



Appeal Decision

Site visit made on 13 May 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2024

Appeal Ref: APP/A5840/W/24/3336972

14-16 Stoney Street, Southwark, London SE1 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by 34 St James Limited against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 23/AP/2490.
 - The development proposed is described as alterations to the shopfront facing Clink Yard and Dirty Lane and the installation of a new gantry and staircase at the ground and first-floor level on the Clink yard frontage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal lies within the Borough High Street Conservation Area ("the CA"). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the area including the CA; and
 - The effect of the development on highway safety.

Reasons

Character and Appearance

4. The significance of this part of the CA is defined, in part, by its active streetscape. There are views of buildings both near and far as one travels across energetic streets into the busy thoroughfares, through railway arches and into bustling lanes. While there is some building diversity within the wider area, the continuity of building frontages and the spaces which make up the yards, lanes, and thoroughfares make an integral contribution to the significance of the CA.
5. The appeal site sits at an important and commanding location on the edge of the CA. It is a rugged yet simplistic building with asymmetrical glazing at a

prominent corner. The appeal building is bold with imaginative detail and irrespective of its internal layout and floors, it makes a valuable contribution to the significance of the CA. The appeal building follows the theme of other buildings in the Borough Yards and this collective group relationship adds further value to the significance of the CA.

6. The spacious character of Clink Yard is particularly valuable as it serves as a 'clearing' and central space within Borough Yards. It frames one of the prominent thoroughfares into and out of the more tightly arranged lanes. It is difficult not to pause here and appreciate the layout and architecture of this space. The immediate buildings along this thoroughfare as well as the sense of space within this part of Clink Yard create a positive sense of arrival, interest, and anticipation as one either leaves Stoney Street and heads toward the arches and lanes; or as one leaves Borough Yards and heads toward the bustling environment of Borough Market and the wider CA.
7. The proposed black metal staircase and gantry would project into the CA and would have an industrial appearance. It would be of significant height, width and depth occupying a considerable portion of the appeal building frontage. This would disrupt and diminish views of the appeal building in what is a prominent location leading into Borough Yards. The impact of this would also diminish the group value of the appeal building with the other buildings in Borough Yards.
8. Additionally, the staircase and gantry would erode the important open space within Clink Yard by reducing the space within this 'clearing'. This would undermine the valuable sense of arrival, interest, and anticipation at an important thoroughfare into and out of the Borough Yards area. While reference has been made to the metal guards which top the railway viaduct, these only modestly sit above the railway. They do not diminish space or disrupt views in the same way as the proposed development.
9. I also acknowledge the Floral Hall portico, canopies and animal figures elsewhere away from Borough Yards. While I have taken these into account, they are different in scale, appearance, and siting. Additionally, they are not relatable to the proposed development as the group value of the Borough Yards buildings and the space within the Clink Yard thoroughfare is particularly important. This has limited bearing on my overall findings.
10. I note a temporary proposal for hording¹. This, however, is by its very nature short-term and harm arising from this hording would be reduced by its temporary nature. As a result, this has limited bearing on my overall findings.
11. Existing glazing, within the immediate area, is also typically clear, and this provides animated facades and a 'shop window' into the units of Borough Yards. However, I acknowledge that some obscure glazing, if used sparingly, also can be appropriate and a separate scheme has since been approved by the Council².
12. However, given my overall findings I find that the proposed development would not respond positively to the existing buildings or spaces. It would obtrusively dominate the host building and wider group of buildings. It would also unacceptably erode the sense of spaciousness and character within Clink Yard.

¹ Council reference 24/AP/0066.

² Council reference 24/AP/0083.

The proposed development would therefore fail to engage with the street scene, and this would be harmful to the significance of the CA which is defined by views of the buildings including the space that connect these buildings.

13. Accordingly, the proposed development would fail to preserve or enhance the character or appearance of the area including the CA. The proposal would therefore conflict with the relevant provisions of Policies P13, P14 and P20 of the Southwark Plan 2022, Policy HC1 of the London Plan 2021 and the National Planning Policy Framework ("the Framework"). These, amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Highway Safety

14. Clink Yard is open to vehicles, at certain times, for servicing the Borough Yards and these vehicles include larger refuse collection vehicles. The proposed development would extend into Clink Yard and reduce the area available for vehicles crossing this yard.
15. Vehicular swept path analysis plans accompanied the application, and they show that refuse vehicles, can access the site from Stoney Street post development. I have considered the scenario where the disabled parking bays would be fully occupied as well as the tracking past the cycle stands and through the viaduct. The drawings show this can be achieved with appropriate care and attention.
16. Both main parties have drawn my attention to the Borough Yards Mixed Use Development Site Wide Servicing Management Strategy ("the SWSMS")³. This document restricts servicing to limited times in the morning only. The SWSMS confirms that at least three security personnel and banksmen are present during servicing periods and are located at each of the site entrances with vehicles arriving in allocated time slots.
17. Given vehicles would be traveling at slow speeds and would arrive at a pre-booked slot under the supervision of banksmen and security personnel, I have no robustly substantiated reason to conclude that such vehicles would cause unacceptable impacts as they enter and leave the yard and service area.
18. Therefore, the proposed development would not create conditions prejudicial to the safety of users of the yard and service area. Additionally, it has not been demonstrated that any impacts would be severe. The proposed development would comply with the relevant provisions of Policies P13 and P50 of the Southwark Plan, Policy T4 of the London Plan and the Framework. These, amongst other things, seek to ensure that development would not be detrimental to the safety of users of the transport network, including pedestrians and cyclists.

Planning Balance

19. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the limited scale of the proposal I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such

³ dated 24 May 2023

circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

20. There would be social, environmental, and economic benefits during both the construction and occupation of the proposed development. The proposed development would also assist safety by increasing the number of exits to the appeal building. However, there is limited documented evidence before me to suggest that the staircase and gantry would be essential on health and safety grounds. Therefore, the proposed benefits, in combination, would be moderate given the scale of development.
21. I have found no harm arising from any highway impacts in respect to vehicles servicing the site. Nevertheless, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal. Accordingly, the quantum and scale of the benefits when considered collectively would not outweigh the importance and great weight given to the conservation of the heritage assets.

Conclusion

22. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR