclusion

24. The proposal demonstrates that it conforms with the council's legal duties as identified above. It complies with development plan policy and national guidance in that it will not cause harm to the listed building and will preserve and enhance the listed building and its setting as identified above. Listed Building Consent should accordingly be granted. In recognition that this proposal is linked to a strategic redevelopment proposal with a long build period (application reference 16-AP-4458), it is recommended that standard three years for implementation condition be increased to ten years in this instance.

## Human rights implications

25. 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.
26. This application has the legitimate aim of providing a comprehensive mixed-use development on the site. 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1541-14	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquires telephone: 020 7525 5403
Application file: 16/AP/4525		Planning enquires email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Victoria Lewis, Team Leader / Michael Tsoukaris, Group Manger Design & Conservation	
<b>Version</b>	Final	
<b>Dated</b>	20 June 2018	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		21 June 2018

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 20/12/2016

**Press notice date:** 15/12/2016

**Case officer site visit date:** Various

**Neighbour consultation letters sent:** 11/01/2017

**Internal services consulted:**

n/a

**Statutory and non-statutory organisations consulted:**

The Victorian Society

**Neighbour and local groups consulted:**

By Email

Elephant & Castle London SE1 6SD

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Elephant & Castle London SE1 6SD