

Item No: 7.	Classification: Open	Date: 21 July 2015	Meeting Name: Planning Sub-Committee A
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:			
From:		Head of Development Management	

PURPOSE

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

- 2 That Members note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:
 - 3.1 **Item 2 – 14/AP/3104 for: Full Application - UNIT 9, 139-143 BERMONDSEY STREET, LONDON, SE1 3UW**

Planning History

- 3.2 The history section refers to an application for a certificate of lawfulness which was refused at the Rankin Building, 139-143 Bermondsey Street. This is not the subject property but relates to the upper two floors of an adjoining building which is accessed from the same point in Bermondsey Street using the courtyard under the same address.
- 3.3 The original planning permission for the conversion of the warehouses was approved on 14/09/1999 (Our Ref 99/AP/0865). This involved the conversion from warehouse to form 3 business (B1) units, 6 residential units and 1 live/work unit and external alterations to the building. This permission was amended on 02/12/1999 to include new external terraces to the rear and side of the buildings and erection of roof extension to 143 Bermondsey Street (Our Ref 99/AP/1454).

Additional Comments

- 3.4 Following the publication of the committee report 3 additional representations have been made by neighbours who have previously commented on the application, to provide further substantiation for the concerns that they have. This document re-iterates the following objections:

- The bulk and mass of proposals, and adverse impact on the privacy and amenity and outlook of neighbours and adjoining occupiers, and adverse impact on the Bermondsey Conservation Area.
- The impact on Hatcher's Mews
- Construction access and process
- Inaccuracy of the information provided in submission documents
- The proposal would not provide a family unit.
- The neighbours are not supportive of the proposed development
- Alterations to the warehouse including loss of hipped roof and windows will fail to preserve or enhance the character of the Conservation Area.
- Sunlight analysis does not consider impact on first floor windows in Hatcher's Mews.
- Loss of privacy
- 14 breaches of Residential Design Standards which can be grouped into three main topics:
 - i) Impact on the Conservation Area
 - ii) Impact on the amenity of neighbouring residents
 - iii) Quality of the proposed residential accommodation.

3.5 These concerns are largely covered in the main report. However in relation to the suggested breaches of the Residential Design Standards SPD 2011 it should be noted that this document explicitly states that it is supplementary design guidance and is not policy. The SPD has the following objectives:

1. To provide a clear set of standards to guide the design of residential development
2. To provide design guidelines for a wide range of dwelling types required to meet housing need
3. To ensure a high standard of housing for all new residential developments.

3.6 The advice provides guidelines for extensions to existing residential properties, which in the context of residential development in Southwark, largely relates to traditional terraced, semi-detached and detached dwellinghouses. It does not provide specific advice for extension/redevelopment of open plan warehouse conversions within a conservation area. The principal considerations therefore, are the planning policies relating to development within a conservation area and those relating to the protection of amenity of neighbouring residents. The main report highlights the constrained nature of the development site and the characteristics of neighbouring development and how the proposed development has been designed to respond to these. Officers consider that the proposed development preserves the significance of the conservation area while protecting the amenity of neighbouring residents. In addition to this the extension would improve the quality of the existing residential accommodation.

3.7 **Item 3 – 14/AP/4405 for: Full Application - NEW HIBERNIA HOUSE, WINCHESTER WALK, LONDON, SE1 9AG**

3.8 In addition to the policies and documents referred to in the report, members are also referred to the Bankside, Borough and London Bridge draft SPD 2010.

3.9 The officers' report did not mention the objection from the Victorian Society. The objection was received on 12 June 2015 and stated:
"Thank you for consulting the Victorian Society on this proposal. We object to the application, which would harm the character and appearance of New Hibernia House – a significant non-designated heritage asset – and which would be detrimental to the Borough High Street Conservation Area, to which the building contributes positively. We thoroughly endorse the views expressed by Historic England in its letters of 2 February

and 3 June. This is a damaging and unjustified scheme that fails to comply with national legislation. We urge you to refuse it consent."

- 3.10 Detailed further representations have been received from the occupiers of 12 Tennis Court on the additional information received. The objection includes some issues referred to in the main report but provides additional representation as follows:

Loss of employment:

Several examples are provided for recent planning decisions where a loss of employment space was not found acceptable by the council or indeed the secretary of state:

- 14/AP/1079, 139 ORMSIDE STREET, LONDON, SE15 1TF (loss of 270sq.m. B1 space)
- 14/AP/0347, UNIT 1, 310-326 ST JAMES'S ROAD, LONDON, SE1 5JX (Total loss of B1 space (290sq.m))
- 12/AP/1215, UNIT G10, 9 STEEDMAN STREET, LONDON, SE17 3AF (total loss of B1 space (79sq.m.))
- 12/AP/1767, CROWN HOUSE 41-43 EAST DULWICH ROAD, LONDON, SE22 9BY.

- 3.11 Regard has been had to these applications; however the loss of office floorspace proposed for these applications would have been much greater than the 36sq.m. that would be lost through this scheme. 12/AP/1767 was a change of use allowed on appeal as the inspector found evidence submitted for marketing sufficient.

- 3.12 The objector advises that no attempt has been made by the applicant to justify the loss of B1 space in accordance with planning policy. Paragraph 19 of the officer's report states that the loss of office space has not been fully justified with regard to policy 1.4 but for the reasons in this paragraph, the loss of 36sq.m. office space is considered to be acceptable.

Employment density

- 3.13 The objector questions the figures in the letter with the projected employment numbers which is given as 30 and refers to the Employment Densities Guide by the Homes and Communities Agency. The calculation for full time equivalent (FTE) according to the guide would give 7.3 FTE jobs. There is clearly a discrepancy between the figures provided by the applicant and the guidance figures, nonetheless, the loss of office space in this instance is considered to be acceptable because of the modest loss that would take place and that an active frontage would be provided reinstating historical features.

Kitchen exhaust system

- 3.14 The objectors advise that the failure to provide information detailed in Defra's guidance documents is a significant failing of the application. This is not uncommon for applications where the end user of a restaurant/café has not been identified. Importantly, the flue height is good and means that with suitable odour control, the impact on residential amenity would be acceptable.

- 3.15 The suggestion is also made that the impact of the A3 use would result in an over-concentration of such uses along Winchester Walk and that the impact from noise would be unacceptable, including from the openable shopfront. There are two other A3/A4 premises on Winchester Walk and issues concerning the impact of noise and disturbance are addressed in paragraphs 22-24 of the report.

Corten

- 3.16 The objection reinforces the objection from Historic England and the Victorian Society and the comments previously made. Reference is made to a court of appeal judgement that affirmed the weight that should be afforded to the desirability of preserving the setting of a heritage asset. As referred to in the officer's report, the development would enhance both the conservation area and the setting of the cathedral. Members are reminded of the general duty referred to in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advised that the impact of the development on the cathedral is assessed in paragraphs 37-44 of the report.

Daylight and sunlight

- 3.17 The objectors note the Daylight and Sunlight analysis and state that the 45 degree line test would not be met. This is not correct as shown in page 10 of the additional information document submitted by the applicant.

Validation

- 3.18 A suggestion is made that this application should not have been validated because of a lack of information and questionable accuracy of the drawings submitted. The initial submission in addition to information subsequently received is sufficient to weigh the planning merits of the application.

- 3.19 **Item 4 – 15/AP/0988 for: Outline Application - SATI, THE TANNERY, BERMONDSEY STREET, LONDON, SE1 3XN**

- 3.20 A late joint representation has been received from the Leathermarket Joint Management Board and the Whites Grounds Estate Tenants and Residents Association. Concerns are expressed in relation four main issues: (i) loss of visual amenity, (ii) loss of privacy, (iii) loss of daylight/overshadowing, and, (iv) implications for the existing boundary wall and a sewer. Members should be aware that it is essentially the same representation as that already received from the Leathermarket Joint Management Board and which is already reported in Appendix 2 of the main report.

- 3.21 In detail the comments are as follows:

“Loss of visual amenity

The removal of the trees will cause a substantial loss of amenity for the residents of the neighbouring block in Whites Grounds. The Tanneries site is currently substantially of an industrial nature - full of rusting containers and very unattractive. The trees provide a shield to the Whites Grounds residents that will not be present if this development goes ahead. The trees also provide important greenery for the Whites Grounds estate and surrounding area, in what is a highly-developed part of London. I'd like to see a plan for replacement trees for those proposed for removal.”

Officer comment:

The issue of the loss of the trees is addressed at paragraphs 35 and 36 of the main report. The Urban Forester has clarified comments previously made as to whether they are worthy of protection or not. The species is Italian Poplar (*Populus Nigra Italica*). They are a fast growing species which have a relatively short lifespan of 30-40 years. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment been undertaken and has found that they sit on the borderline in terms of their worthiness for protection. This assessment considers issues such as amenity value, future lifespan, relative public visibility and threat of loss. In summary, whilst the trees would not normally be considered worthy of retention, in view of the foreseeable to immediate threat that the proposed development poses to their future (should this planning application be granted), it is considered that a defensible case for a Tree Protection Order could be made.

“Loss of daylight/overshadowing

The applicants’ attempts to demonstrate the issues around overshadowing are somewhat disingenuous. Unlike what the application suggests, that a line of trees is not as impermeable to light as a brick wall. The pictures show how permeable the existing trees are to light, particularly in the ground floor (note the strong bright patches from direct sun).”

Officer comment:

Officers accept and understand the point being made about the difference in the nature of the current semi-impermeable overshadowing caused by the trees as compared to the constant, solid shadow that the proposed building would cast (although this too will vary in direction and extent throughout the year). However, notwithstanding this, the overshadowing impact of the proposed building is the crucial matter to be considered and in this respect it has been assessed in a similar manner and with regard to the same policies and guidance as would any other proposed building in any other part of the Borough. In this regard, as reported at paragraph 20 of the main report, officer’s advice remains that the proposal would substantially comply with the relevant daylight and sunlight impact test and, whilst acknowledging that there would be some detrimental impact to the amenity of neighbouring residents, officers remain of the view that this harm would not be sufficient to warrant the refusal of the application.

“Loss of privacy

It appears that it is would be possible to look straight in to the upper floors of proposed houses – through the clear roof lights – from the upper balconies of the Whites Grounds block.”

Officer comment:

This issue was considered and is reported on at paragraphs 22 and 23 of the report. Officers remain of the same view that a harmful degree of overlooking would be very unlikely to arise. In addition to the reasons already offered for this view account should be made of the fact that these are clerestory roof lights set high above the internal finished first-floor level and so they would be very unlikely to provide the angle necessary to permit overlooking of any persons occupying the accommodation (and vice versa in terms of future occupiers being able to look over to the adjacent residential block at Whites Grounds Estate).

“Implications for the existing boundary wall and a sewer

The wall against which the properties are being built is not in great condition and has had a number of patch repairs over the years. There has also been a continuing dispute about the condition of a sewer which lies immediately under the proposed site of the houses. We wish to see clarity about whether this wall will be completely reconstructed as part of the development and would wish to see an analysis of the effect of this development on the state of the wall and sewer to mitigate any problems cause by the construction of this proposal.”

Officer comment:

This is not considered to be a material planning consideration. The condition of the existing boundary wall and sewer is a civil matter between the concerned parties. The planning system is not an appropriate means of seeking to reconcile such disputes.

REASON FOR LATENESS

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

5. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

6. BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403