

**Walworth Society Response to Planning Application 20/AP/1649 - Walworth Town Hall And
Newington Library 151-155 Walworth Road London Southwark SE17 1RS**

Stance: Object

Reason for comment: Information missing from plans, Not enough info given on application, Other – give details

Overall. These comments come from the Walworth Society which is an amenity society with some 550 active members in the SE17 area.

A. Context. In the proposed £3bn redevelopment of the Elephant & Castle and Elephant Park area we continue to regret the loss of this building to full civic use. We regret the fact that the costs of this redevelopment could not be borne by Southwark Council and the building could not be retained in entirely public use with a range of much needed public utilities for the local area and for the residents of Southwark more widely.

B. Community Access. We remain concerned about the relatively small amount of space that is given over in the development to community uses and that the other key element of public access, the café and lobby area, could be vulnerable to removal from public access based on the commercial success of the café operator. As well as covenants as to the retention of community use of the Community Space for the duration of the lease, guarantees are needed for the duration of the lease for the retention of public access to those parts of the ground floor which are currently designated in these plans for café and lobby space. Finally, guarantees of access are required for the rest of the building for members of the public at an agreed frequency including the participation of the building in Open House (or its equivalent into the future) every year. It is vital that there are regular opportunities for Walworth and Southwark residents to get a sense of the whole of the building. The society proposes that, in addition to the lease, guarantees and covenants in relation to these elements also appear in full in the S106 agreement so that any attempted variation from them is subject to a process of review through the planning process and is thus open to public scrutiny.

C. Restoration. While we welcome the reinstatement of the entire roof scape and the corner turrets, we are very concerned at the overall design quality of the restoration of the Walworth Town Hall and the Newington Library building. While there is a superficial attractiveness about the interior designs that are being created, overall the design does not demonstrate the experience required to ensure a high quality restoration of the architecture and structure that is needed for nationally important listed historic buildings. We advocate that significantly greater weight is given to the need for specialised experience and skill to restore the buildings themselves and in particular key locations such as the former Council Chamber, the ground floor of the Walworth Town Hall and its staircases. There are examples of other good quality restoration projects carried out in London such as Battersea Arts Centre and the Royal Court Theatre where a more appropriate and experienced design team has ensured successful results for both Grade II Listed buildings and their contemporary users.

Specific Points. We would make the following specific points for potential inclusion in the conditions associated with this application:

1. Covenants and guarantees. In light of the loss of this key civic building to Southwark's residents for a period that is envisaged to be 150 years, like many local residents, the Walworth Society believes that the most robust guarantees are required in relation to the elements of the building which are intended to have a public usage and public access. As we understand it, this consists principally of:

- a) the creation of a "Community Space" on the ground floor of the former Newington Library and
- b) the retention of public access:
 - i) permanently, to the café space on the ground floor of the former Town Hall (between the Community Space and the proposed entrance to Walworth Square) and
 - ii) on occasion, to other parts of the building that are of local and architectural interest such as the stairs, the proposed replacement for the destroyed Council Chamber and other parts of the building throughout the year (eg during Open House).

The Walworth Society has been led to believe that the guarantees in relation to the retention of the Community Space will be contained in the Lease and in relation to other public access will be contained in the S106 agreement. For the following reasons, the Walworth Society does not believe that this approach offers adequate guarantees and demands that a more robust approach (set out below) be pursued.

While the terms of the original lease will be binding between the freeholder, Southwark Council, and the first tenant (General Projects) and on all future assignees (new tenants to whom GP has transferred the lease) and could run for the full term of 150 years, there is, however, no guarantee that the original lease terms will survive the full 150-year term unchanged. A freeholder can waive breaches of covenant by the tenant (ie. fail to enforce the lease covenants and allow the tenant to act in a way which is counter to what is written), or it can formally vary any of the lease terms (either through a deed of variation to the existing lease or a surrender and re-grant of a new lease on entirely new terms). Either form of dilution/variation happens at the freeholder's (Southwark Council's) discretion as the terms of a lease are a private matter between landholders (between the freeholder and its tenant); third parties have no say about these private arrangements and no public scrutiny of these matters is required.

If it is intended that the local community is to continue to have a say in aspects of the use of the Walworth Town Hall and to be able protect the Community Space in perpetuity, the terms of the use of the land should remain within the purview of public law (via a S106 agreement) as well as private property law (which will cover the terms of the lease). The planning system cannot scrutinise or control the terms of a lease unless a legal obligation is created as part of the planning permission.

The S106 agreement creates obligations on the use of the land through the planning system. These obligations are binding on the land and apply to anyone who seeks to utilise the planning permission (or land developed by virtue of that permission) which has these obligations attached to it. No developer can undertake the work and carry on the use permitted by the planning permission without also undertaking the obligations in the S106.

The requirements that people in Walworth wish to see in relation to the retention of:

- i) the Community Space and
- ii) publicly accessible space across other parts of the building

are both issues relating to the proposed land use of the Walworth Town Hall (the application site).

They can and should, therefore, go into the S106 agreement, entirely independent of any lease. This is a vital element as only the S106 can be varied with public scrutiny. Although the S106 agreement may become a duplicate deed, it is the only public one.

The Walworth Society, proposes, therefore that the terms in the lease which pertain to the retention of the Community Space, should also appear in the S106 agreement. We understand that Southwark Council has been reluctant to share the full terms of the lease (and its guarantees in relation to the Community Space) with third parties owing to commercial sensitivities. If this is the case, we propose that the lease provisions for the 'Community Space' should appear in a separate document this is referenced in the lease but is publicly available and which can be scrutinized in full in advance for the sake of complete transparency. This document can be a Schedule to the lease which can be written and made available beforehand as part of the application and which will, in any event, constitute a material consideration in planning terms. Overall, it is vital that both this lease schedule and drafts of terms relating to other aspects of the provision of public access are provided ahead of the planning committee so that local people can have an understanding of how public access and the Community Space will be secured are available well in advance of the planning committee.

We would further propose that the Council will undertake not to vary the terms of this Schedule following the Planning Committee meeting (which may resolve to grant planning permission on the condition that the applicant enters into a S106 agreement) and the final drafting of the S106 (which typically happens after Committee).

We do understand that a S106 agreement can also be extinguished if it 'no longer serves a useful purpose' in terms of public benefit. However, in key distinction with a lease, this decision will be taken by Southwark not as landowner but as the Local Planning Authority. If Southwark acts demonstrably against community interests and the spirit of the S106 agreement, the interested parties are able to challenge the decision to vary or extinguish the S106 agreement in the high court, whereas there is no recourse to a variation by the freeholder of its lease.

In the light of recent and potential future changes to use classes, the S106 agreement should secure the use class (now F1). Again, the Walworth Society is concerned that the lease would not be binding on the development of the land itself if this was not included in the S106 agreement.

The core elements pertaining to the retention of the Community Space which should appear in the S106 agreement include the following:

- i) The location and definition of the Community Space: This is defined by reference to a plan, and also described as being on the ground floor and having an area of 240m².
- ii) The distinct nature of the Community Space and its permitted uses and that the minimum requirements must be complied with throughout the term such that the Community Space is made available for use as a community space to be managed in accordance with a Community Space Management plan. Further, it should be made clear that community groups are not obliged to pay a rent for using or occupying the Community Space.
- iii) The role of the Community Space Management Plan.
- iv) The retention of the Community Space as a public asset for the duration of the lease and
- v) Maintenance of its special character irrespective of transfer of the lease.

The core elements pertaining to the retention of public access across the Walworth Town Hall site are that public access is guaranteed:

- i) During operational hours to the cafe area with access through to Walworth Square.
- ii) To other parts of the building and in particular to the potential for local people to visit the whole of the building no less frequently than once a year (eg as part of Open House or its equivalent in the future) and
- iii) So that local people are able to visit the most historically significant parts of the buildings (eg to see the Memorials, the main stairs and the restored Council Chamber) more frequently.

Another approach altogether would be that Southwark Council retains the entire interest of the Community Space on the ground floor and that this area does not form the part of the lease to the tenant General Projects.

2. The quality of the refurbishment. There are considerable shortcomings in the quality of the designs for the restoration of such a significant building.

- a. Overall, the heritage knowledge and skill of the applicant's team is unclear. More specialist knowledge and research is required around all aspects of the integration of new structural elements within an historic building eg the new structural elements in the cafe on the ground floor, the roof lights in the former council chamber and in the staircase area. There are concerns too about the use of key materials where the choices and approach seem perverse. For example, the contemporary metal door elements would originally have been constructed in timber and structural metalworks and openings, are proposed in CLT timber (in the cafe and the former Council Chamber). This overall fusion of modern and historic is confused and inappropriate as the approach causes harm to appreciation of the listed existing building. Many of the elements appear to be trendy and domestic in feel which is not an appropriate language for a major heritage restoration of a public building. Many of the modern interventions are generic; neither bold and confident designs or faithful restorations.
- b. The design mixes elements of restoration with far more contemporary elements in an unthought through basis. Generally, the contemporary interventions are not well defined or described. Often these do not complement but are competing with the historic fabric. They appear to be "aggressive" rather than "recessive". Thus for example the cafe service desk is unappealing and out of keeping and featureless compared to the existing historic interior features.
- c. In addition, the scheme mixes a 20th Century colour scheme that does not appear at all appropriate for this building. There are many more opportunities for detailed research to be

done especially in relation to historic paint schemes using evidence of what remains to ensure that more informed decoration choices are made. These would then provide a suitable setting to enable the considerable historic features to stand out throughout the building, and especially in the staircases, library and cafe spaces.

- d. There are specific concerns and objections about the integration of the M&E services. A more detailed design and robust strategy about their integration is needed by the applicant as this element is fundamental to the question of how this space is to be transformed to include the incorporation of these new services. The present strategy for integration will create a huge change in the character of the historic building especially in the ground floor cafe and community space. These will overwhelm the existing spaces. We have concerns that large amounts of exposed ducting, lighting and electrical services may in this instance be more damaging to the appreciation of the historic building, than selective and carefully concealed services may do. The archaeology of the original building is of primary importance and how the necessary contemporary elements are added to enable the building to function well without compromising the quality of the Listed buildings.
- e. In the main stairway there are concerns that the proposed skylight is of poor quality and out of scale with the building. More detail is required in relation to the treatment and protection of the original stained glass.
- f. In the reconstructed Debating Chamber, the hangers for the new mezzanine deck are not integrated into the new structure and should be re-thought. The point from where the mezzanine hangs is not a natural structural node. A better approach might be a hybrid steel and timber truss. We are concerned that the exposed CLT will need to be covered throughout the building, due to changes in Fire Regulations, even though it is shown as remaining exposed.
- g. There is an opportunity for more research into the roles of the Mayor's parlour. There is insufficient analysis of what was previously there.
- h. There are concerns about the detail of the public realm proposals, in particular, the memorial garden. There has been no detailed study of the existing space, outlining elements that are of historical importance and how the garden design provides a suitable setting for the Listed building, despite it being on the main sightline from the Walworth Road. Nor is there any rationale to drive its restoration and use going forward. In many ways, the existing landscaping, with low maintenance but colourful dense planting and public seating next to the bus stop, also offering a spot for contemplation insight of the war memorials is preferable to a return to grass. Of particular concern is the proposed bike parking under the cedar tree and the effect this will have on the health of the tree's roots.

3. Cycle storage. It does not appear that there is enough cycle parking for both employees and visitors. The DAS and plans suggest there are 54 spots (36 regular, 3 for cargo/recumbent and 15 internal storage units for foldable bikes). The London Plan requires 1 per 75sqm in inner London B1 buildings for long-stay parking plus 1 per 500sqm for visitors. A rough calculation based on the building areas (this may not be exact owing to the different use classes in the building) would require 68 long-stay and 10 short-stay cycle parking spaces. It is unclear how the provision of 54 spots was calculated against the policy and whether the 15 internal parking spots are guaranteed (as they don't seem to appear on any of the plans). The provision cycle parking places under the tree is not desirable because of potential damage to the tree roots and because the canopy is low and over hanging.

4. Waste management. The bin storage area and waste management plan are not adequately detailed to suggest how it will work and whether there is enough space. The DAS and plans suggest 9 X 660 litre bins will be in a bin store that is located in an area a few steps down from the ground floor internal courtyard. Clarification of the following is required:

- Is there enough space to move 660 litre bins back and forth from the bin store to the Ethel Street curb? If the space from the street as it currently is is assessed, it is very narrow. It is unclear in the plan how the applicant will manage that without damaging walls. This may have been adequate pre-fire, but it is unclear how much waste would have been generated as much waste compared to how much is now anticipated.
- What is the proposed boundary treatment between the bin store area and the ground floor courtyard? There are no images or plan indications of whether there is a wall between them and how high that wall is (present day images suggest there is no wall at all, just some stairs). Part of the first-floor walkway over the courtyard also looks as if it goes over the bin store area. Does that walkway then overlook the bin store?
- The waste management plan relies on access via Ethel Street. While this may make sense, it is unclear whether the applicant has taken into account the new Larcom Street Streetspace closures. They reference a Larcom Street loading bay for deliveries that it is unclear will exist if the Streetspace closures become permanent.

5. Disability Access. We remain concerned about the quality of the access for people with impaired mobility. As we know, lifts (as is proposed on Walworth Square) can go wrong, be vandalised and be used as latrines. None of these would be acceptable. We are unsure that access through the Community Space represents an adequate or viable alternative.

6. The Construction Phase. With regards to the building construction company employed by the developer to refurbish the Town Hall and Library we propose:

- a. That all employees on site are employed direct; that there is no bogus self-employment or umbrella company usage. All employees are paid at least the London Living wage in line with Southwark Council policy.
- b. That there should be an apprentice scheme but with those apprentices employed by Southwark Council (Southwark Works Dept). This will ensure that there is definite employment at the end of this project.
- c. That there, as far as possible, should be a local labour scheme.
- d. That there should be provision for access to the site employees by the appropriate construction trade union. Normally this would be done at the site induction meeting.