

Item No. 7.1	Classification: OPEN	Date: 23 January 2018	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/3746 for: Full Planning Application Address: FLAT 9, RANKIN HOUSE, 139-143 BERMONDSEY STREET, LONDON SE1 3UW Proposal: Construction of a roof extension at third floor level with a roof terrace; removal of the uPVC conservatory at second floor level replacement with new facade		
Ward(s) or groups affected:	Grange		
From:	Director of Planning		
Application Start Date	05/10/2017	Application Expiry Date	30/11/2017
Earliest Decision Date	17/11/2017		

RECOMMENDATION

1. That members grant full planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The subject property is a two bedroom flat occupying the uppermost floor of a three storey former warehouse building which is now in residential use on the first and second floors, with office use on the ground floor. The proposed developments would be partly at second floor level, where there is currently a uPVC conservatory and roof terrace, and partly at rooftop (third floor) level. The existing roof is of a hipped form.
3. The site is bound by Hatchers Mews to the north and east which is currently occupied by residential dwellings facing onto Bermondsey Street and a two-storey detached building consisting of office buildings sitting behind the residential dwellings that front Bermondsey Street. The site is bounded by a mixed-use office and residential property to the south of the site, Bickels Yard. To the west, the site is bounded by a courtyard and three storey residential building.
4. The application site is not a listed building but is within the boundaries of the Bermondsey Street Conservation Area.
5. The subject property is located within: the Central Activity Zone; an Air Quality Management Area; the Borough, Bermondsey and Rivers Archaeological Priority Zone; London Bridge Strategic Cultural Area, and; the Bankside, Borough and London Bridge Opportunity Area.

Details of proposal

6. The application proposes to construct a single-storey extension at second floor level in place of the existing uPVC conservatory. The proposed single-storey development

would oversail the existing terrace area, transforming this existing outdoor seating area into a covered amenity space. It is also proposed to construct an additional storey at rooftop (third floor) level. The extension would provide additional accommodation to the existing flat in the form of a music room and kitchen/diner. The remainder of the roof would be transformed into an outdoor terrace area. Internal layout changes at second floor level are also proposed.

7. On the western elevation the proposed scheme is set-back 3.35 metres from the building edge, 2.65 metres from the edge of the northern building line, 2.5 metres from the north-eastern corner. The scheme extends 11.55 metres along the eastern edge of the building line, and extends a maximum width of 5.48 metres along the entire southern elevation.
8. On the southern and eastern elevations, the proposal will have a maximum height of 4.40 metres with one window proposed in the southern elevation, and 2 windows proposed in the eastern elevation. A skylight is to be located on the south-eastern corner of the proposal that is similar to the skylight proposed under planning reference 15-AP-1293 (allowed on appeal) that will provide an extra source of natural light into the host property. The western elevation proposes a set of doors and one window and has a maximum height of 4.20 metres.
9. The northern elevation proposes alterations to the existing second floor where the existing conservatory was located. The second floor will have a maximum height of 4.40 metres and proposes a small terraced area towards the eastern corner with seven windows being created in place of the existing lightweight conservatory. The proposed third floor will rise to a height of 4.40 metres.
10. The materials proposed in the development involve the use of a brick finish that is representative of the surrounding conservation area.

Planning history

11. The following planning history exists for the application site:

<p>14/EN/0475 Enforcement type: Change of use (COU)</p> <p><i>Use as residential flat.</i></p> <p>Sign-off date: 15/05/2015 Sign-off reason: Final closure - breach ceased (FCBC)</p>
<p>14/EN/0379 Enforcement type: Change of use (COU)</p> <p><i>Use as residential flat.</i></p> <p>Sign-off date: 03/06/2015 Sign-off reason: Final closure - breach ceased (FCBC)</p>
<p>15/AP/1293 Application type: Full Planning Application (FUL)</p> <p><i>Removal of white Upvc framed conservatory, extension of a two-bedroom flat by 95.6 Sqm gia to create a fourth storey with a further bedroom and additional living space.</i></p> <p>Decision date: 06/08/2015</p>

Decision: **Refused (REF)**

The application was refused by the planning sub-committee.

Reasons for refusal:

1. The development would harm the setting of the Bermondsey Street Conservation Area contrary to: Section 12, conserving and enhancing the historic environment of the National Planning Policy Framework 2012; Policy 7.8 heritage and archaeology of the London Plan 2015; Strategic policy 12 design and conservation of the Core Strategy 2011; and Saved policies 3.15 conservation of the historic environment and 3.16 conservation areas of the Southwark Plan 2007.
2. The development would cause harm to the amenity of nearby residents contrary to: Section 7 requiring good design of the National Planning Policy Framework 2012; Policy 7.4 local character of the London Plan 2015; Strategic policy 13 high environmental standards of the Core Strategy 2011; and Saved policy 3.2 protection of amenity of the Southward Plan 2007.
3. The development would be contrary to the Residential Design Standards Supplementary Planning Document 2011.

Appeal decision date: 03/10/2016

Appeal decision: **Planning appeal allowed (ALL)**

Reason(s) for appeal outcome: The planning inspector allowed the appeal on the basis that the development have a neutral effect on the character or appearance of the conservation area and would therefore preserve it. Furthermore, the inspector argued that the proposal would not significantly harm the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance, privacy and outlook.

15/AP/2835

Application type: Full Planning Application (FUL)

Change of use of the ground floor from office (B1 use) to a studio flat (Use Class C3)

Decision date: 08/09/2015

Decision: **Refused (REF)**

Reason(s) for refusal:

16/EQ/0202

Application type: Pre-Application Enquiry (ENQ)

Change of use of first and second floors from office (Class B1) to a residential dwelling (Class C3).

Decision date: 11/08/2016

Decision: **Pre-application enquiry closed (EQC)**

16/AP/4385

Application type: Full Planning Application (FUL)

Change of use of first and second floors from B1 (office) to C3 (residential) consisting of 2 x 1 bedroom apartments, with fixed opaque privacy screen to second floor external terrace.

<p>Decision date: 21/12/2016 Decision: Refused (REF)</p> <p>Reason(s) for refusal: In the absence of satisfactory evidence to demonstrate the unsuitability of the premises for business purposes, or any evidence of a lack of demand for business purposes in spite of marketing, the proposal is contrary to saved policy 1.4 (Employment sites outside the Preferred Office Locations and Preferred Industrial Locations) of the Southwark Plan 2007, policy SP10 (Jobs and Businesses) of the LB Southwark Core Strategy 2011, policy 4.1 (developing London's Economy) of the London Plan 2015 and section 1 (Building a Strong, Competitive Economy) of the NPPF 2012</p>
<p>16/EN/0175 Enforcement type: Unauthorised building works (UBW)</p> <p><i>Erection of a fence.</i></p> <p>Sign-off date: 07/03/2017 Sign-off reason: Final closure - not expedient to enforce (FCNE)</p>
<p>17/EQ/0036 Application type: Pre-Application Enquiry (ENQ)</p> <p><i>Refurbishment and roof extension to create a two bedroom flat</i></p> <p>Decision date: 13/03/2017 Decision: Pre-application enquiry closed (EQC)</p>

Planning history of adjoining sites

12. The following planning cases are of relevance to 17/AP/3746:

<p>HATCHERS MEWS, BERMONDSEY STREET, LONDON, SE1 3GS</p> <p>17/AP/3918 Application type: Full Planning Application (FUL)</p> <p><i>Demolition of an existing commercial building (Class B1) and construction of a new mixed-use building comprising 6 x residential units and 5 x office units (Class B1a), alongside the modification of a conjoined existing mixed use building to add another 2 new residential units.</i></p> <p>Decision date: Pending (PEN)</p>
--

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13. The main issues to be considered in respect of this application are:
- a. The principle of the development in terms of land use and conformity with strategic policies.
 - b. The impact of the development on the amenity of the occupiers of adjoining properties.
 - c. Design quality (including the impact on the surrounding Conservation Area)

- d. Quality of accommodation
- e. All other relevant material planning considerations

Planning policy

National Planning Policy Framework (the Framework)

14. Section 7 - Requiring good design
Section 12 - Conserving the environment

The London Plan 2016

15. Policy 6.13 - Parking
Policy 7.4 - Local character
Policy 7.6 - Architecture
Policy 7.8 - Heritage assets and archaeology

Core Strategy 2011

16. Strategic Policy 2 - Sustainable transport
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

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

- Policy 3.2 - Protection of amenity
- Policy 3.11 - Efficient use of land
- Policy 3.12 - Quality in design
- Policy 3.13 - Urban design
- Policy 3.16 - Conservation areas
- Policy 4.2 - Quality of residential accommodation
- Policy 5.2 - Transport impacts

2015 Technical Update to the Residential Design Standards SPD (2011)
Bermondsey Street Conservation Area Appraisal (2003)

Consultation replies

- 18.
- | | | | | | |
|----------------------------------|----|--------------------|----|----------|---|
| Total number of representations: | 14 | | | | |
| In favour: | 1 | Against: | 13 | Neutral: | 0 |
| Petitions in favour: | 0 | Petitions against: | 0 | | |

19. The matters raised by the consultation responses which constitute material planning considerations are as follows:
- The proposed single-aspect accommodation would not offer an acceptable quality of accommodation for future occupiers;

- The extensive floor area of the proposed flat would not make efficient use of the land;
- Poor quality of design, harmful to the character of the building and the wider Conservation Area;
- Privacy infringement for neighbouring occupiers;
- Loss of sunlight for neighbouring occupiers;
- The proposal would harm the development potential of adjoining sites;
- Health and safety concerns during the construction phases;
- Concerns around the adequacy of the site access for machinery and construction vehicles during the construction phases;
- Disruption (noise, vehicle movements etc.) during the construction phases;
- Construction vehicle movement would impact on the local road network, in particular traffic on Bermondsey Street.

20. The remaining parts of this report address the matters raised.

21. One representation raised objection to the application on the basis of leasehold issues. This matter falls outside the scope of material planning considerations and thus cannot be taken into account in the determination of this proposal.

Principle of development

22. There is no objection, in principle, to the alteration and/or extension of a residential property provided that the development would be of a high standard of design such that it would respect or enhance the character, appearance and setting of its surroundings including any designated heritage assets and would not adversely impact upon the amenity of adjoining properties.

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

23. Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) states that the Council will not allow development where it leads to a loss of amenity for neighbours.

Daylight, sunlight and overshadowing

24. The nearest residential properties are: on the lower floors of the application building; at no. 135 Bermondsey Street; at nos. 1-8 Hatchers Mew, and; at nos. 151-153 Bermondsey Street (Bickels Yard), although this is a mixed-use residential/office building.

25. A previous planning application at this site, which proposed a scheme of larger proportions than that proposed by 17/AP/3746, was allowed on appeal (ref: 15/AP/1293). One of the Local Planning Authority's reasons for refusal was that "*the development would cause harm to the amenity of nearby residents*" but did not specify whether this harm would arise from loss of daylight/sunlight. Given that the Inspector ruled that the previous scheme would cause no daylight/sunlight harm to neighbours, it follows that the new proposal, being of comparatively lesser mass and scale, would similarly cause no sunlight/harm. Notwithstanding this, a sunlight/daylight assessment has been submitted by the applicant to demonstrate the effect of the proposal on neighbouring occupiers to the application site.

26. The assessment shows that the daylight/sunlight losses and overshadowing impacts would be not be as great as the previous (allowed at appeal) proposal and the change from the existing condition would not be discernible to nearby residents.

Overlooking

27. As stated in the 'Details of proposal' section of this report, the proposed additional storey at second floor level, which would replace the existing conservatory, would incorporate a series of boundary-edge windows in the north elevation. The proposed additional storey at third floor level would incorporate a series of doors and windows in the north elevation, one window in the south elevation, two windows proposed in the east elevation, and a set of doors and one window in the west elevation. At the southern end of the roof, one skylight is proposed.
28. The apertures proposed in the east and south elevation would not result in any new overlooking opportunities given their size and siting on each elevation. The views achievable from the proposed new north-facing windows and doors would not be materially different from the existing views that could be achieved from the existing second floor north elevation. The views from the terrace proposed at third floor level would replicate the existing pattern of overlooking and thus no neighbours would be subject to privacy infringement.

Sense of enclosure and quality of outlook

29. In comparison to 15/AP/1293, a previous planning application which was allowed on appeal, the scheme herein under consideration is of a reduced mass and bulk by reason of the development having been set-back by 3.35 metres on the western elevation and 2.65 metres on the northern elevation. The massing and positioning of the proposal would neither give rise to an undue increased sense of enclosure nor appear overbearing for neighbouring occupiers.

Design issues and impact on the Bermondsey Street Conservation Area

30. The proposal involves the removal of the existing set-back roof and lean-to conservatory at the second floor of the existing building, together with the construction of an additional storey and the creation of a roof terrace at third floor level. The site is located in the Bermondsey Street Conservation Area where the council's policies and the NPPF requires all development to conserve or enhance the character and appearance of the conservation area and where demolition can only be approved if the Local Planning Authority is satisfied with the replacement scheme. The site is visible from the Tanner Street Park and contributes positively to the southern edge of the park.
31. In this case the loss of an existing hipped roof form in the context of the conservation area will require additional justification and the historic significance of the roof as well as the quality of design can be considered in the balance against any harm caused. In this case an additional floor appears to respond to the setting of the park and reflects the prevailing heights of adjacent buildings without being overly dominant. The overall design approach is a contemporary one, comprising two distinct elements and with the design attempting to reduce the overall mass and bulk of application 15/AP/1293 that was allowed at appeal.
32. It is considered that the reduction in scale and massing in comparison to the previous submission (ref: 15/AP/1293), together with the proposed set-back that preserves the views from neighbouring terraces, would be more complementary to the surrounding Bermondsey Street Conservation Area, and would not detract from the original building.
33. The site falls within sub area 1 of the Bermondsey Street Conservation Area. For sites on Bermondsey Street, the Conservation Area Appraisal notes the following:

"The combination of mediaeval scale and industrial detail creates a very distinctive townscape of narrow streets and building plots, arched alleyways to rear yards, warehouse architecture with tall loading bays, hoists, etc. and the backdrop of the railway arches on Crucifix Lane. This physical character continues to be expressed in a vibrant range of uses and activities that include housing, workshop and office-based businesses and many small-scale shops and cafés."

34. The conservation area is also distinctive for its warehouses which are predominantly 4 storeys in height. Although the application site is not a listed building and is not included within the character appraisal as a distinctive building, nos. 139-143 are referred to in the Character appraisal as:

"The latter include a renovated pair at 139-153 with distinctive central loading bays rising above three main storeys to serve an attic storey behind the roof parapet."

35. With the above information in mind, the proposed scheme would be prominent when viewed from the park. However, it would appear as an extension to the original building and is of a similar or lesser massing than not only the surrounding development but also the previously submitted planning application (ref: 15/AP/1293). There is no single character for the development surrounding this park as there is a range of different building types from different eras using a variety of different materials. The scale of development around the park varies from 2-7 storeys in height, with a variety of roofscapes (flat, monopitch, gable ended, hipped, mansard) and material finishes including brick, tiles, render and cladding. The proposed development would consist of a brick finish to complement the surrounding area, and is considered to be of a scale and design which would complement the existing character of development surrounding Tanner Street Park and the wider conservation area.
36. Accordingly officers support a recommendation in this case and are satisfied that the harm arising due to the loss of the roof is justified by the complementary detailing and sensitive height, scale and massing of the proposed development.

All other relevant planning matters

Quality of residential accommodation

37. Public consultation responses raised issue with the quality of outlook from the proposed development, arguing that the outlook from the dwelling would be predominantly in one direction. Furthermore, concerns were raised that the depth of some of the rooms would be excessive taking account of the size and position of the glazing serving the rooms.
38. It is considered that all rooms would be served by adequately-sized glazed apertures. The development would offer numerous primary living spaces and a varied outlook to the north, east, south and west. As such a good quality of accommodation would be achieved. The layout is similar to application 15/AP/1293 that was allowed at appeal.

Issues associated with the construction phase

39. Residents have expressed concerns that the construction period would cause noise disruption, health and safety issues and an increased number of construction vehicle movements. It should also be noted that consultation responses received in relation to the previous application (15/AP/1293) brought to attention the unwillingness of

neighbouring residents to provide access through their sites.

40. With regard to noise and construction vehicles movements, it is inevitable that there would be some disturbance during the works. These impacts would, however, be in association with a small-scale development and for a temporary period only. The disruption would be neither significant nor long-term, and can in any case be controlled through existing environmental regulations. An informative will be added to the Decision Noise to remind the applicant of Southwark Council's Standard Construction Hours, accordance with which would be sufficient to prevent neighbours experiencing undue disturbance. Standard site hours are:

- Monday to Friday 08.00 – 18.00hrs
- Saturday 09.00 – 14.00hrs
- Sundays & Bank Hols no works

41. The scale of the proposed development is small such that, although some additional construction vehicle movements would be experienced on the local highway network, the number of additional trips would have a negligible effect.

42. Accordingly, the local planning authority is satisfied that the demolition and construction phases can, if conducted in a controlled manner, safeguard neighbours from undue disturbance or health and safety risks. As such, and in line with the appeal decision for the previous application (ref: 15/AP/1293), a condition is recommended requiring the Local Planning Authority to approve a construction method statement prior to the commencement of any demolition works.

43. Contractors must also abide by industry standards of health and safety.

Landscaping

44. In line with the appeal decision for the previous application (ref: 15/AP/1293), landscaping conditions (one 'submission of details' condition relating to hard and soft landscaping, and one 'compliance' condition stipulating the time of year at which planting, seeding and turfing is to take place) will be imposed.

Efficient use of land

45. Public consultation responses raised objection to the proposed development being used as additional residential accommodation rather than as a new standalone development, arguing that a new self-contained dwelling would contribute to the local housing stock and make more efficient use of the land.

46. The additional residential accommodation proposed by this planning application would not result in a significant change to the residential density of this site, and thus presents no conflict with Policy 3.11 of the Southwark Plan. Furthermore, the local planning authority must assess each application on its own merits; as such, there is no reason to object to the proposed development on the grounds that a hypothetical alternative form of development would make more efficient use of the land.

47. Public consultation responses also raised concerns that the proposed development may impact on the prospects of the pending planning application at Hatchers Mews (directly to the north of the application site) achieving planning permission. However, regard must be given to the extant permission at the subject site (ref: 15/AP/1293), which was for a proposal of a larger footprint and massing to that proposed by 17/AP/3746. As such, the development proposed by 17/AP/3746 would harm the development potential of the Hatchers Mews site no more than the consented application, 15/AP/1293.

Planning obligations (Community Infrastructure Levies and S.106 undertaking/ agreement)

48. None.

Community impact statement

49. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

- a) The impact on local people is set out above.
- b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

Human rights implications

50. 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.

51. This application has the legitimate aim of providing additional accommodation to an existing flat. 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.

Conclusion on planning issues

52. The proposed development accords with the principles of sustainable development. It complies with current policy, respects the amenity of neighbouring properties and is of acceptable design. Accordingly, it is recommended that members grant full planning permission subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/11-139	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
Application file: 17/AP/3746		Planning enquiries email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 0207 525 0783 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Troy Davies, Planning Officer	
Version	Final	
Dated	4 January 2018	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		11 January 2018

APPENDIX 1

Consultation undertaken

Site notice date: 05/10/2017

Press notice date: 12/10/2017

Case officer site visit date: 02/11/2017

Neighbour consultation letters sent: 06/10/2017

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat 8 Rankin House SE1 3UW	135 Bermondsey Street London SE1 3UW
Flat 7 Rankin House SE1 3UW	5 Hatchers Mews Bermondsey Street SE1 3GS
Flat 6 Rankin House SE1 3UW	2 Hatchers Mews Bermondsey Street SE1 3GS
Rankin House 139-143 Bermondsey Street SE1 3UW	1 Hatchers Mews Bermondsey Street SE1 3GS
Flat 10 Rankin House SE1 3UW	4 Hatchers Mews Bermondsey Street SE1 3GS
Flat 9 Rankin House SE1 3UW	3 Hatchers Mews Bermondsey Street SE1 3GS
Ground Floor Rankin House SE1 3UW	Flat 2 Rankin House SE1 3TQ
Second Floor Rankin House SE1 3UW	33 St Johns Estate Tower Bridge Road se12xd
Flat 2 Rankin House SE1 3TQ	52 Reverdy Road Bermondsey SE1 5QD
Flat 5 Rankin House SE1 3UW	31 Howard House Evelyn Street se85qs
Flat 4 Rankin House SE1 3UW	2 Hatchers Mews London SE1 3GS
8 Bickels Yard 151-153 Bermondsey Street SE1 3HA	33 St Johns Estate Tower Bridge Road SE1 2XD
7 Hatchers Mews Bermondsey Street SE1 3GS	5 Tanner Street London
6 Hatchers Mews Bermondsey Street SE1 3GS	7 Ducie Street London SW4 7RP
8 Hatchers Mews Bermondsey Street SE1 3GS	Hatchers Mews London se1 3gs

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 2 Rankin House SE1 3TQ
Flat 4 Rankin House SE1 3UW
Flat 4 Rankin House SE1 3UW
Flat 5 Rankin House SE1 3UW
Flat 5 Rankin House SE1 3UW
Flat 5 Rankin House SE1 3UW
Hatchers Mews London SE1 3GS
135 Bermondsey Street London SE1 3UW
2 Hatchers Mews Bermondsey Street SE1 3GS
2 Hatchers Mews London SE1 3GS
31 Howard House Evelyn Street SE8 5QS
33 St Johns Estate Tower Bridge Road SE1 2XD
33 St Johns Estate Tower Bridge Road SE1 2XD
5 Tanner Street London
52 Reverdy Road Bermondsey SE1 5QD
7 Ducie Street London SW4 7RP
8 Hatchers Mews Bermondsey Street SE1 3GS