

## Contents

RECOMMENDATION.....	3
EXECUTIVE SUMMARY .....	3
BACKGROUND INFORMATION.....	3
Site location and description .....	3
The surrounding area .....	4
Details of proposal.....	4
Planning history.....	5
KEY ISSUES FOR CONSIDERATION.....	5
Summary of main issues .....	5
Legal Context .....	5
Adopted planning policy and material considerations .....	5
Emerging planning policy .....	7
Consultation .....	8
Principle of the proposed development in terms of land use.....	10
Environmental impact assessment.....	10
Design, layout and heritage assets .....	10
Landscaping and trees .....	10
Impact of proposed development on amenity of adjoining occupiers and surrounding area .....	10
Archaeology .....	12
Transport, highways, deliveries and servicing.....	12
Planning obligations (S.106 undertaking or agreement) .....	12
Mayoral and borough community infrastructure levy (CIL).....	13
Community involvement and engagement.....	13
Consultation responses from internal and divisional consultees.....	13
Consultation responses from external consultees.....	14
Community impact and equalities assessment .....	14
Human rights implications .....	15
Positive and proactive statement .....	15
CONCLUSION.....	15

BACKGROUND INFORMATION .....	16
BACKGROUND DOCUMENTS .....	16
APPENDICES .....	16
AUDIT TRAIL .....	16
Appendix 1: Consultation undertaken .....	17
Appendix 2: Consultation responses received .....	20
Appendix 3: Relevant planning history .....	22
Appendix 4: RECOMMENDATION .....	23

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 26 January 2021	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/4330 for: Full planning application  <b>Address:</b> 62-64 WESTON STREET, LONDON SE1 3QJ  <b>Proposal:</b> Demolition of an existing single storey rear extension and construction of a single storey rear extension with mezzanine to the ground floor of the existing restaurant. Relocation of refuse storage, installation of 3 air conditioning units and the relocation of 1 air conditioning unit to the proposed lightwell.		
<b>Ward(s) or groups affected:</b>	London Bridge and West Bermondsey		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	09/04/2018	<b>Application Expiry Date</b>	04/06/2018
<b>Earliest Decision Date</b>	20/05/2018		

## RECOMMENDATION

1. That the planning committee grant planning permission, subject to:
  - The recommended planning conditions
  - The applicant complete a unilateral legal agreement by no later than 26 April 2021.
2. That, in the event that the unilateral legal agreement is not completed by 26 April 2021, that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 57 of this report.

## EXECUTIVE SUMMARY

3. This application is for decision by the planning sub-committee.
4. The massing and detailed architectural treatment is considered appropriate in the context of the adjacent buildings. Any amenity impacts such as noise and loss of privacy would be controlled by appropriate conditions. A unilateral undertaking would secure the replacement of a tree on the site.

## BACKGROUND INFORMATION

### Site location and description

5. The site comprises approximately 75m<sup>2</sup> of the triangular yard to the rear of an existing restaurant with a single storey rear extension. The rear yard has different levels and comprises gravel and concrete slabs.
6. The site is bounded to the west and south by five storey Victorian tenement buildings with commercial units in the ground floor and residential above. The rear of a church and the City Banking College is sited along the northern boundary.
7. The site is within the Bankside, Borough and London Bridge Opportunity Area, London Bridge District Town Centre, Bankside, a Protected Shopping Frontage, Borough and London Bridge Strategic Cultural Area, Borough, Central Activities Zone, Air Quality Management Area, Bermondsey Street Conservation Area and Borough, Bermondsey and Rivers Archaeological Priority Zone.

### **The surrounding area**

8. The buildings in the immediate vicinity vary in height from three to five storeys with tall buildings to the west comprising Guy's Hospital and The Shard. Given its central London location the character is a mix of commercial and residential uses.

### **Details of proposal**

9. It is proposed to demolish an existing single storey rear extension and to construct a single storey rear extension with a mezzanine. The internal floor area of the restaurant (Use Class A3) would increase with 72m<sup>2</sup> at ground level and 20m<sup>2</sup> at the mezzanine level. The ground floor would comprise additional restaurant floor space, three WCs, six windows that would be fixed shut, a fire exit and a new bin store. The existing bike shed would be retained. The mezzanine floor would have high level obscured glazed windows which would be fixed shut. The 7 air conditioning units would be replaced by 4 new air conditioning units which would be located in a new lightwell, between the rear wall of the existing building and the proposed extension. The materials would comprise yellow stock bricks, non opening double glazed windows on the ground floor, dark grey fixed shut aluminium windows on the mezzanine level and a green sedum roof with an area of approximately 70m<sup>2</sup> is proposed. The eaves height of the proposed extension would match the height of the existing northern boundary wall. It was proposed to remove a 9m tall Tree of Heaven (category C1) located on the rear northern boundary of the site. The tree was felled on 10 August 2019 due to storm damage. The applicant has undertaken a unilateral undertaking for an in-lieu payment to mitigate for the loss of the tree
10. Planning permission was granted on appeal on 3 July 2006 for 'demolition of an existing single storey detached shed and construction of a single storey rear extension to the ground floor of the existing restaurant' (04/AP/1850). This permission was not implemented. The main differences between the above appeal case and the current application is that the extension would be connected to the main building and forms part of the floor space of the existing restaurant whereas the appeal proposal only added ancillary storage space to the restaurant; thereby increasing the seating area of the existing restaurant.

### **Amendments submitted**

11. The following amendments were made:
12. Amended plans showing an enclosed bin store with a green roof and details of the proposed cycle storage in a new location were submitted in November 2018. The plans also show that all windows in the proposed rear extension are to be fixed shut and the high level windows at mezzanine level are obscure glazed. The final proposal proposes to retain the existing cycle store.

## **Planning history**

13. See Appendix 1 for any relevant planning history of the application site.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

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

- Principle of the proposed development in terms of land use
- Design, layout and impact on, heritage assets
- Landscaping and trees
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Energy and sustainability
- Ecology and biodiversity
- Archaeology

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

### **Legal Context**

15. 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 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
16. 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.

### **Adopted planning policy and material considerations**

#### The National Planning Policy Framework (NPPF) February 2019

17. The National Planning Policy Framework (NPPF) is a material consideration. The revised NPPF was published in February 2019 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 212 states that the policies in the Framework are material considerations

which should be taken into account in dealing with applications. The following sections are relevant:

Sections:

1. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment.

#### The London Plan (2016)

18. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are :

Policy 2.15 Town Centres

Policy 4.12 Improving opportunities for all

Policy 5.12 Flood risk management

Policy 6.9 Cycling

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets and Archaeology

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 8.2 Planning obligations

#### Core Strategy (2011)

19. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 2 Sustainable Transport

Strategic Policy 10 Jobs and businesses

Strategic Policy 12 Design and Conservation

Strategic Policy 13 High Environmental Standards

#### Southwark Plan (2007)

20. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 1.7 Development within Town and Local Centres

Policy 2.5 Planning Obligations  
Policy 3.1 Environmental Effects  
Policy 3.2 Protection of Amenity  
Policy 3.6 Air Quality  
Policy 3.7 Waste Reduction  
Policy 3.11 Efficient Use of Land  
Policy 3.12 Quality in Design  
Policy 3.13 Urban Design  
Policy 3.14 Designing Out Crime  
Policy 3.15 Conservation of the historic environment  
Policy 3.16 Conservation Areas  
Policy 3.19 Archaeology  
Policy 5.2 Transport Impacts  
Policy 5.3 Walking and Cycling

#### Southwark Supplementary Planning Documents (SPD)

21. The following Supplementary Planning Documents issued by the council are material considerations:

Design and Access Statements SPD (2007)  
Section 106 Planning Obligations and CIL SPD (2015)

#### **Emerging planning policy**

22. The draft development plan documents of the draft New London Plan and draft New Southwark Plan are material considerations that can be given weight.

#### Draft New London Plan

23. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Following an examination in public, the Mayor then issued the Intend to Publish London Plan.
24. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The London Plan cannot be adopted until these changes have been made.
25. The draft New London Plan is at an advanced stage. Policies contained in the London Plan is intend to be published in December 2019 any policies that are not subject to a direction by the Secretary of State carry significant weight. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

SD6: Town centres and high streets  
D4: Delivering good design  
HC1: Heritage conservation and growth  
G7: Trees and woodlands  
SI1: Improving air quality  
SI12: Flood risk management

SI13: Sustainable drainage  
T4: Assessing and mitigating transport impacts  
T5: Cycling

### New Southwark Plan

26. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.
27. These documents and the New Southwark Plan Submission Version (Proposed Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The New Southwark Plan Submission Version (Proposed Modifications for Examination) is the Council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version. This version will be considered at the Examination in Public (EiP).
28. It is anticipated that the plan will be adopted in late 2020 following an EiP. As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework. Draft policies most relevant to this application are:
  - Policy P13 Design quality
  - Policy P15 Designing out crime
  - Policy P17 Efficient use of land
  - Policy P20 Conservation of the historic environment and natural heritage
  - Policy P34 Towns and local centres
  - Policy P49 Highways impacts
  - Policy P50 Walking
  - Policy P52 Cycling
  - Policy P55 Protection of amenity
  - Policy P60 Trees
  - Policy P67 Reducing flood risk
  - Policy IP3 Community infrastructure levy (CIL) and section 106 planning obligations

### **Consultation**

29. Details of consultation undertaken in respect of this application are set out in and Appendices 2 and 3.
30. Statutory consultation was undertaken on the proposed development including neighbouring letters, site notices and a press notice in Southwark News. The applicant undertook community engagement consulting on the proposals prior to the submission of the planning application. Negotiations with planning officers resulted in amendments to the scheme.

## Summary of consultation responses

31. Consultation was undertaken by the council and 8 representations, of which all 8 objected, were received from members of the public.
32. The issues raised by the submitted objections are summarised as:
- Consultation  
The extent of the consultation is unclear;
  - Amenity  
Noise would increase, due to more customers and alterations to access to the bin store. It is proposed to access it from within the courtyard whereas currently access is from inside the restaurant.  
  
Noise from plant.  
  
Noise from patrons.  
  
Impact on views from dwellings and sense of enclosure.  
  
The use of CCTV would lead to a loss of privacy to neighbouring properties.  
  
Access to the roof of the proposed building would lead to a loss of privacy to neighbouring properties.
  - Design  
The proposed development employs incongruous materials such as aluminium and PVC;
  - Trees  
Loss of a tree in a conservation area.
  - Transport  
The loss of the bike shed is contrary to condition 4 of application 03/AP/0946 (it is now proposed that the bike shed be retained).
  - Environment  
Air quality would decrease due to increased commercial food processing and associated odours;  
  
Potential smoking areas would give rise to further adverse impacts on health and quality of life;
  - Highways  
Refuse collection would be disrupted and the proposal would increase existing issues of bins obstructing the public highway and public footpath;  
  
The proposal would limit the space available for bins and deliveries and would hinder the collection of bins.
  - Impact on local businesses

The construction would have a negative impact on a business in close proximity of the site.

- Other matters:  
The properties surrounding the courtyard would lose access to areas of the courtyard to be developed.
- The applicant does not have the lease they have said they do.

## **ASSESSMENT**

### **Principle of the proposed development in terms of land use**

33. The proposal would increase the floor area of an existing restaurant and would be acceptable in land use terms.

### **Environmental impact assessment**

34. The scale of development proposed by this application does not reach the minimum thresholds established in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that would otherwise trigger the need for an environmental impact assessment. The proposal's location and nature do not give rise to significant environmental impacts in this urban setting. An EIA for this proposed development is not required.

### **Design, layout and heritage assets**

35. Objectors raised concerns that the proposed materials such as grey aluminium windows and doors and PVC would be incongruous.
36. It is not proposed to introduce PVC in the material palette. The proposed materials such as yellow stock bricks would match the existing and would be in keeping with the local character. The use of contemporary grey aluminium windows and doors with double glazed sound proofing and a green sedum roof is considered to be acceptable design details and it is not envisaged that any harm to the character and appearance of Bermondsey Street Conservation Area would arise given that the extension would be essentially hidden from public view at the rear of the five-storey terrace as well as being screened by buildings of a similar height immediately south.
37. The proposed extension would have a roof with a shallow roof pitch, the mezzanine level would set back from the edge and the modest eaves height of the ground floor would reduce the bulk of the proposed extension. It would be a subservient addition to the rear of the five storey terrace and of an appropriate scale in its courtyard setting.

### **Landscaping and trees**

38. The applicant has offered a Unilateral Undertaking for an in-lieu payment of £1,600 to mitigate for the loss of the Tree of Heaven. The tree was felled due to storm damage, but as the tree is in a conservation area it needed prior consent.
39. It is recommended that details of the biodiversity (green) roof(s) be submitted before

any above grade work hereby authorised begins. This condition would ensure that the development would provide the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

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

40. Saved Southwark Plan policy 3.2 states that planning permission will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.
41. The Planning Inspector of the application that was dismissed on appeal determined that the main issue of the appeal was 'the effect of the proposed development on the living conditions of the occupiers of adjoining residential properties with particular noise nuisance'. The Inspector determined that the proposed development would be likely to reduce rather than increase noise levels and would improve the amenity of the residents through the construction of the extension as it would reduce the level of sound emanating from the building.
42. Objectors raised concerns with regards to noise, loss of outlook and privacy through overlooking.
43. Policy D13 of the Draft New London Plan outlines the 'Agent of Change' principle which places the responsibility for mitigating impacts from existing noise generating activities or uses on proposed new noise-sensitive development. Development should be designed to ensure that established noise generating uses remain viable and can continue to grow without unreasonable restrictions being placed on them.
44. The restaurant is an established use and officers consider that the replacement of the 7 existing air conditioning units with 4 new air conditioning units, to be located in the new lightwell, would reduce noise levels and would improve the amenity of neighbouring properties. It is recommended that permission be subject to a condition in relation to noise from air conditioning units to ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.
45. All the windows of the proposed rear extension would be fixed shut and the high level windows at mezzanine level would be obscure glazed. This would protect the amenity of neighbours as it would reduce the noise from within the proposed extension and would prevent any overlooking and loss of privacy. This would be controlled by a compliance condition. As such there is no need to recommend that permission be subject to a soundproofing scheme condition.
46. Staff would access the proposed bin store from within the restaurant and would only use the external door to move bins on collection days. The proposed bin store would ensure that waste would 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.
47. Historically the restaurant has no restrictions on opening hours and the application does not propose to alter the opening hours.

48. The highest point of the proposed extension would not obstruct or hinder the view from any residential windows facing the courtyard and the application does not propose the installation of CCTV equipment.
49. It is also recommended that permission be subject to a condition that the roof of the proposed extension not be used other than as a means of escape and that it would not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out. This would ensure that the privacy of neighbouring properties would be protected from overlooking from use of the roof area.
50. Objectors raised concerns that the fire escape door to the rear of the proposed extension would be used by customers and staff to exit the building to use the rear yard as a smoking area. It is recommended that permission be subject to a compliance condition that the fire exit to the rear of the ground floor extension be fixed shut and that it would only be used in case of emergency. This would ensure that staff and customers do not enter the area to the rear of the proposed extension and that occupiers of neighbouring premises would not suffer a loss of amenity by reason of noise nuisance.
51. Objectors also raised concerns that air quality would decrease due to increased commercial food processing and associated odours. The existing ventilation ducting to the rear elevation of the restaurant would be retained and officers are satisfied that the proposed development would not have a detrimental impact on the amenity of neighbouring properties or air quality.

## **Archaeology**

52. No issues raised and it is considered that a pre-commencement condition to secure the implementation of a programme of archaeological watching brief works would be sufficient. This would ensure that the details of the programme of works for the archaeological mitigation works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains

## **Transport, highways, deliveries and servicing**

53. The site has a Public Transport Accessibility Level of 6b, demonstrating an excellent level of accessibility, being in close proximity to London Bridge Station and a number of local bus routes.
54. The existing bike store would be retained. There are three Sheffield style on street cycle parking for six cycles along Snowfields which can be used by the public and customers. It is considered that the proposed development would not require additional staff cycle storage space and that customers could continue to travel to the site and making use of the excellent level of public transport accessibility of the site.
55. The new bin store would be located to the side elevation of the existing building and would be accessible directly from the existing restaurant. It would be enclosed and would have sufficient storage capacity with space for 2 x 330L and 3x 660L bins. Two additional 660L bins would be located in the communal courtyard. The applicant will continue to make use of a private refuse collection service.
56. Officers recommend a condition to control servicing hours in order to ensure that the

highway and pavement is not obstructed and deliveries take place at an appropriate time. Any deliveries, unloading and loading to the site shall only be between 14:00 - 18:00 on Tuesdays and Fridays; and 07:00 - 12:00 on Tuesdays to Saturdays.

### **Planning obligations (S.106 undertaking or agreement)**

57. The applicant is willing to enter into a legal agreement with the council to cover any relevant planning obligations. If a legal agreement is not provided it is recommended that planning permission be refused by reason of failure to mitigate the impact of the proposed development contrary to saved Policy 2.5 Planning Obligations of the Southwark Plan 2007. The contributions and obligations are:

58.

<b>Planning obligation</b>	<b>Mitigation</b>	<b>Applicant's position</b>
Tree replacement	Payment of £1,600	Submitted a unilateral undertaking

### **Mayoral and borough community infrastructure levy (CIL)**

59. 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.
60. None required in this case.

### **Other matters**

61. Objectors raised concerns that the proposed extension into the courtyard would be on land that is not part of the lease of the restaurant and used as outdoor amenity area by residents of the flats surrounding the courtyard. There is no planning history to confirm this alleged historic use and residents have not been able to submit any evidence to substantiate it. The applicant advised that their lease was extended in 2017 and includes the part of the courtyard within the red line site plan of the planning application. Details of lease agreements are not a material planning consideration.
62. Objectors also raised concerns that the construction of the proposed extension would have a negative impact on a business in close proximity of the site. It is considered that it is not appropriate to control or monitor the potential impact on local businesses due to construction disruption as the development is of a small scale.

### **Community involvement and engagement**

63. The applicant conducted a public consultation exercise in 2017 with local residents from 38 addresses and occupants from 12 local businesses. A total of 12 people attended an open forum, two from the same residential address and two from local businesses.

### **Consultation responses from internal and divisional consultees**

64. Summarised below are the material planning considerations raised by internal and

divisional consultees, along with the officer's response.

65. Environmental protection team:  
Had no objections when re-consulted on the amended scheme in December 2019, but previously recommended permission be subject to a plant noise condition.
66. Waste Management team:  
No objection as the only impact on waste collection would be a change in the frequency. Servicing times is a commercial matter for the restaurant and their private waste contractor.
67. Archaeology:  
No objection, but recommend permission subject to a condition for an archaeological watching brief during construction groundworks.
68. Urban Forester:  
The proposed development results in the loss of a tree to the rear. No arboricultural report has been provided, and there is insufficient space to mitigate its loss on site. However, a legal agreement could be entered into to provide suitable planting off site so that there is no net loss of canopy cover as required by London Plan policy.

### **Consultation responses from external consultees**

69. None consulted.

### **Community impact and equalities assessment**

70. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
71. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
72. 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.
73. 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**

74. 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.
75. This application has the legitimate aim of providing additional space for the existing restaurant through the proposed redevelopment. 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**

76. 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.
77. 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?	NA
Was the application validated promptly?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO

If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
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## CONCLUSION

78. It is recommended that planning permission be granted. The proposed rear extension would be of an appropriate height, scale, high quality design and would be a subservient addition in this courtyard setting. As such it would not impact on the character of the conservation area. Any noise from the proposed extension would be kept to a minimum due to measures to keep windows and doors shut and where appropriate windows would be obscured glazing to prevent any overlooking of neighbouring properties. The proposed green roof would have ecological benefits and the loss of the tree would be mitigated by an in-lieu payment of £1,600 for a replacement tree.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 214-66 Application file:17/AP/4330 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: 0207 525 5457 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Andre Verster, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	21 September 2020	
<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 Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		7 January 2021

## Consultation undertaken

**Site notice date:** 10.11.2017

**Expiry date of notice:** 01.12.2017

**Press notice date:** a press notice was not published.

**Case officer site visit date:** 19.12.2017

### Internal services consulted

Environmental Protection Team

Archaeologist

Urban Forester

Waste Management Team

### Statutory and non-statutory organisations

None.

### Neighbour and local groups consulted:

Recipient Address:

Date Letter Sent:

- Flat 4, 38 Snowsfields, London
- Flat 5, 38 Snowsfields, London
- Flat 2, 38 Snowsfields, London
- Flat 3, 38 Snowsfields, London
- Flat 6, 38 Snowsfields, London
- 42-42A Snowsfields, London, SE1 3SU
- Flat 7, 38 Snowsfields, London
- Flat 8, 38 Snowsfields, London
- 41 Snowsfields, London, SE1 3SU
- Flat 1, 42 Snowsfields, London
- 38 Snowsfields, London, SE1 3SU
- 39 Snowsfields, London, SE1 3SU
- Flat 2, 42 Snowsfields, London
- Flat 5, 42 Snowsfields, London
- Flat 1, 38 Snowsfields, London
- Flat 3, 42 Snowsfields, London
- Flat 4, 42 Snowsfields, London
- Flat 6, 64 Weston Street, London
- Flat 7, 64 Weston Street, London
- Flat 4, 64 Weston Street, London
- Flat 5, 64 Weston Street, London
- Flat 8, 64 Weston Street, London
- Flat 12, 64 Weston Street, London
- Flat 9, 64 Weston Street, London
- 43 Snowsfields, London, SE1 3SU
- Flat 4, 62 Weston Street, London
- Flat 11, 64 Weston Street, London
- Flat 1, 62 Weston Street, London
- 66 Weston Street, London, SE1 3QJ

11.01.2018

10.01.2018

20.12.2017

- Flat 10, 64 Weston Street, London
- Flat 1, 64 Weston Street, London 18.12.2017
- Flat 3, 62 Weston Street, London
- Flat 3, 64 Weston Street, London
- Flat 2, 62 Weston Street, London
- Flat 2, 64 Weston Street, London
- Flat 5, 40 Snowsfields, London 05.04.2019
- 40 Snowsfields, London, SE1 3SU 12.01.2018
- Flat 5, No.42 Snowsfields, London 18.01.2018
- Meads Place, Gaudick Road, Eastbourne 01.05.2018

**Re-consultation:** Neighbours and Local Groups

Recipient Address:

Date Letter Sent:

- Flat 4, 38 Snowsfields, London
- Flat 5, 38 Snowsfields, London
- Flat 2, 38 Snowsfields, London
- Flat 3, 38 Snowsfields, London
- Flat 6, 38 Snowsfields, London
- 42-42A Snowsfields, London, SE1 3SU 11.01.2018
- Flat 7, 38 Snowsfields, London
- Flat 8, 38 Snowsfields, London
- 41 Snowsfields, London, SE1 3SU
- Flat 1, 42 Snowsfields, London
- 38 Snowsfields, London, SE1 3SU
- 39 Snowsfields, London, SE1 3SU
- Flat 2, 42 Snowsfields, London 10.01.2018
- Flat 5, 42 Snowsfields, London
- Flat 1, 38 Snowsfields, London
- Flat 3, 42 Snowsfields, London
- Flat 4, 42 Snowsfields, London
- Flat 6, 64 Weston Street, London
- Flat 7, 64 Weston Street, London
- Flat 4, 64 Weston Street, London
- Flat 5, 64 Weston Street, London
- Flat 8, 64 Weston Street, London
- Flat 12, 64 Weston Street, London
- Flat 9, 64 Weston Street, London
- 43 Snowsfields, London, SE1 3SU
- Flat 4, 62 Weston Street, London
- Flat 11, 64 Weston Street, London 20.12.2017
- Flat 1, 62 Weston Street, London
- 66 Weston Street, London, SE1 3QJ
- Flat 10, 64 Weston Street, London
- Flat 1, 64 Weston Street, London 18.12.2017
- Flat 3, 62 Weston Street, London
- Flat 3, 64 Weston Street, London
- Flat 2, 62 Weston Street, London
- Flat 2, 64 Weston Street, London
- Flat 5, 40 Snowsfields, London 05.04.2019
- 40 Snowsfields, London, SE1 3SU 12.01.2018
- Flat 5, No.42 Snowsfields, London 18.01.2018

• Meads Place, Gaudick Road, Eastbourne

01.05.2018

Consultation Letters to Internal Consultees: 30.11.2017

Re-consultation Letters to Internal Consultees: 27.06.2018

01.12.2019 (EPT)

Consultation Letters to External Consultees: None

Re-consultation Letters to External Consultees: None

## APPENDIX 2

### Consultation responses received

#### Internal services

Urban Forester The Arboricultural Impact Assessment submitted by the applicant has been assessed and the loss of the tree was considered acceptable. To mitigate this loss a financial contribution is sought to which is secured by a Unilateral undertaking.
Archaeology No objection but recommend permission subject to a condition for an archaeological watching brief during construction groundworks.
Environmental Protection Team No objection and recommend permission subject to conditions relating to internal noise levels Vertical sound transmission between commercial and residential properties and plant noise.
Waste Management No objection as the only impact on waste collection would be a change in the frequency. Servicing times is a commercial matter for the restaurant and their private waste contractor.

#### Statutory and non-statutory organisations

None.

#### Neighbour and local groups consulted:

Consultation:

The extent of the consultation is unclear;

Amenity:

Noise would increase, due to more customers and alterations to access to the bin store. It is proposed to access it from within the courtyard whereas currently access is from inside the restaurant. Bins are constantly being refilled and emptied throughout the night. Staff on smoking breaks talk loudly long after the restaurant has closed. Noise would be amplified by the courtyard and would result in an adverse effect on the residential amenity of neighbours;

More air conditioning units would cause more noise;

The previous application reference number 04/AP/1850 was conditional on the provision of soundproofing scheme which is now absent.

Noise pollution would funnel up to bedrooms situated around the courtyard;

Unsociable restaurant hours would be incompatible due to close proximity to flats facing the courtyard. If the opening hours extend beyond 11pm it would impact on the amenity of neighbouring properties.

The highest point of the new building should not obstruct or hinder the view from any residential windows facing the courtyard.

The use of CCTV would lead to a loss of privacy to neighbouring properties.

Access to the roof of the proposed building would lead to a loss of privacy to neighbouring properties.

Design:

The proposed development employs incongruous materials such as aluminium and PVC;

Trees:

Loss of a conservation tree;

Transport:

The loss of the bike shed is contrary to condition 4 of application 03/AP/0946.

Environment:

Air quality would decrease due to increased commercial food processing and associated odours;

Potential smoking areas would give rise to further adverse impacts on health and quality of life;

Highways:

Refuse collection would be disrupted and the proposal would increase existing issues of bins obstructing the public highway and public footpath;

The proposal would limit the space available for bins and deliveries and would hinder the collection of bins.

Impact on local businesses:

The construction would have a negative impact on a business in close proximity of the site.

Other matters:

The properties surrounding the courtyard would lose access to areas of the courtyard to be developed.

## APPENDIX 3

### Relevant planning history

Reference	Status	Date	Proposal
99/AP/0260	Granted	28/04/1999	Change of use of ground floor and basement from Retail (A1) to professional & financial services (A2) or offices (B1)
02/AP/2206	Refused	11/02/2003	Construction of single storey ground floor ear extension to existing restaurant
03/AP/0946	Granted	19/09/2003	Change of use of ground floor at 64 Weston Street from retail (Use Class A1) to part retail and part restaurant (Use Class A1 & A3) in connection with existing restaurant at 62 Weston Street, creation of covered storage area at rear of building, single storey extension to provide additional toilet and installation of door at rear of premises.
03/AP/2017	Granted	09/06/2004	Details of facing materials and cycle storage as required by condition 2 & 4 LBS Reg.03/AP/0946
04/AP/1635	Refused	07/12/2004	Retention of 3 existing air-conditioning units and installation of a new fourth air-conditioning unit to side of 62 and rear of 64 Weston Street, and construction of a wall to rear of 64 Weston Street.
04/AP/1850	Refused	11/04/2005	Demolition of existing single storey detached shed and erection of a single storey rear extension to the ground floor of the existing restaurant.

## APPENDIX 4

### 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.

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<b>Applicant</b>	Champor Champor Ltd	<b>Reg. Number</b>	17/AP/4330
<b>Application Type</b>	Major application	<b>Case Number</b>	214-66
<b>Recommendation</b>	GRANT permission		

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#### Draft of Decision Notice

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#### Planning permission is GRANTED for the following development:

Demolition of an existing single storey rear extension and construction of a single storey rear extension with mezzanine to the ground floor of the existing restaurant. Relocation of refuse storage, installation of 3 air conditioning units and the relocation of 1 air conditioning unit to the proposed lightwell.

62-64 WESTON STREET, LONDON SE1 3QJ

In accordance with application received on 16 November 2017

#### and Applicant's Drawing Nos.:

Reference no.:	Plan/document name:	Rev.:	Received on:
202A-223 FINAL 2020 PROPOSED SOUTH ELEVATION	Plans – Proposed		09.03.2020
202A-221 FINAL 2020 PROPOSED NORTH ELEVATION	Plans – Proposed		09.03.2020
202A-232 PROPOSED SECTION BB	Plans – Proposed	D	24.10.2019
202A-213 FINAL 2020 PROPOSED ROOF PLAN	Plans – Proposed		09.03.2020

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202A-232 EE FINAL 2020 PROPOSED EAST ELEVATION	Plans – Proposed		29.09.2020
LP1R	Site location plan		24.10.2019
202A-211 PROPOSED GROUND FLOOR PLAN	Plans – Proposed	F	24.10.2019
202A-212 FINAL 2020 PROPOSED MEZZANINE FLOOR PLAN	Plans – Proposed		25.10.2019
Proposes and removed air Conditioning Units	Document		24.10.2019

### **Permission is subject to the following Time Limit:**

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**

3. **ARCHEAOLOGICAL WATCHING BRIEF**  
Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological watching brief works, in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order that the details of the programme of works for the archaeological mitigation works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Above grade condition

4. GREEN ROOFS FOR BIODIVERSITY

Before any above grade work hereby authorised begins, details of the biodiversity (green) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green) roof(s) shall be:

- \* biodiversity based with extensive substrate base (depth 80-150mm);
- \* laid out in accordance with agreed plans; and
- \* planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the green/brown roof(s) and Southwark council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with: Policies 2.18 (Green Infrastructure: the Multifunctional Network of Green and Open Spaces), 5.3 (Sustainable Design and Construction), 5.10 (Urban Greening) and 5.11 (Green Roofs and Development Site Environs) of the London Plan 2016; Strategic Policy 11 (Design and Conservation) of the Core Strategy 2011, and; Saved Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

Prior to occupation condition

5. PROVISION OF REFUSE STORAGE

Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings/premises. The facilities provided 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: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity) and 3.7 (Waste Reduction) of The Southwark Plan 2007..

Compliance Condition

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: the National Planning Policy Framework 2019; Strategic Policy 12 (Design and Conservation) of the Core Strategy 2011, and; Saved Policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Plan 2007

7. OBSCURE GLAZING TO BE PROVIDED

The windows on the ground floor shall be fixed shut and the windows at mezzanine level shall be obscured glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing / fixed shut windows or fixed shut windows.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at from undue overlooking in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007

8. EMERGENCY EXIT

The fire exit to the rear of the ground floor extension shall be fixed shut and shall only be used in case of emergency

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007

9. ROOF TO BE USED ONLY IN EMERGENCY

The roof of the extension(s) hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out

Reason:

In order that the privacy of neighbouring properties may be protected from overlooking from use of the roof area in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007

10. SERVICING HOURS

Any deliveries, unloading and loading to the commercial units shall only be between the following hours: between 14:00 -18:00 on Tuesdays and Fridays; and 07:00 - 12:00 on Tuesdays to Saturdays.

Reason:

To ensure that and occupiers of the development and occupiers of

neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007.

11. PLANT NOISE

The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The plant and equipment shall be installed and constructed in accordance with the Noise Impact Assessment and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery, in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

**Informatives**