

Bermondsey Community Council Planning

Thursday 8 March 2012
7.00 pm

Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Linda Manchester (Chair)
Councillor Graham Neale (Vice-Chair)
Councillor Anood Al-Samerai
Councillor Michael Bukola
Councillor Denise Capstick
Councillor Mark Gettleson
Councillor Paul Kyriacou
Councillor Eliza Mann
Councillor Nick Stanton

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Acting Chief Executive

Date: Tuesday 28 February 2012



Order of Business

**Item
No.**

Title

1. INTRODUCTION AND WELCOME
2. APOLOGIES
3. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.

Item No.**Title****4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

5. MINUTES (Pages 5 - 6)

To confirm as a correct record the minutes of the meeting held on 16 February 2012.

6. DEVELOPMENT MANAGEMENT ITEMS (Pages 7 - 11)

6.1. ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG (Pages 12 - 26)

6.2. SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR (Pages 27 - 40)

6.3. SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR (Pages 41 - 53)

6.4. 88 BERMONDSEY STREET, LONDON, SE1 3UB (Pages 54 - 68)

6.5. 5 TYERS GATE, LONDON, SE1 3HX (Pages 69 - 87)

Date: Tuesday 28 February 2012

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Tim Murtagh, Constitutional Officer, Tel: 020 7525 7187 or email: tim.murtagh@southwark.gov.uk
Website: www.southwark.gov.uk

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Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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Bermondsey Community Council

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SE1 2TZ London

Somali:

U-Baahnaanshaha Luqadda

Haddii aad u baahan tahay macluumaadka ku saabsan Guddiyada Beelaha oo lagu tarjumay luqaddaada fadlan soo wac khadka taleefoonka 020 7525 7420 ama booqasho ugu tag hawladeennada ku sugan 160 Tooley Street, London SE1 2TZ

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আপনি যদি নিজের ভাষায় কমিউনিটি কাউন্সিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7420 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

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Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò Àwùjo ti a se ayipada si ede abíníbí re, jowọ tẹ wa l'aago si ori nombá yi i : 020 7525 7420 tabi ki o yo ju si awon òṣiṣé ni ojúlé 160 Tooley Street , London SE1 2TZ

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Planning at Community Council Meetings

This sheet will tell you about what happens at the meeting when the community council considers a planning application, a planning enforcement case or other planning proposals.

The community council must follow the same rules and procedures as the council's main planning committee.

The items are heard in the order printed on the agenda, but the chair may change the running order of the items.

At the start of each item, the council's planning officer will present the report about the planning application and answer points raised by Members of the committee. After this, the following people may speak on the application if they wish, but **not more than 3 minutes each**:

1. A representative (spokesperson) for the objectors - if there is more than one objector wishing to speak the time is then divided within the 3 minute time slot
2. The applicant or their agent
3. A representative for any supporters who live within 100 metres of the development site
4. A ward councillor from where the proposal is located.

The chair will ask the speakers to come forward to speak. Once the speaker's three minutes have elapsed, members of the committee may ask questions of them, relevant to the roles and functions of the community council.

Members of the committee will then debate the application and consider the recommendation.

Note

If there are several objectors or supporters, they have to identify a representative who will speak on their behalf. If more than one person wishes to speak, the 3 minute time allowance must be shared amongst those who wish to speak. Objectors may wish to meet with other objectors in the foyer of the hall prior to the start of the meeting to appoint a representative.

Speakers should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already on the report.

The arrangements at the meeting may be varied at the discretion of the Chair.



BERMONDSEY COMMUNITY COUNCIL - Planning -

MINUTES of the Bermondsey Community Council held on Thursday 16 February 2012 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Linda Manchester (Chair)
Councillor Graham Neale (Vice-Chair)
Councillor Anood Al-Samerai
Councillor Michael Bukola
Councillor Paul Kyriacou
Councillor Eliza Mann
Councillor Nick Stanton

**OFFICER
SUPPORT:** Richard Burgess, Project Officer
Nagla Stevens, Principal Lawyer
Tim Murtagh, Constitutional Officer

1. INTRODUCTION AND WELCOME

The chair welcomed members of the public, councillors and officers to the community council meeting.

2. APOLOGIES

There were apologies for absence from Councillors Denise Capstick and Mark Gettleson. Apologies for lateness were received from Councillor Paul Kyriacou.

3. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES**RESOLVED:**

That the minutes of the meeting held on 23 January 2012 be agreed as a correct record and signed by the chair.

6. REPORT ON TRANSFER OF £1,137,500 FROM THE AFFORDABLE HOUSING FUND TO FINANCE A SCHEME AT 120-150 IVYDALE ROAD.

Report: See pages 8 to 13 of the agenda

Members considered the report.

RESOLVED:

That the report be noted and the following comments made:

1. The report contained no alternative housing schemes close to the development.
2. That the next Bermondsey community council planning meeting should receive a report on the regeneration investment programme that includes a copy of the housing development database and a list of sites within the Bermondsey community council area.
3. That the next Bermondsey community council planning meeting should include a report on how officers balance the core strategy affordable housing targets , the affordable housing SPD which seeks to promote mixed communities and the need to achieve a maximum return on investment.
4. That the next Bermondsey community council planning meeting should receive an explanation of the process by which it is determined that off-site opportunities are not available under the "sequential test."
5. That discussions should take place about the possibility of investing section 106 funds in refurbishing existing housing stock in light of the draft National Planning Policy Framework.

The meeting ended at 8.00pm

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 8 March 2012	Meeting Name: Bermondsey Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Deputy Chief Executive	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

- 4 The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community impact statement

14. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of communities, law and governance and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the strategic director of communities, law & governance. The planning permission will not be issued

unless such an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. The Southwark Plan is part of the Development Plan along with the Core Strategy and London Plan. Some of the detailed Southwark plan policies were 'saved' in July 2010 with permission from the Secretary of State. Some of these policies have now been superseded by policies in the Aylesbury Area Action Plan and the Core Strategy which was adopted on April 6 2011. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 5LX	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1 2TZ	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	25 October 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Acting Chief Executive	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE BERMONDSEY CC
on Thursday 08 March 2012

Appl. Type Advertisement Consent
Site ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG

Reg. No. 11-AP-3507
TP No. TP/ADV/242-30
Ward Riverside
Officer Victoria Lewis

Recommendation SPLIT DECISION - PART GRANT /PART REFUSE

Item 6.1

Proposal

Continued display of two illuminated menu boxes to front elevation and one externally illuminated projecting sign and an internally illuminated menu box to rear elevation.

Appl. Type Full Planning Permission
Site SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

Reg. No. 11-AP-4005
TP No. TP/147-231
Ward Grange
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Item 6.2

Proposal

Installation of a 400 mm x 400 mm kitchen extract louvre to rear elevation of public house.

Appl. Type Listed Building Consent
Site SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

Reg. No. 11-AP-4006
TP No. TP/147-231
Ward Grange
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Item 6.3

Proposal

Installation of internal ducting to extract system and a 400 mm x 400 mm kitchen extract louvre to rear elevation of public house.

Appl. Type Full Planning Permission
Site 88 BERMONDSEY STREET, LONDON, SE1 3UB

Reg. No. 11-AP-1845
TP No. TP/11-104
Ward Grange
Officer Daniel Davies

Recommendation GRANT PERMISSION

Item 6.4

Proposal

Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.

Appl. Type Full Planning Permission
Site 5 TYERS GATE, LONDON, SE1 3HX

Reg. No. 11-AP-2261
TP No. TP/80-1
Ward Grange
Officer Ronan O'Connor

Recommendation GRANT PERMISSION

Item 6.5

Proposal

Partial demolition of the existing building to create a part two-storey and part four-storey building to accommodate 2 residential units (2 X 2 bed) at first, second and third floor levels. Partial change of use of existing studio/office unit (B1 Class) to form a self contained 2 storey mews house (C3 Class). The existing monopitch roof is to be removed and replaced with a double pitched roof. Creation of a mezzanine floor between lower ground and upper ground floor level to accommodate B1 class floor space.

ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG

Ordnance Survey

Date 24/2/2012



Item No. 6.1	Classification: Open	Date: 8 March 2012	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-3507 for: Advertisement Consent Address: ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG Proposal: Continued display of two illuminated menu boxes to front elevation and one externally illuminated projecting sign and an internally illuminated menu box to rear elevation.		
Ward(s) or groups affected:	Riverside		
From:	Head of Development Management		
Application Start Date 24 October 2011		Application Expiry Date 19 December 2011	

RECOMMENDATIONS

- 1 That a split decision be issued:
 - i) Grant advertisement consent for the continued display of the three illuminated menu boxes, two to front elevation and one to the rear elevation.
 - ii) Refuse advertisement consent for the continued display of an externally illuminated projecting sign at the rear of the building and refer to the Head of Development Management to consider if any enforcement action should be taken.

BACKGROUND INFORMATION

- 2 This application is referred to Bermondsey Community Council owing to the number of objections received.

Site location and description

- 3 The application site is located on the north side of Shad Thames, with a frontage to the river. Specifically the application relates to a ground floor unit, currently used as a restaurant (Ask Italian), of a 9-storey building. The adjacent ground floor unit is occupied by All Bar One and there are flats above. Both of the restaurants have outdoor seating facing the Thames.
- 4 The site is subject to the following designations on the Proposals Map (2011):
 - Thames special policy area;
 - Air quality management area;
 - Strategic cultural area;
 - Archaeological priority zone;

- Tower Bridge Conservation Area.

Details of proposal

- 5 Advertisement consent is sought for the continued display the following signs:
- 6 Three internally illuminated menu-boxes, two of which are at the front of the building and one which is attached to the rear wall. Those at the front measure 327mm wide x 554mm high x 50mm deep and are mounted on posts. The menu box attached to the rear elevation of the building measures 327mm wide x 554mm high x 57mm deep.
- 7 One externally illuminated projecting sign to rear elevation which measures 900mm wide x 1200mm high x 50mm deep and is mounted 3m above ground level.

Fascia signs

- 8 The plans also show two non-illuminated fascia signs, one to the front and one to the side elevation of the building and these are already in place. These are considered to benefit from deemed consent under Class 5 the Town and Country Planning (Control of Advertisements) Regulations (2007) and as such do not require advertisement consent. The reasons for this are as follows:
- They do not have any letters, figures or symbols over 0.75 of a metre in height (the letters would be 0.45m high), or 0.3 of a metre in height if they are in any Area of Special Control of Advertisements (not applicable);
 - They do not have their highest part at more than 4.6m above ground level (the front sign is 2.7m above ground level at its highest part and the sign to the side 3.3m);
 - They do not have their highest part above the level of the bottom of the first floor window in the wall where the advertisements are;
 - They are displayed on walls containing a shop window.

Planning history

- 9 11-AP-2287 - Use of highway for tables, chairs and jumbrella as an extension to existing outdoor seating area for restaurant - UNDER CONSIDERATION (recommendation for refusal owing to concerns regarding amenity and design).
- 10 08AP1245 - Extension to existing outdoor seating area by an additional 50.5sqm along front of building (river side). Planning permission was REFUSED in August 2008 for the following reasons:

1) The proposed extension to the outdoor seating area would cause significant harm to the amenity of adjoining and nearby residential occupiers, by way of increased noise and disturbance and loss of privacy. The proposal is therefore contrary to Policy 3.2 'Protection of Amenity' of The Southwark Plan UDP (2007).

2) The extended dining area would become a highly visible and dominant element within the townscape, spilling past the buildings boundaries into the walkway, to the detriment of the character and appearance of the streetscape and surrounding Tower Bridge Conservation Area and obstructing views of a World Heritage Site contrary to Policies 3.12 'Quality in Design', 3.13 'Urban Design', 3.16 'Conservation Areas' and 3.18 'Setting of Listed Buildings, Conservation Areas and World Heritage Sites' of The Southwark Plan UDP (2007).

- 11 03-AP-0931 - The retention of 2 x hanging double-sided internally and externally illuminated projecting signs, 2 internally illuminated x menu box signs (Fixed) and the installation of 2 x free-standing 'ASK' menu signs - Advertisement consent was GRANTED in August 2003.
- 12 99-AP-1839 - Display of 300mm x 350mm neon sign within window under canopy. Advertisement consent was GRANTED in December 1999.
- 13 99-AP-1609 - Retention of two free-standing columns measuring 200cm high by 65cm wide and two projecting box signs measuring 60cm in depth and width and 80cm in height. Advertisement consent was REFUSED in December 1999 for the following reasons:

1) The cube signs are obtrusive in this location by virtue of their shape, size and illumination, and are visible for almost the entire northern leg of Shad Thames. This is detrimental to the visual amenity enjoyed by users of the area. They are out of character with the generally subdued signage used elsewhere in the Tower Bridge Conservation Area. This is contrary to both Policy E.4.3 (Proposals Affecting Conservation Areas) and Policy E.3.1 (Protection of amenity) of the Southwark Unitary Development Plan.

2) The free-standing signs, by reason of their size, location, internal illumination and fixed nature add clutter to the riverside, and are prominent and out of place. They reduce the visual amenity enjoyed by users of the Thames walkway, and are out of character with the Tower Bridge Conservation Area, which has noticeably understated signage. This is contrary to both Policy E.4.3 (Proposals Affecting Conservation Areas) and Policy E.3.1 (Protection of amenity) of the Southwark Unitary Development Plan.

Planning history of adjoining sites

- 14 None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) amenity;
- b) public safety

Planning policy

Core Strategy 2011

- 16 Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 17 3.2 - Protection of amenity
3.16 - Conservation areas
3.18 - Setting of listed buildings, conservation areas and world heritage sites
3.23 - Outdoor advertisements and signage

Tower Bridge Conservation Area Appraisal (July 2003)

London Plan 2011

- 18 None relevant.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 19 PPS5 - Planning for the historic environment
PPG19 - Outdoor advertisement control

Amenity

- 20 Saved policy 3.23 of the Southwark Plan part iii) requires outdoor advertisements and signage to be designed (including size, type and any illumination) to be appropriate within the context of the site and to be an integral and unobtrusive part of the character and appearance of the site and the surrounding area.

Visual amenity

- 21 The site is in a sensitive location, forming part of the Tower Bridge Conservation Area and close to Butlers Wharf, a grade II listed building which is at the rear of the site. Shad Thames is characterised by large brick warehouses on a narrow street, with those on the northern side having frontages to the Thames walkway. They generally have commercial uses on the ground floor with residential above.
- 22 The menu boxes are relatively discrete with a limited amount of illumination. Although internal illumination is generally discouraged in conservation areas, given the limited size of the menu boxes and because the illumination is only really visible when reading the menu, they are not considered to be harmful to the visual amenity of the area. Similar menu boxes are displayed at All Bar One which adjoins the site, and the Browns Restaurant further east along the walkway. As such it is not considered that they have resulted in any loss of visual amenity to the area.
- 23 There are concerns however, regarding the projecting sign which is displayed at the rear of the building. There are other projecting signs along the rear of the properties on Shad Thames therefore there would be no objections in principle, but those which are displayed on the neighbouring buildings are generally smaller and displayed at a lower level.
- 24 The projecting sign is considered to be overly large and mounted too high on the building. Those displayed on the neighbouring buildings are generally at fascia level whilst the sign at the application site is mounted higher, venturing towards the first floor residential component of the building. Each application is assessed on its own merits, but the projecting sign, owing to its size and height above ground level is considered to be harmful to the appearance of the building, the character and appearance of this part of the Tower Bridge Conservation Area and the setting of Butlers Wharf. It fails to take into account the sensitive nature of the site or the appearance of the building and is considered to be harmful to the visual amenities of the streetscene. It is noted that the existing plans submitted with the application show a very similar projecting sign having formerly been displayed at the rear of the building, and the applicant has submitted a photograph showing two projecting signs which were displayed at the rear of the building, having been granted advertisement consent in 2003 (reference:03-AP-0931). Whilst they were also large and at a high level, they were at least in a dark colour which better reflects the appearance of the building and the character of the street, and it is not considered that the presence of

those signs prior to this application is justification for the harm caused to the visual amenities of the area.

Neighbour amenity

- 25 Parts i) and iv) of saved policy 3.23 seek to ensure that advertisements do not harm amenity or cause light pollution and an objector has specifically raised light pollution as a concern.
- 26 The Council has no specific standard with regard to light output from advertisements. The application has been reviewed by the Council's Environmental Protection Team however, which has advised that the illuminated menu boxes owing to their limited size would not result in any loss of amenity. There were concerns that there could be light pollution from the projecting sign given its size and proximity to first floor residential accommodation, but this sign uses existing external illumination which only illuminates the bottom section of the sign therefore no objections are raised in this regard.

Public safety

- 27 Part ii) of saved policy 3.23 requires that advertisements do not obscure highway sightliness and allow the free movement along the public highway by all its users, including people with disabilities, especially the visually impaired.
- 28 There are no objections in this regard; the menu boxes are located within the external seating area and on the rear wall and are not causing any obstruction to highway users. Concerns have been raised that the projecting sign could cause harm to highway safety on account of vehicles knocking into it, but Transport Planning has confirmed that because there is more than 2.5m between the bottom of the sign and ground level, there would be no harm to highway safety.

Other matters

- 29 There are no other matters arising from the proposal.

Conclusion

- 30 There are no objections with regard to the continued display of the internally illuminated menu boxes as these have not resulted in any loss of amenity or harm to public safety. It is therefore recommended that advertisement consent be granted for this element of the proposals.
- 31 There are concerns however, that the projecting sign, owing to its size and height is harmful to the visual amenities of the building, the character and appearance of the conservation area and the setting of the grade II listed Butlers Wharf. It is therefore recommended that advertisement consent be refused for the continued display of the projecting sign, and that the matter be referred to the Head of Development Management to consider in regard to any enforcement action.

Community impact statement

- 32 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 above.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

- 33 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 34 Representations have been received from three properties, objecting to the application on the following grounds:
- Impact upon the character and historic heritage of the area;
 - There is already ample signage on the building;
 - There is considerable noise associated with bars and restaurants in the area, with problems with refuse and fly-tipping;
 - The number of signs appears excessive and existing signs on the building should be removed.

Human rights implications

- 35 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.
- 36 This application has the legitimate aim of retaining an advertisement display. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/242-30 Application file: 11-AP-3507 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	10 February 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team	24 February 2012	

Consultation undertaken

Site notice date: 30/11/2011

Press notice date: 30/11/2011

Case officer site visit date: 10/02/2012

Neighbour consultation letters sent: 01/11/2011

Internal services consulted:

Transport Planning Surgery
Environmental Protection Team Surgery

Statutory and non-statutory organisations consulted: None

Neighbours and local groups consulted:

01/11/2011	415 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	412 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	511 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	416 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	315 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	312 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	411 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	316 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	615 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	612 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	711 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	616 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	515 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	512 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	611 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	516 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	709 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	708 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	111 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	710 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	705 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	703 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	707 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	706 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	215 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	212 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	311 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	216 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	115 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	112 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	211 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	116 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	712 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	20 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	19 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	22 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	21 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	16 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	15 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	18 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	17 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	117 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	27A SHAD THAMES LONDON SE1 2XZ
01/11/2011	24 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	23 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	34A SHAD THAMES LONDON SE1 2YG
01/11/2011	25 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	4 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW

Re-consultation: Not required.

Consultation responses received

Internal services

Transport Planning Surgery

- 1 Advised that a clearance of 2.5m between ground level and the bottom of a projecting sign is generally required in order to ensure no harm to highway safety. With 3m clearance, no objections are raised to the projecting sign.

Environmental Protection Surgery

- 2 Advised that the Council has no standards with regard to light output from advertisements, but given their size and location no adverse impacts are anticipated from the illuminated menu-boxes. There could be a concern regarding the projecting sign owing to its size and position, but this could be addressed by a planning condition limiting light output from the sign.

Statutory and non-statutory organisations N/A.

Neighbours and local groups

25 Wheat Wharf, 27 Shad Thames

- 3 Object to the application on the following grounds:
 - The character and historical heritage of the area will be further diminished by further advertising given the prevalence of period buildings in what is essentially a residential street.
 - There is ample signage already, and lit neon signs (if that is the case) will also reflect light to the flats opposite and are totally unnecessary.
 - Pedestrian flow for the restaurants should be long the waterfront, and further signage at the rear is detrimental to the amenities of the area, and the historical significance. There is no pedestrian access to these restaurants at the rear anyway.
 - There is already significant noise from pedestrians exiting local bars and restaurants on the waterfront, as well as overflowing rubbish bins left out by these restaurants (especially Ask Italian) which has led to rubbish strewn over the street (health hazard) and considerable and regular fly tipping on the corner of Shad Thames and Mcguire Street, directly behind Ask Italian.

211 Tea Trade Wharf, 26 Shad Thames

- 4 Object to certain aspects of the application:
 - Object to the proposed sign for Ask on the wall opposite the Design Museum (one of two sign A's). It is not appropriate or necessary in that particular position and would significantly intrude in a small uncluttered area which it is inappropriate to commercialise - response - these signs benefit from deemed consent under Class 5 of the Town and Country Planning (Control of Advertisement) Regulations (2007) and as such do not require consent.
 - Object to the sign B proposed to project from the wall in Shad Thames because the

width of 900mm is excessive and would make it probably the widest overhead sign along Shad Thames. At that width and in that position the sign would be a danger for commercial vehicles and any nearby pedestrians hit by the sign or parts of it which were brought down by such a vehicle.

- I presume that all existing signs will be removed. If that is not true, I object to any existing signs remaining in place.

122 Spice Quay Heights, Shad Thames

5 Object to the proposal on the following grounds:

- This is a conservation area where, thankfully, advertising is restricted on this and surrounding buildings, particularly facing the river and Tower Bridge;

- The proposed letters above ASK on the brick surface facing the river would spoil the appearance of a fine building which is also residential - response - these signs benefit from deemed consent under Class 5 of the Town and Country Planning (Control of Advertisement) Regulations (2007) and as such do not require consent.

- Six signs seems too many.

- I write as a supporter of the blend of business and residential communities.

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.

Applicant	Mr J. Cope	Reg. Number	11-AP-3507
Application Type	Advertisement Consent	Case Number	TP/ADV/242-30
Recommendation	Split Decision - part grant /part refuse		

Draft of Decision Notice

EXPRESS CONSENT has been granted for the advertisement described as follows:

Continued display of the three illuminated menu boxes, two to front elevation and one to the rear elevation.

At: ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG

In accordance with application received on 24/10/2011 12:00:46

and Applicant's Drawing Nos. Site plan, 97237 01 Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6, Sheet 7,
Design & ACCESS STATEMENT.

Subject to the following conditions:

Consent is granted for a period of 5 years and is subject to the following standard conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason:

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

EXPRESS CONSENT was REFUSED for the advertisement described as follows:

Continued display of one externally illuminated projecting sign to rear elevation.

At: ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG

In accordance with application received on 24/10/2011 12:00:46

and Applicant's Drawing Nos. Site plan, 97237 01 Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6, Sheet 7

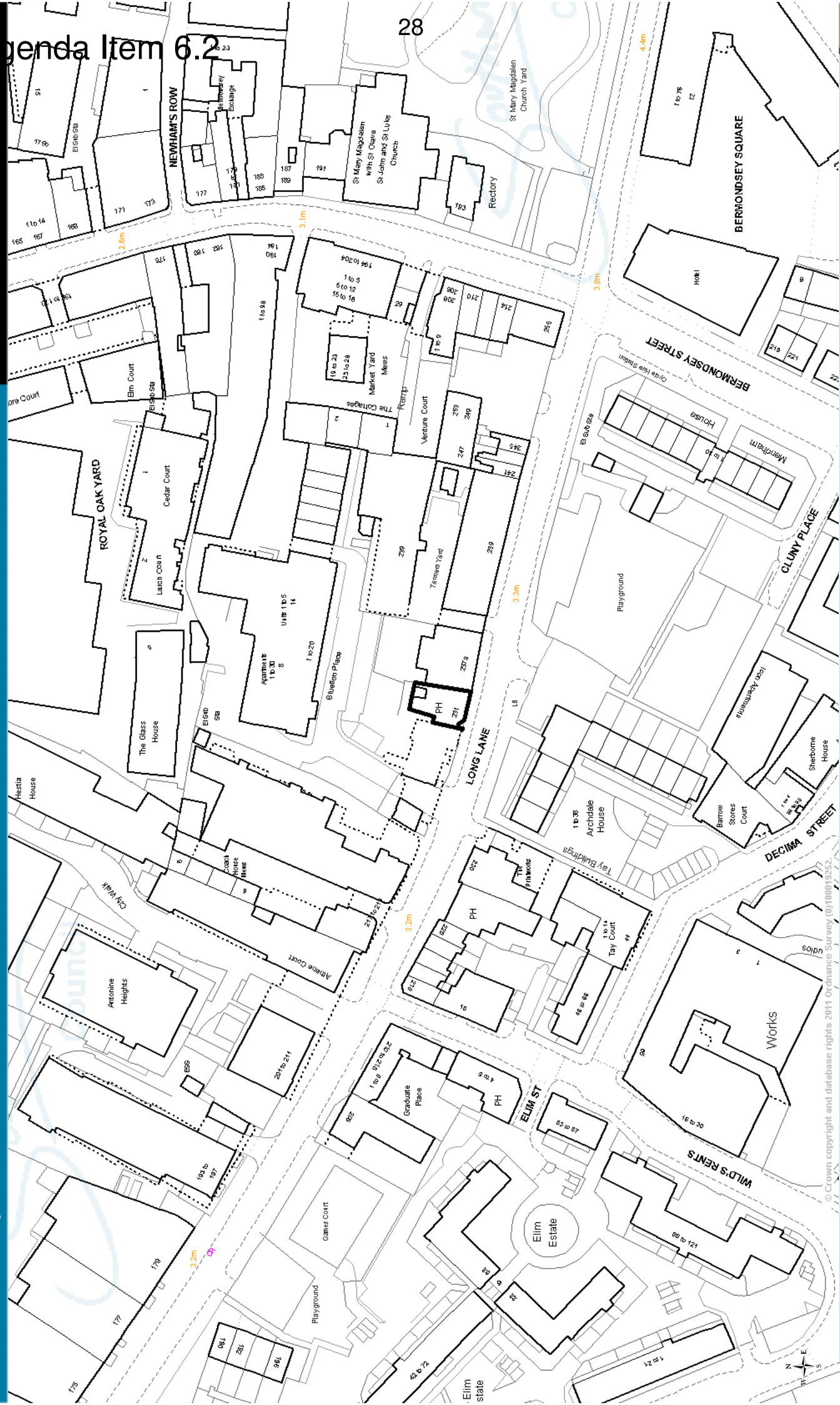
Reason for refusal:

The projecting sign, owing to its size and height above ground level has caused a loss of visual amenity to the area, and fails to preserve the character and appearance of this part of the Tower Bridge Conservation Area and the setting of the grade II listed Butlers Wharf. As such the proposal is contrary to saved policy 3.23 'Outdoor advertisements and signage', 3.16 'Conservation areas' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan (2007), strategic policy 12 'Design and conservation' of the Core Strategy (2011) and PPG19 'Outdoor advertisement control'.

SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

Ordnance Survey

Date 24/2/2012



Agenda Item 6.2



Item No. 6.2	Classification: Open	Date: 8 March 2012	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-4005 for: Full Planning Permission Address: SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR Proposal: Installation of a 400 mm x 400 mm kitchen extract louvre to rear elevation of public house.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 12 December 2011		Application Expiry Date 6 February 2012	

RECOMMENDATION

- 1 That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 This application is referred to Bermondsey Community Council owing to the number of objections received. The application relates to Simon the Tanner public house which is at 231 Long Lane, on the northern side of the road. The building is a three storey Grade II listed pub dating to 1829. The rear wall of the pub abuts a pathway leading to the rear of 237 Long Lane which contains flats. The pathway is accessed through a parking area associated with a new residential development which is currently being constructed and is now largely complete on the land adjoining the west of the pub.

- 3 The site lies within a predominately residential area and is bounded to the north by the car parking area of the residential development at Blue Lion Place, to the east by the adjoining residential premises, to the south by Long Lane and to the west by a car park and residential premises.

- 4 As well as being grade II listed, the building forms part of the central activities zone, an air quality management area, an archaeological priority zone, the Bermondsey Street Conservation Area and the Bankside, Borough and London Bridge opportunity area.

Details of proposal

- 5 Planning permission is sought for the installation of an extract louvre at the rear of the building, which would measure 400mm x 400mm; the metal louvre would be flush with the existing back wall of the building. It is required in connection with a new extraction system which is to be installed inside the pub kitchen. The internal works do not require planning permission but do require listed building consent, and are considered in the concurrent listed building consent application (11-AP-4006). The kitchen opening hours are as follows:

14:00-22:00 Mondays;
 12:00-15:00 and 15:00-22:00 Tuesday to Friday;
 12:00-21:00 Saturday-Sunday.

Planning history

- 6 08/AP/2512 - Scheme to convert the Simon the Tanner Public House, retaining the existing Class A3/A4 (food and drink/pub) use at basement and ground floor levels, with alterations to provide 1 residential flat with private amenity space at first floor level including balustrade, and 1 residential flat at second floor level. Planning permission was GRANTED in January 2009.
- 7 08/AP/2513 - Alterations at the above address comprising works to refurbish and repair the appearance of the building on the front, side and rear elevations; external alterations at the rear of the property to restore the external housing of the dog-leg staircase, the private amenity space and installation of a balustrade; internal works comprising alterations to the floor layout at ground, first and second floor levels to provide 2 self-contained residential units with separate ground floor access to the A3/A4 use. Listed building consent was GRANTED in January 2009.
- 8 07-AP-2002 - Scheme to convert the Simon the Tanner Public House, retaining the existing A3/A4 use at basement and ground floor levels, with alterations and an extension to provide 3 residential flats (one studio, one 1 bed and one 2-bed) with amenity space on the first and second floors. Planning permission was REFUSED in May 2008 for the following reasons:
 - 1) *The proposed first floor extension and attached balustrades would be unsympathetic and inappropriate additions to the Listed Building which would fail to preserve the architectural and historic integrity of the Listed Building and would detract from the character and appearance of the Conservation Area. The proposal is therefore contrary to policies 3.12, 3.13, 3.16 and 3.18 of the Southwark Plan (UDP) 2007.*
 - 2) *The proposal fails to include adequate and accessible refuse and cycle storage facilities for the A3/A4 and residential units. As such it would therefore fail to enable the efficient collection of waste or to promote the use of bicycles as an alternative to the car. It would therefore be contrary to policies 3.8 and 5.3 of the Southwark Plan (UDP) 2007.*
- 9 07-AP-2005 - Internal alterations to the floor plans including removal of partitions, extension at first floor level to facilitate the provision of two flats, alteration of one window opening at second floor level to a door to provide access to a new roof terrace. Listed building consent was REFUSED in May 2008 for the following reason:

The proposed first floor extension, roof terrace and balustrading, and internal alterations would result in the removal of interesting historical and architectural features and would include inappropriate and incongruous additions to the Listed Building harmful to its architectural and historic value. The proposal is therefore contrary to policies 3.17 and 3.18 of the Southwark Plan (UDP) 2007.
- 10 A joint appeal was subsequently lodged and was DISMISSED, the Inspector finding that the proposal would be harmful to the listed building and the character of the conservation area (references:APP/A5840/A/08/2067255/WF and E/08/2067257/WF).
- 11 05-AP-1628 - Change of use of the 1st and 2nd floors from use ancillary to public house to residential together with the erection of a mansard roof addition and two

storey rear extension at 1st and 2nd floor level to provide 3 self-contained flats and retention of A3/A4 use to the ground floor and basement levels. Planning permission was REFUSED in September 2005 for the following reasons:

1) The proposed development, by virtue of its design, would adversely impact on the Bermondsey Street conservation area and the surrounding area. The proposal is contrary to Policies E.4.3 Proposals Affecting Conservation Areas of the Southwark Unitary Development Plan 1995 and policy 3.15 Conservation of the Historic Environment and 3.16 Development in Conservation Areas of the Southwark Plan [Revised Draft Including Pre-Inquiry and Final Changes] February 2005.

2) The proposed roof extension, by virtue of its design, bulk, height, and massing and poor quality detailing of materials, would adversely impact on the listed public house and the surrounding areas by means of its dominant nature and over-bearing presence. The proposal is unacceptable being contrary to Policies E.4.3 Proposals Affecting Conservation Areas, E.4.4 Protection of Buildings of Special Architectural and Historical Interest (Listed Buildings), E.4.6 Proposals Affecting Listed Buildings of the Southwark Unitary Development Plan 1995 and Policies 3.15 Conservation of the Historic Environment, and 3.16 Development in Conservation Areas of the Southwark Plan [Revised Draft Including Pre-Inquiry and Final Changes] February 2005.

3) The proposed two-storey rear extension, by reason of its design, detailing of materials, the resultant differentiation in height, and relationship it would establish with the height, design and traditional appearance of the existing public house would be harmful to its character and appearance. The proposal is unacceptable being contrary to Policies E.4.4 Protection of Buildings of Special Architectural and historical Interest (Listed Buildings), E.4.6 Proposals Affecting Listed Buildings of the Southwark Unitary Development Plan 1995 and Policies 3.15 Conservation of the Historic Environment of the Southwark Plan [Revised Draft Including Pre-Inquiry and Final Changes] February 2005.

4) The private amenity terraces, especially the first floor terrace, by reason of its location and proximity, poses impact to the adjoining property No. 237a in terms of noise, general disturbance and overlooking. Furthermore, measures to mitigate this impact in the form of privacy screening would, of itself, pose impact in the form of reduced outlook for No. 237a. The proposal is unacceptable being contrary to Policies E.3.1 Protection of Amenity of the Southwark Unitary Development Plan 1995 and Policy 3.2 Protection of Amenity of the Southwark Plan [Revised Draft Including Pre-inquiry and Final Changes] February 2005.

- 12 An appeal was subsequently lodged and was DISMISSED, the Inspector concluding that the proposal would fail to preserve the special historic and architectural interest of the listed building (reference: APP/A5840/A/05/1195906).

Planning history of adjoining sites

Car park at 237 Long Lane

- 13 08-AP-0573 - Redevelopment of existing car park involving the erection of a part 4, 5 and 6-storey building to provide 9 x 2 bed flats, with 10 replacement undercroft parking spaces at ground floor level for existing residents, 14 cycle parking spaces and associated refuse/recycling storage, with vehicular/pedestrian access from Long Lane. Planning permission was REFUSED in July 2008 for the following reasons:

1) The proposals by reason of height, design, size, massing and siting would result in a visually intrusive and incongruous form of development, that would fail to achieve a high standard of design, would be harmful to the character and appearance of the

adjacent Bermondsey Street Conservation Area, the setting of the adjoining Grade II Listed public house and prejudicial to the mature street-trees fronting the site, contrary to policies SP13, 3.11 'Efficient use of land, 3.12 Quality of Design, 3.13 Urban design. 3.15 Conservation of the historic environment and 3.18 Setting of listed buildings, conservation areas and world heritage sites of the Southwark Plan 2007 and policies 4A.3 Sustainable design and construction, 4B.1 Design principles for a compact city and 4B.3 Enhancing the quality of the public realm of the London Plan 2004.

2) The proposed development, by reason of the poor internal layout, shortfall of amenity space and proximity to the adjoining street-trees, resulting in poor outlook from habitable rooms, overshadowing and visual intrusion, would fail to secure a satisfactory environment and an adequate level of amenity for future occupiers, contrary to policies SP14, 3.2 Protection of amenity and 3.11 Efficient use of land of the Southwark Plan 2007.

3) The proposed development, by reason of the design of the undercroft parking area and the access to neighbouring properties, fails to take account of security and crime prevention, and would result in an intimidating and unsafe environment for future users contrary to policy 3.14 Designing out crime of the Southwark Plan 2007.

4) The applicant has failed to demonstrate that the proposed development would protect, preserve and safeguard important archaeological remains, contrary to policy 3.19 Archaeology of the Southwark Plan 2007.

- 14 An appeal was subsequently lodged and was ALLOWED, and the building work is now largely complete on site (reference: APP/A5840/A/08/2082289/NWF).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

a) amenity;

b) design and impact upon the character and appearance of the conservation area and listed building.

Planning policy

Core Strategy 2011

- 16 Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 17 3.2 - Protection of amenity
3.11 - Efficient use of land
3.12 - Quality in design
3.13 - Urban design
3.16 - Conservation areas
3.17 - Listed buildings
3.18 - Setting of listed buildings, conservation areas and world heritage sites

Bermondsey Street Conservation Area Appraisal (January 2003)

London Plan 2011

- 18 Policy 7.8 Heritage assets and archaeology

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 19 PPS5 - Planning for the historic environment
PPG23 - Planning and pollution control
PPG24 - Planning and noise

- 20 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 21 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Amenity

- 22 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; 3.11 (iv) states that developments should maximise the efficient use of land whilst ensuring that the proposal does not unreasonably compromise the development potential of, or legitimate activities on, neighbouring sites.
- 23 Concerns have been raised by neighbouring residential occupiers regarding the potential for loss of amenity from noise and cooking odours owing to the proximity to a number of habitable windows.
- 24 The application has been reviewed by the Council's Environmental Protection Team (EPT) and a condition limiting noise output from the plant is recommended, including a requirement to carry out a post-installation compliance test. In the event that the equipment fails or is not maintained properly and causes disturbance to neighbours, the Council would have enforcement powers to remedy this.
- 25 With regard to cooking odours, the Environmental Protection Team initially raised concerns. In general, it would be preferable to have a flue running up the rear of the building, terminating a metre above the nearest residential window so that any cooking odours would be carried up and away from the adjacent flats. This however, would have an unacceptable impact upon the appearance of the listed building.
- 26 In light of this EPT recommended that an enhanced filtration system be installed, rather than the carbon filter that is proposed. This was put to the applicant who had concerns that this would be overly onerous, given the type of food cooked on the premises and the limited size of the kitchen. This was reviewed again by EPT and the advice is that there would be no adverse impact with regard to odours. In the event that the equipment fails or is not properly maintained and unacceptable odours occur, the Environmental Protection Team can take action if it is deemed to be causing a nuisance.

Design and impact upon the character and appearance of the conservation area and the listed building

- 27 Saved policy 3.16 of the Southwark Plan requires developments to preserve or enhance the character or appearance of conservation areas and 3.17 requires development proposals involving listed buildings to preserve the building, and its features of special architectural or historic interest.
- 28 In terms of the impact on the exterior of the building, this would be minimal, comprising the insertion of a small metal grille into the rear wall facing onto the pathway. This would not result in a significant change to the appearance of the building and the character and appearance of the conservation area would be preserved. Listed building matters with regard to the internal works are considered in the concurrent application for Listed Building Consent (reference: 11-AP-4006).

Other matters

- 29 There is a large, protected tree at the rear of the site, within the communal gardens to Blue Lion Place. Fumes emitted through the proposed louvre would be filtered internally and would not result in any harm to the tree, a London Plane.

Conclusion on planning issues

- 30 Conditions are recommended to ensure that the proposed works would not result in any unacceptable noise to the adjoining residential occupiers, and the filtration equipment proposed would be adequate to prevent against unacceptable odours. The insertion of the proposed grille at the rear of the building would be a relatively minor alteration which would preserve the character and appearance of this part of the Bermondsey Street Conservation Area and the appearance of the listed building. It is therefore recommended that planning permission be granted.

Community impact statement

- 31 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 above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

- 32 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

Details of consultation responses received are set out in Appendix 2.

- 33 Summary of consultation responses

Representations have been received from 5 properties objecting to the application on the following grounds:

- Odours;
- Noise;
- An air conditioning unit has already been installed at the rear of the building and a hole has been drilled in the rear wall in preparation for equipment;
- Proximity to a communal garden which includes a protected tree.

Human rights implications

- 34 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.
- 35 This application has the legitimate aim of providing an extract louvre at the rear of the building. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/147-231 Application file: 11-AP-4005 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	13 February 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team		24 February 2012

Consultation undertaken

Site notice date: 30/12/2011

Press notice date: 29/12/2011

Case officer site visit date: 13/01/2012

Neighbour consultation letters sent: 28/12/2011

Internal services consulted:

Environmental Protection Team

Statutory and non-statutory organisations consulted: None.

Neighbours and local groups consulted:

28/12/2011	UNIT 16 SECOND FLOOR BLUELION PLACE LONDON SE1 4PU
28/12/2011	FLAT 1 237A LONG LANE LONDON SE1 4PX
28/12/2011	UNIT 16 TOP FLOOR FLAT BLUELION PLACE LONDON SE1 4PU
28/12/2011	FLAT 13 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 14 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 11 237A LONG LANE LONDON SE1 4PX
28/12/2011	231 LONG LANE LONDON SE1 4PR
28/12/2011	LIVING ACCOMMODATION 231 LONG LANE LONDON SE1 4PR
28/12/2011	FLAT 9 237A LONG LANE LONDON SE1 4PX
28/12/2011	STUDIO 3 TO 4 BLUELION PLACE LONDON SE1 4PU
28/12/2011	FLAT 2 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 3 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 12 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 10 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 7 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 8 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 6 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 4 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 5 237A LONG LANE LONDON SE1 4PX

Re-consultation: Not required.

Consultation responses received

Internal services

Environmental Protection Team (24th January 2012)

Noise and vibration assessment:

- 1 The proposed installation will incorporate new plant for which sound insulation will be required (condition recommended).

Ventilation

- 2 The proposed positioning of the extract flue in the aperture pre-formed in the rear wall of the premises will discharge in close proximity to the windows in the rear of the residential premises at Nos 237a Long lane and the newly built residential premises adjoining the west side of the public house. The preferred arrangement from an EPT view would be for vertical trunking terminating to discharge at high level above the pubs upper residential floors and adjoining residential premises. I understand this would not be acceptable in planning terms due to the listed nature of the building, however routing through to the existing chimney flues should be explored. Should this not be feasible - for a horizontal discharge to be acceptable considerable arrestment of cooking fumes both of a smoky and odorous nature needs to be undertaken; in this respect the proposed carbon filter alone may not achieve the level of filtration and arrestment necessary and a more sophisticated installation including electrostatic precipitation should be considered.

31st January 2012

- 3 I have examined the further detail provided by the applicants representative. On the basis that daily cooking will be for an average of 40/50 patrons and the only 'smoky' item on the menu would be grilled steak [at present] which may only represent a small percentage of the orders; I am prepared to agree that a carbon filter only with maintenance plan would achieve 95% odour / smoke reduction and the horizontal discharge would have an insignificant environmental impact.
- 4 Requiring an additional Electrostatic Precipitator within the system may be disproportionate to the development and would add an additional 60% to the cost of extraction alone. I note the intent within Dannatt's letter to review after a period of operation with a reserved condition, however I believe this would be cumbersome for Planning to enforce and suggest we leave this up the applicant and their specialist advisors to self regulate.

Statutory and non-statutory organisations N/A.

Neighbours and local groups

Flat 8, 237a Long Lane

- 5 My flat is on the 2nd floor level at the rear of the building, next door to the pub. My bedroom window is nearest and next my livingroom, both of which are at the rear and on the same level. When looking at the rear of this block there are bedrooms on all floors at the rear which could be in immediate proximity to the proposed louvre. There are concerns about fumes and noise and the opening of our windows once the louvre is working. The pub has recently been granted extended opening hours on Friday and

Saturday nights until 00:10am.

- 6 There is an access path at the rear of our block of flats. There appears to be a large extractor already installed in the main body of the building. I am not clear when it was installed. Additionally there is a circular hole drilled through the rear addition back wall of the pub which appears to be preparatory for an installation.
- 7 I am therefore confused as to what will be the working extractor louvre, obviously if there is one being also installed on the back pub additional this will be nearer our block of flats and my bedroom - response - an air conditioning unit has been installed at the rear of the building, which is not connected with the application. The applicant has been advised that this requires planning permission and to submit a separate application.

Apartment 17, 8 Blue Lion Place

- 8 Object to the application on the grounds that all of my windows are facing the back of the building where Simon the Tanner is located. I am extremely concerned about the noise and especially the smell that the planned extractor fan will cause.

17 Blue Lion Place

- 9 Object to the application and request that it only be approved if conditions on the fan and its use are incorporated explicitly. These should cover the noise of the fan and the limitations of the noise to a very low level, the running time of the fan and this being limited to 10pm at night and not before 12 noon, and the smell from the fan being extracted to limit any smell emitting to a low level.

Blue Lion Place

- 10 I am a resident at Blue Lion Place with an apartment facing towards the rear of Simon the Tanner pub - whilst I have no particular objection to the application I am concerned about the potential noise created by a new extractor fan / system, particularly if it were operating late into the evening. Presumably maximum reasonable operating noise conditions could be applied to any approval.

No address provided

Object to the application.

- 11 Blue Lion Place is a quiet residential development that we are proud of and whose residents are keen to maintain. Our garden adjacent to Simon the Tanner is our sanctuary which we use a lot and is the space we use to come together as a community. We are also very proud of the beautiful tree in this area which holds a TPO.
- 12 I have lived in London for 45 years and truly know from unfortunate experience, the impact that commercial extractor fans have on the surrounding environment. Smells and noise are a real issue. Simon the Tanner backs onto our green space and all the front apartments will face it. This is predominantly a residential area and backs onto our garden.

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.

Applicant	Mr Nigel Owen	Reg. Number	11-AP-4005
Application Type	Full Planning Permission	Case Number	TP/147-231
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Installation of a 400 mm x 400 mm kitchen extract louvre to rear elevation of public house.

At: SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

In accordance with application received on 29/11/2011 12:00:28

and Applicant's Drawing Nos. Site location plan, 475 EW 01 Rev A, 475 EW 02 Rev A, 475 SKD 01 Rev A, 475 SKD 02 Rev A, Design and Access Statement incorporating Heritage Statement, Statement in relation to Environmental Protection Measures, CK Direct carbon filter solutions, letter to Nigel Owen dated 25th January 2012, photograph of louvre, drawing of extract canopy and filter bank

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

Strategic policies of the Core Strategy 2011

Strategic Policy 12 – Design and conservation: Requires development to achieve the highest standard of design for buildings and public spaces, and to help create attractive and distinctive spaces.

Strategic Policy 13 – High environmental standards: Requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems.

Saved policies of the Soutwark Plan 2007

3.2 Protection of Amenity (advises that permission would not be granted where it would cause a loss of amenity);

3.11 Efficient Use of Land (seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoid compromising development potential, providing adequate access, circulation and servicing, and matching development to the availability of infrastructure);

3.12 Quality in Design (requires new development to achieve a high standard of architectural design);

3.13 Urban Design (advises that principle of good urban design should be taken into account in all new developments);

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

3.17 Listed buildings (states that development proposals involving a listed building should preserve the building and its features of special architectural or historic interest)

3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites. (requires new developments to preserve or enhance the immediate or wider setting of a listed building, conservation area or World Heritage Site, and important views of a listed building).

Policies of the London Plan 2011

Policy 7.8 Heritage assets and archaeology

Planning Policy Statements [PPS] and Guidance Notes [PPG]

PPS5 - Planning for the historic environment
 PPG23 - Planning and pollution control
 PPG24 - Planning and noise

Particular regard was had to noise and odours, but it was considered that noise output could be adequately controlled by way of a condition and that the carbon filter proposed would be sufficient to protect against cooking odours. The works would represent a modest alteration which would preserve the character and appearance of this part of the Bermondsey Street Conservation Area and the listed building. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

- 1 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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

475 SKD 01 Rev A, 475 SKD 02 Rev A, Design and Access Statement incorporating Heritage Statement, Statement in relation to Environmental Protection Measures, CK Direct carbon filter solutions, letter to Nigel Owen dated 25th January 2012, photograph of louvre, drawing of extract canopy and filter bank.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

Manufacturer specifications of sound emissions in octave or third octave detail;

- iii) The location of all most affected noise sensitive receptor locations and the most affected windows;
- iv) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- v) The lowest existing $L_{A90, T}$ measurement as already established.
- vi) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

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 saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and PPG24- Planning and Noise.

- 4 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.

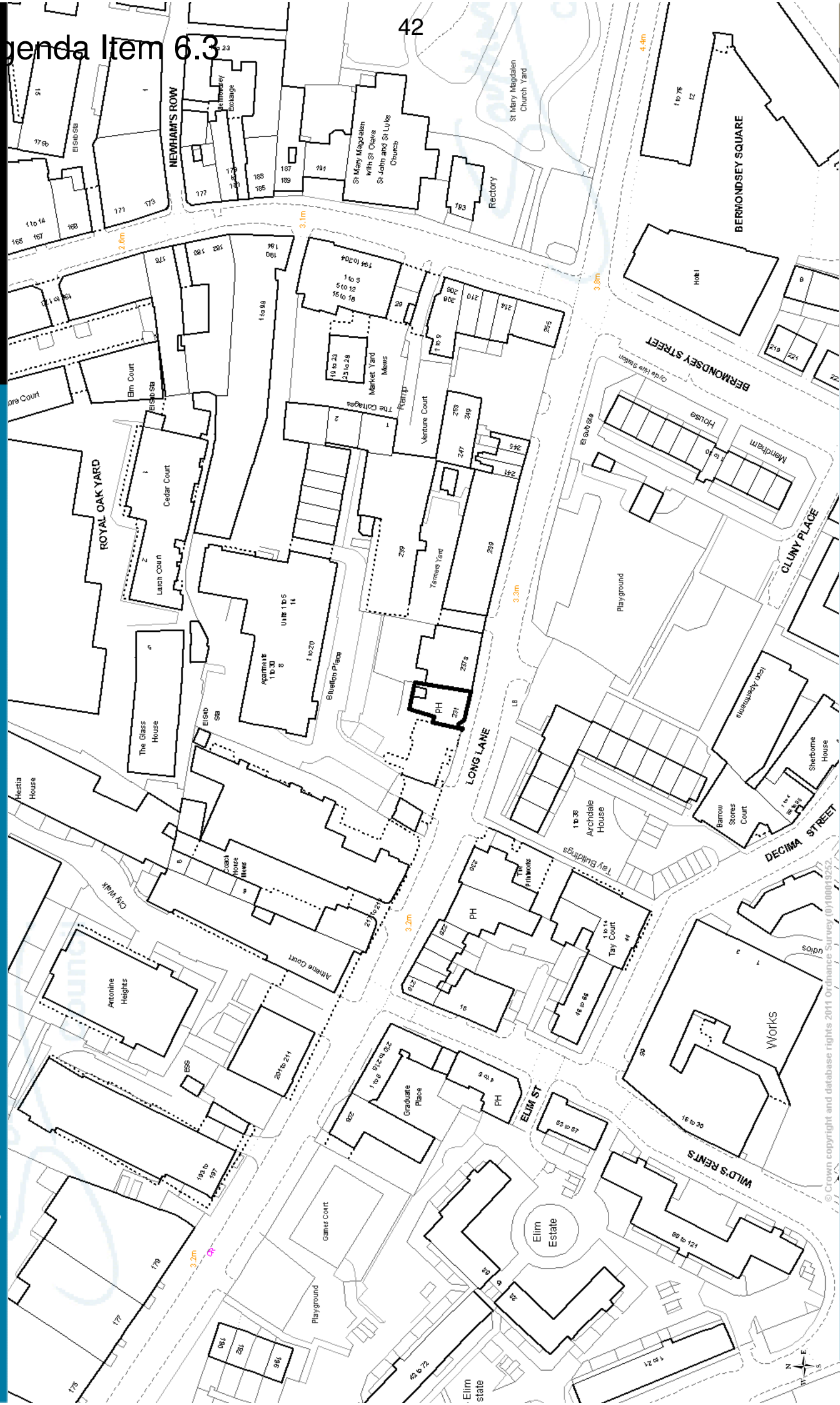
Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' The Southwark Plan 2007 (July) and SP12 -Design and Conservation of the Core Strategy 2011.

SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

Ordnance Survey

Date 24/2/2012



Agenda Item 6.3

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Southwark Council

Item No. 6.3	Classification: Open	Date: 8 March 2012	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-4006 for: Listed Building Consent Address: SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR Proposal: Installation of internal ducting to extract system and a 400 mm x 400 mm kitchen extract louvre to rear elevation of public house.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 12 December 2011		Application Expiry Date 6 February 2012	

RECOMMENDATION

- 1 That listed building consent be granted.

BACKGROUND INFORMATION

Site location and description

- 2 This application is referred to community council owing to the number of objections received. The application relates to Simon the Tanner public house which is at 231 Long Lane, on the northern side of the road. The building is a three storey Grade II listed pub dating to 1829. The rear wall of the pub abuts a pathway leading to the rear of 237 Long Lane which contains flats. The pathway is accessed through a parking area associated with a new residential development which is currently being constructed and is now largely complete on the land adjoining the west of the pub.
- 3 The site lies within a predominately residential area and is bounded to the north by the car parking area of the residential development at Blue Lion Place, to the east by the adjoining residential premises, to the south by Long Lane and to the west by a car park and residential premises.
- 4 As well as being grade II listed, the building forms part of the central activities zone, an air quality management area, an archaeological priority zone, the Bermondsey Street Conservation Area and the Bankside, Borough and London Bridge opportunity area.

Details of proposal

- 5 Listed building consent is sought for the installation of internal ducting associated with a proposed carbon filter system for the pub kitchen. The ducting would run from the kitchen, through the pub toilets and would terminate at a new grille to be inserted in the rear wall of the pub. The grille would be metal and would measure 400mm x 400mm.

Planning history

- 6 08/AP/2512 - Scheme to convert the Simon the Tanner Public House, retaining the existing Class A3/A4 (food and drink/pub) use at basement and ground floor levels, with alterations to provide 1 residential flat with private amenity space at first floor level including balustrade, and 1 residential flat at second floor level. Planning permission was GRANTED in January 2009.
- 7 08/AP/2513 - Alterations at the above address comprising works to refurbish and repair the appearance of the building on the front, side and rear elevations; external alterations at the rear of the property to restore the external housing of the dog-leg staircase, the private amenity space and installation of a balustrade; internal works comprising alterations to the floor layout at ground, first and second floor levels to provide 2 self-contained residential units with separate ground floor access to the A3/A4 use. Listed building consent was GRANTED in January 2009.
- 8 07-AP-2002 - Scheme to convert the Simon the Tanner Public House, retaining the existing A3/A4 use at basement and ground floor levels, with alterations and an extension to provide 3 residential flats (one studio, one 1 bed and one 2-bed) with amenity space on the first and second floors. Planning permission was REFUSED in May 2008 for the following reasons:
- 1) The proposed first floor extension and attached balustrades would be unsympathetic and inappropriate additions to the Listed Building which would fail to preserve the architectural and historic integrity of the Listed Building and would detract from the character and appearance of the Conservation Area. The proposal is therefore contrary to policies 3.12, 3.13, 3.16 and 3.18 of the Southwark Plan (UDP) 2007.*
- 2) The proposal fails to include adequate and accessible refuse and cycle storage facilities for the A3/A4 and residential units. As such it would therefore fail to enable the efficient collection of waste or to promote the use of bicycles as an alternative to the car. It would therefore be contrary to policies 3.8 and 5.3 of the Southwark Plan (UDP) 2007.*
- 9 07-AP-2005 - Internal alterations to the floor plans including removal of partitions, extension at first floor level to facilitate the provision of two flats, alteration of one window opening at second floor level to a door to provide access to a new roof terrace. Listed building consent was REFUSED in May 2008 for the following reason:
- The proposed first floor extension, roof terrace and balustrading, and internal alterations would result in the removal of interesting historical and architectural features and would include inappropriate and incongruous additions to the Listed Building harmful to its architectural and historic value. The proposal is therefore contrary to policies 3.17 and 3.18 of the Southwark Plan (UDP) 2007.*
- 10 A joint appeal was subsequently lodged and was DISMISSED, the Inspector finding that the proposal would be harmful to the listed building and the character of the conservation area (references:APP/A5840/A/08/2067255/WF and E/08/2067257/WF).
- 11 05-AP-1628 - Change of use of the 1st and 2nd floors from use ancillary to public house to residential together with the erection of a mansard roof addition and two storey rear extension at 1st and 2nd floor level to provide 3 self-contained flats and retention of A3/A4 use to the ground floor and basement levels. Planning permission was REFUSED in September 2005 for the following reasons:
- 1) The proposed development, by virtue of its design, would adversely impact on the*

Bermondsey Street conservation area and the surrounding area. The proposal is contrary to Policies E.4.3 Proposals Affecting Conservation Areas of the Southwark Unitary Development Plan 1995 and policy 3.15 Conservation of the Historic Environment and 3.16 Development in Conservation Areas of the Southwark Plan [Revised Draft Including Pre-Inquiry and Final Changes] February 2005.

2) The proposed roof extension, by virtue of its design, bulk, height, and massing and poor quality detailing of materials, would adversely impact on the listed public house and the surrounding areas by means of its dominant nature and over-bearing presence. The proposal is unacceptable being contrary to Policies E.4.3 Proposals Affecting Conservation Areas, E.4.4 Protection of Buildings of Special Architectural and Historical Interest (Listed Buildings), E.4.6 Proposals Affecting Listed Buildings of the Southwark Unitary Development Plan 1995 and Policies 3.15 Conservation of the Historic Environment, and 3.16 Development in Conservation Areas of the Southwark Plan [Revised Draft Including Pre-Inquiry and Final Changes] February 2005.

3) The proposed two-storey rear extension, by reason of its design, detailing of materials, the resultant differentiation in height, and relationship it would establish with the height, design and traditional appearance of the existing public house would be harmful to its character and appearance. The proposal is unacceptable being contrary to Policies E.4.4 Protection of Buildings of Special Architectural and historical Interest (Listed Buildings), E.4.6 Proposals Affecting Listed Buildings of the Southwark Unitary Development Plan 1995 and Policies 3.15 Conservation of the Historic Environment of the Southwark Plan [Revised Draft Including Pre-Inquiry and Final Changes] February 2005.

4) The private amenity terraces, especially the first floor terrace, by reason of its location and proximity, poses impact to the adjoining property No. 237a in terms of noise, general disturbance and overlooking. Furthermore, measures to mitigate this impact in the form of privacy screening would, of itself, pose impact in the form of reduced outlook for No. 237a. The proposal is unacceptable being contrary to Policies E.3.1 Protection of Amenity of the Southwark Unitary Development Plan 1995 and Policy 3.2 Protection of Amenity of the Southwark Plan [Revised Draft Including Pre-inquiry and Final Changes] February 2005.

- 12 An appeal was subsequently lodged and was DISMISSED, the Inspector concluding that the proposal would fail to preserve the special historic and architectural interest of the listed building (reference: APP/A5840/A/05/1195906).

Planning history of adjoining sites

Car park at 237 Long Lane

- 13 08-AP-0573 - Redevelopment of existing car park involving the erection of a part 4, 5 and 6-storey building to provide 9 x 2 bed flats, with 10 replacement undercroft parking spaces at ground floor level for existing residents, 14 cycle parking spaces and associated refuse/recycling storage, with vehicular/pedestrian access from Long Lane. Planning permission was REFUSED in July 2008 for the following reasons:

1) The proposals by reason of height, design, size, massing and siting would result in a visually intrusive and incongruous form of development, that would fail to achieve a high standard of design, would be harmful to the character and appearance of the adjacent Bermondsey Street Conservation Area, the setting of the adjoining Grade II Listed public house and prejudicial to the mature street-trees fronting the site, contrary to policies SP13, 3.11 'Efficient use of land, 3.12 Quality of Design, 3.13 Urban design. 3.15 Conservation of the historic environment and 3.18 Setting of listed buildings, conservation areas and world heritage sites of the Southwark Plan 2007

and policies 4A.3 Sustainable design and construction, 4B.1 Design principles for a compact city and 4B.3 Enhancing the quality of the public realm of the London Plan 2004.

2) *The proposed development, by reason of the poor internal layout, shortfall of amenity space and proximity to the adjoining street-trees, resulting in poor outlook from habitable rooms, overshadowing and visual intrusion, would fail to secure a satisfactory environment and an adequate level of amenity for future occupiers, contrary to policies SP14, 3.2 Protection of amenity and 3.11 Efficient use of land of the Southwark Plan 2007.*

3) *The proposed development, by reason of the design of the undercroft parking area and the access to neighbouring properties, fails to take account of security and crime prevention, and would result in an intimidating and unsafe environment for future users contrary to policy 3.14 Designing out crime of the Southwark Plan 2007.*

4) *The applicant has failed to demonstrate that the proposed development would protect, preserve and safeguard important archaeological remains, contrary to policy 3.19 Archaeology of the Southwark Plan 2007.*

- 14 An appeal was subsequently lodged and was ALLOWED, and the building work is now largely complete on site (reference: APP/A5840/A/08/2082289/NWF).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 15 The main issue to be considered in respect of this application is:

a) impact upon the special historic and architectural interest of the listed building.

Planning policy

Core Strategy 2011

- 16 Strategic policy 12 - Design and conservation

Southwark Plan 2007 (July) - saved policies

- 17 3.17 - Listed buildings
3.18 - Setting of listed buildings, conservation areas and world heritage sites

London Plan 2011

- 18 Policy 7.8 Heritage assets and archaeology

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 19 PPS5 - Planning for the historic environment

Impact upon the special historic and architectural interest of the listed building

- 20 Saved policy 3.17 of the Southwark Plan and guidance in PPS5 require development proposals involving listed buildings to preserve the building, and its features of special architectural or historic interest.

- 21 The proposed ducting would run from the pub kitchen, through the toilets and would

terminate at the rear wall. These areas form part of the new extension which was granted permission in January 2009 and as such there would be no loss of historic fabric as a result of the proposal.

- 22 The metal grille at the rear of the building would not result in a significant change to the appearance of the building and the appearance of the listed building would be preserved.

Other matters

- 23 There are no other matters arising from the application.

Conclusion on planning issues

- 24 The proposed works would not result in any loss of historic fabric as they would affect a new extension at the rear of the building, and the extract louvre would have a minimal impact on the external appearance of the building. It is therefore concluded that the proposal would preserve the special historic and architectural interest of the listed building and that listed building consent should be granted.

Community impact statement

- 25 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 above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

- 26 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 27 Representations have been received from 5 properties objecting to the application on the following grounds:
- Odours;
 - Noise;
 - An air conditioning unit has already been installed at the rear of the building and a hole has been drilled in the rear wall in preparation for equipment;
- Proximity to a communal garden which includes a protected tree.

Human rights implications

- 28 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.
- 29 This application has the legitimate aim of providing an extract louvre and internal works. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**Strategic Director of Communities, Law & Governance**

None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/147-231 Application file: 11-AP-4006 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	15 February 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team	24 February 2012	

Consultation undertaken

Site notice date: 30/12/2011

Press notice date: 29/12/2011

Case officer site visit date: 13/01/2012

Neighbour consultation letters sent: 28/12/2011

Internal services consulted: N/A.

Statutory and non-statutory organisations consulted:

Council for British Archaeology
 The Georgian Group
 The Victorian Society
 The Ancient Monuments Society
 The Society for the Protection of Ancient Buildings

Neighbours and local groups consulted:

28/12/2011	UNIT 16 SECOND FLOOR BLUELION PLACE LONDON SE1 4PU
28/12/2011	FLAT 1 237A LONG LANE LONDON SE1 4PX
28/12/2011	UNIT 16 TOP FLOOR FLAT BLUELION PLACE LONDON SE1 4PU
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28/12/2011	FLAT 4 237A LONG LANE LONDON SE1 4PX
28/12/2011	FLAT 5 237A LONG LANE LONDON SE1 4PX

Re-consultation: Not required.

Consultation responses received

Internal services N/A.

Statutory and non-statutory organisations

Council for British Archaeology

- 1 The committee had no objections as the installation would have minimal impact on the historic interest of the heritage asset; only the 400mm grille being visible.

The Georgian Group

- 2 No response received at the time of writing.

The Victorian Society

- 3 No response received at the time of writing.

The Ancient Monuments Society

- 4 No comments to make on this occasion.

The Society for the Protection of Ancient Buildings

- 5 No response received at the time of writing.

Neighbours and local groups

Flat 8, 237a Long Lane

- 6 My flat is on the 2nd floor level at the rear of the building, next door to the pub. My bedroom window is nearest and next my livingroom, both of which are at the rear and on the same level. When looking at the rear of this block there are bedrooms on all floors at the rear which could be in immediate proximity to the proposed louvre. There are concerns about fumes and noise and the opening of our windows once the louvre is working. The pub has recently been granted extended opening hours on Friday and Saturday nights until 00:10am.
- 7 There is an access path at the rear of our block of flats. There appears to be a large extractor already installed in the main body of the building. I am not clear when it was installed. Additionally there is a circular hole drilled through the rear addition back wall of the pub which appears to be preparatory for an installation.
- 8 I am therefore confused as to what will be the working extractor louvre, obviously if there is one being also installed on the back pub additional this will be nearer our block of flats and my bedroom - response - an air conditioning unit has been installed at the rear of the building, which is not connected with the application. The applicant has been advised that this requires planning permission and to submit a separate application.

Apartment 17, 8 Blue Lion Place

- 9 Object to the application on the grounds that all of my windows are facing the back of

the building where Simon the Tanner is located. I am extremely concerned about the noise and especially the smell that the planned extractor fan will cause.

17 Blue Lion Place

- 10 Object to the application and request that it only be approved if conditions on the fan and its use are incorporated explicitly. These should cover the noise of the fan and the limitations of the noise to a very low level, the running time of the fan and this being limited to 10pm at night and not before 12 noon, and the smell from the fan being extracted to limit any smell emitting to a low level.

Blue Lion Place

- 11 I am a resident at Blue Lion Place with an apartment facing towards the rear of Simon the Tanner pub - whilst I have no particular objection to the application I am concerned about the potential noise created by a new extractor fan / system, particularly if it were operating late into the evening. Presumably maximum reasonable operating noise conditions could be applied to any approval.

No address provided

Object to the application.

- 12 Blue Lion Place is a quiet residential development that we are proud of and whose residents are keen to maintain. Our garden adjacent to Simon the Tanner is our sanctuary which we use a lot and is the space we use to come together as a community. We are also very proud of the beautiful tree in this area which holds a TPO.
- 13 I have lived in London for 45 years and truly know from unfortunate experience, the impact that commercial extractor fans have on the surrounding environment. Smells and noise are a real issue. Simon the Tanner backs onto our green space and all the front apartments will face it. This is predominantly a residential area and backs onto our garden.

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.

Applicant	Mr N Owen	Reg. Number	11-AP-4006
Application Type	Listed Building Consent	Case Number	TP/147-231
Recommendation	Grant permission		

Draft of Decision Notice

Listed Building CONSENT was given to carry out the following works:

Installation of internal ducting to extract system and a 400 mm x 400 mm kitchen extract louvre to rear elevation of public house.

At: SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

In accordance with application received on 29/11/2011 12:00:28

and Applicant's Drawing Nos. Design And Access Statement Incorporating Heritage Statement, Site location plan, 475 EW 01 Rev A, 475 EW 02 Rev A, 475 SKD 01 Rev A, 475 SKD 02 Rev A, details of ducting and canopy.

Reasons for granting listed building consent.

This planning application was considered with regard to various policies including, but not exclusively:

Strategic policies of the Core Strategy 2011

Strategic Policy 12 – Design and conservation: Requires development to achieve the highest standard of design for buildings and public spaces, and to help create attractive and distinctive spaces.

Saved policies of the Southwark Plan 2007

3.18 Listed buildings (states that development proposals involving a listed building should preserve the building and its features of special architectural and historic interest).

Policies of the London Plan 2011

Policy 7.8 Heritage assets and archaeology

Planning Policy Statements [PPS] and Guidance Notes [PPG]

PPS5 - Planning for the historic environment

Particular regard was had to the impact on the listed building, but given that the works would affect a new extension and no loss of historic fabric would occur, it was found that the special historic and architectural interest of the listed building would be preserved. It was therefore considered appropriate to grant listed building consent having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

SKD 01 Rev A, 475 SKD 02 Rev A, details of ducting and canopy.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 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.

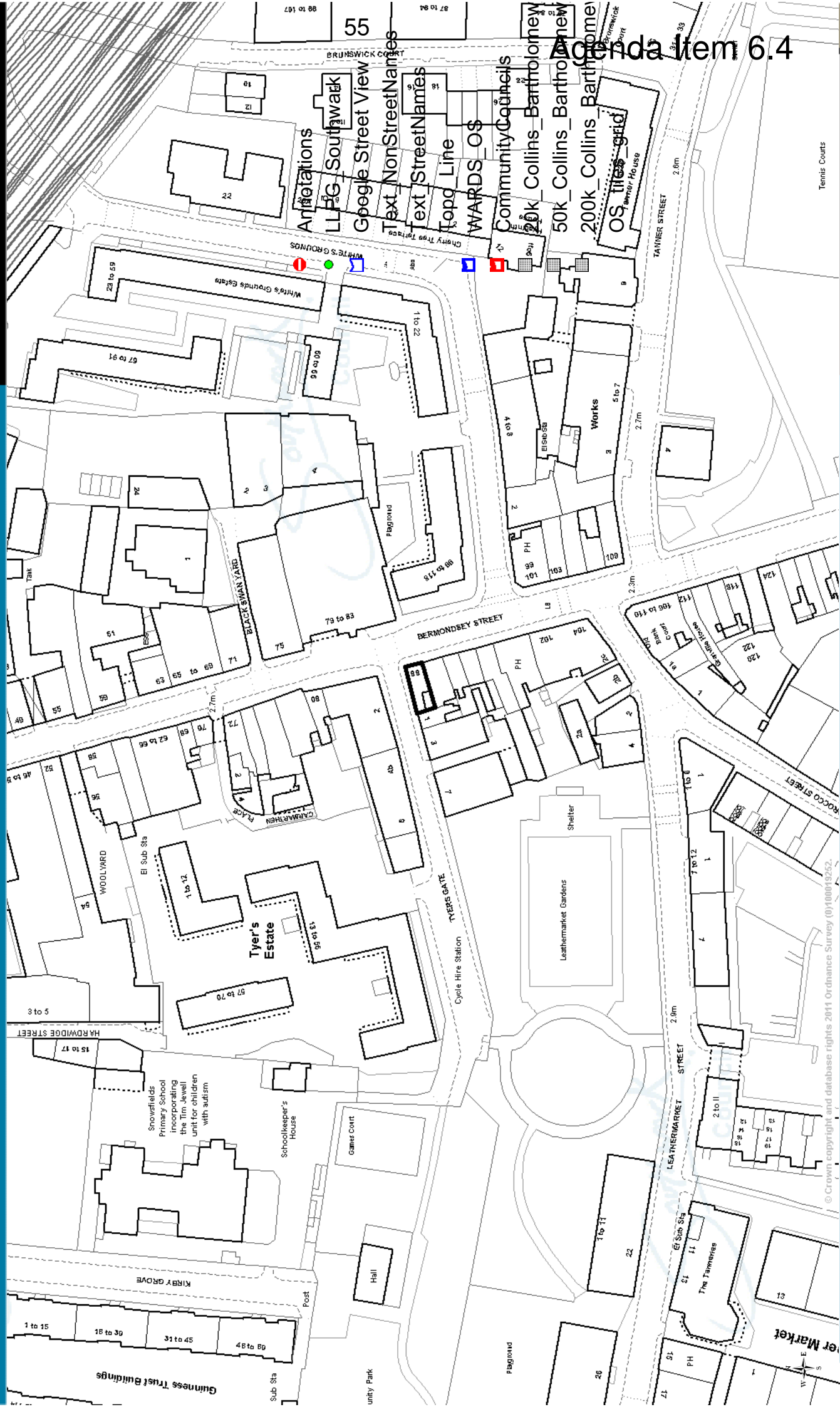
Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the listed building and the visual amenity of the area in accordance with saved policy 3.17 'Listed buildings of The Southwark Plan 2007 (July), SP12 -Design and Conservation of the Core Strategy 2011 and PPS5 'Planning for the historic environment'.

88 BERMONDSEY STREET, LONDON, SE1

Ordnance Survey

Date 19/12/2011



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Item No. 6.4	Classification: Open	Date: 8 March 2011	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-1845 for: Full Planning Permission Address: 88 BERMONDSEY STREET, LONDON, SE1 3UB Proposal: Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 17 August 2011		Application Expiry Date 12 October 2011	

RECOMMENDATION

- 1 That planning permission be granted, subject to conditions

BACKGROUND INFORMATION

- 2 This application was deferred at the January community council meeting to enable the applicant to add precise dimensions to the plans. The reason for the case being brought to community council is that 3 objections have been received.

Site location and description

- 3 The application relates to a three storey, end of terrace property on the corner of Bermondsey Street and Tyers Gate. At ground floor level there is a florist and on its upper floors a World Language School which offers translations services.
- 4 South along Bermondsey Street several properties within the terrace have been extended at roof level. The prevailing approach is of set back mansards, clad in lead or slate.
- 5 The building is not listed but lies within the Bermondsey Street conservation area, the Central Activities Zone, Bankside, Borough and London Bridge Opportunity Area, an Archeological Priority Zone and an Air Quality Management Area.

Details of proposal

- 6 The application seeks planning permission to change of the use of the upper floors of the building from office space (Use Class B1) to an Office/Language school (Use Class B1/D1).
- 7 The application has been prompted following an inspection by the British Accreditation Council with requires the language school element of the operation

have a Class D1 (Non-residential institution) designation.

8 Works also include the erection of mansard roof extension, with front and rear window, above which there would be a roof terrace, with a balustrade. No other alterations to the building are proposed.

8 Materials:

- Timber framed windows
- Brick to match the existing building.
- Slate mansard
- Stainless steel balustrade.
- Obscure glazing

Amendments

10 Drawing DP/134 [P] 2 received on 30/11/2011 showing revised position of balustrade and the contextual relationship between the application site and terrace at 90a Bermondsey Street.

11 Drawing DP/134 [P]2 A received on 27/1/2011 showing dimensions of roof terrace, stair enclosure and balustrade.

12 Drawing DP/134 [P] 1 B received on 22/2/2012 showing existing rear elevation of 88 Bermondsey Street and 90 Bermondsey Street (including 90a).

Planning history

13 TP/11-104 Planning permission was GRANTED to change the use of 88 Bermondsey Street SE1 from residential to office use. 29/7/1977.

Planning history of adjoining sites

14 None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

a) whether the proposed dual Class B1/D1 (office/language school) use would conform with land-use policy and the loss of B1 floor space acceptable.

b) impact on amenity

c) acceptability of the proposed extension and its impact the character and appearance on the Bermondsey Street Conservation area.

Planning policy

Core Strategy 2011

16 Strategic policy 4 (Places for learning, enjoyment and healthy lifestyles)
Strategic policy 10 (Jobs and business)
Strategic policy 12 (Design and conservation)
Strategic policy 13 (High environmental standards)

Southwark Plan 2007 (July) - saved policies

- 17 Policy 1.4 (Employment sites outside the Preferred Office Locations and Preferred Industrial locations)
 Policy 2.2 (Provision of new community facilities)
 Policy 2.4 (Educational deficiency - provision of new educational establishments)
 Policy 3.2 (Protection of amenity)
 Policy 3.4 (Energy efficiency)
 Policy 3.12 (Quality of design)
 Policy 3.13 (Urban design)
 Policy 3.7 (Waste reduction)
 Policy 3.11 (Efficient use of land)
 Policy 3.16 (Conservation areas)
 Policy 5.2 (Transport impacts)
 Policy 5.3 (Walking and cycling)
 Policy 5.6 (Car parking)

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

The National Planning Policy Framework (NPPF)

- 18 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 19 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Principle of development

- 20 In terms of land use, the site is in the Central Activities Zone where the loss of offices may be considered acceptable. That is provided an applicant can demonstrate compliance with any one of the following four tests under policy 1.4. There are:
- 21 *a) That convincing attempts to dispose of the premises, either for continued B Class use, or for mixed uses involving B Class, including redevelopment, over a period of 24 months, have been unsuccessful;*
- or*
- 22 *b) The site or buildings would be unsuitable for re-use or redevelopment for B Class use or mixed users including B Class use, having regard to physical or environmental constraints;*
- or*
- 23 *c) The site is located within a town or local centre, in which case in accordance with policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floor space is proposed, the additional floor space may be used for suitable mixed or residential use.*
- 24 The proposal fails under criteria a) and c) of this policy, owing to lack of marketing information and by virtue of the site lying outside a town or local centre. It also fails

to comply with criteria b) because it is not unsuitable for re-use/redevelopment for Class B1 purposes.

Other material considerations

- 25 The agent has described the business as both a translation service (40%) and a language teaching business (60%) in terms of time spent and space utilised. In planning terms, the site has been operating as 40% Use Class B1 (translation service) and 60% Use Class D1 (language school) since 2004 and records show that during this period no complaints have been received concerning its operation nor its impacts. Neighbours have not objected to the continuation of the use, or the potential loss of space for office use. Furthermore, the proposal would not reduce the level of employment on this site.
- 26 Having regard to the nature and function of the operation which would retain some floor space in B class use it is, on balance, considered to be acceptable as it does not compromise the employment generating potential of the building, and provides a use that is appropriate on the upper floor of a commercial building. However given the flexibility of the planning permission, it is appropriate to impose a condition that would safeguard the future use of the site for continued B class use to support growth and employment and to safeguard amenity of occupiers residing near the site.

Environmental impact assessment

- 27 Not required. No significant environment effects would arise.

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

- 28 Objections were received expressing concern that the scheme would impact on amenity resulting in the loss of privacy, daylight and sunlight and create noise nuisance and disturbance.

Privacy

2 Tyers Gate

- 29 The applicant has sought to minimise overlooking to 2 Tyers gate by setting the balustrade back away from this elevation by 1 metre. Users of the terrace would therefore have limited views, which would be less obtrusive than those already achieved from this site.

90a Bermondsey Street

- 30 The balustrade would not extend further than the rear most window of the adjoining property and so users of the terrace would not be able to look directly into this windows at this property, safeguarding amenity and their standard of privacy.
- 31 A glazed structure would be erected to the rear but it would be obscure glazed along this elevation and as such would not result in the loss of privacy or overlooking.

Daylight/sunlight impacts/outlook

- 32 90a Bermondsey Street expressed concern that the scheme would adversely impact upon their outlook and standard of daylight and sunlight.
- 33 The glazed structure would extend 2.5 metres further than the party wall with 90a Bermondsey Street. It would appear modest and would be obscure glazed along this elevation and so by virtue of this material have a moderate impact on daylight and sunlight and outlook. Having regard to councils adopted design guidance the

structure would comply with policy by virtue of its modest height and depth. Furthermore, the affected property is located further to the south of the site and as such any impact in terms of daylight/sunlight would be limited.

- 34 Having regard to properties at Tyers Gate, it was considered that would be no adverse impacts, owing to the modest scale of the mansard and its distance of separation from these affected windows.

Noise and disturbance

- 35 Concern was expressed that use of the roof terrace may result in noise nuisance and disturbance to residents. However having regard to the nature and intensity of the site use and the proposed hours of operation this is considered unlikely to be the case.

- 36 While the company has up to 25 staff on its books, the accompanying planning statement describes that they are usually not all on site at one time. On the contrary staff are generally only ever on site for specific teaching sessions and translations services. As such it is claimed that are usually never more than 6 staff on site at any one time.

- 37 Considering the site accommodating four modest sized class rooms, where many of the lessons are essentially one to one, the potential for noise nuisance and disturbance at the building and on the roof terrace is likely to be very limited. Notwithstanding this, in the event of approval, the use of the balcony could be restricted to the extent that it would not harm the operation of the translation business/ language school while safeguarding the amenity of local residents and minimising the potential for noise nuisance.

Restriction of use

- 38 Use Class D1 'Non-residential institutions' includes uses such as nurseries, museums, and places of worship, as well as the language school sought under this application. While the language school has been assessed as unlikely to give rise to amenity issues, there are other uses within the use class category with the potential to create noise nuisance e.g. a nursery or place of worship. In addition to this there is also the potential when applying a flexible dual use permission, that the site retains only an ancillary B use Class function compromising the supply of good quality small business space.

- 39 To safeguard the employment potential of the site and to minimise the potential for noise nuisance and disturbance, consideration has been given to a number of options to control the use of this site.

- 40 A temporary permission was discounted as likely to be unreasonable, given the circumstances as the use has been assessed to be acceptable in terms of policy and the applicant has a lease to remain at the property for approximately 16 years. This would be too long a period to grant temporary planning permission and may prejudice future policies that may apply to this site.

- 41 A permission personal to the applicant (World Languages Consultant) which is a company has also been considered inappropriate as it would be against guidance in Circular 11/95 because shares in the company can be transferred to other persons without affecting the legal personality of the company.

- 42 Having regard to the above, a condition restricting the hours of use would be appropriate to safeguard residential and commercial amenity and minimise any residual potential for adverse amenity impacts. In addition to this, restricting the use of the site to Use Class B1 and a language school as the sole use within the D1

category would go some way to enable the council to control concerns that the building could become a D1 use with an ancillary office and its potential impact upon the supply of small office space and local residential and commercial amenity.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 43 None arising. Nearby uses would maintain a similar relationship to the property.

Traffic issues

Car parking

- 44 No car parking is proposed. No objections received. Impact acceptable.

Cycle storage

- 45 Cycle parking is normally encouraged with new development particularly where a site is being constructed. However the property already exists and there are no obvious opportunities to integrate convenient cycle parking on site. While this poses some concern, the site would operate in a similar way to the way it does presently, whereby it does not benefit from cycle parking and has acceptable impacts. Notwithstanding this, the site is a matter of meters away from a docking station for Barclay's 'Boris' Bikes which has been taken into consideration and function to provide relief for patrons of the scheme seeking to access the site.

Disabled Parking

- 46 No wheel chair parking has been provided in association with the proposed development. As there are site constraints and opportunities to park in the local area (admittedly for short time periods) it is deemed acceptable. No objections.

Servicing and refuse vehicle access

- 47 Servicing would remain as existing and refuse collected from Bermondsey Street. Given the nature of the proposed development it is not thought there would be many service vehicle movements associated with the above application or refuse vehicles stationary in the highway for extended periods above those which already take place on site. The impact of the scheme is considered acceptable.

Trip Generation/Highway impacts (if any)

- 48 The floor area of the site under consideration is 157sq metres of which 62m² would be used for B1 and 95m² of D1. Given the site is near to good public transport it is not anticipated that it would generate a significant number of vehicle trips. As such there are no objections to its impact on the public highway.

Design issues

- 49 The main alteration to the building would be the erection of a mansard roof extension, above which there would be roof terrace flanked by a stainless steel railing. While concern was expressed that it would not be appropriate in scale, it would replicate the scale of other similar mansards adjoining the site.

- 50 For this reason it would relate well to the building in scale and materials, having timber framed window and being clad in slate. A traditional fenestration design would continue up the north and east elevation, which would be in keeping with the original building and its historic character.

Glazed enclosure

- 51 There is no objection to the design of the glazed enclosure proposed to the rear of the mansard. While contemporary in its design it would be lightweight and would only

be visible from the rear. Having regard to its positioning and scale, it would not conflict with policy.

Impact on character and setting of a listed building and/or conservation area

- 52 The mansard would be visible along Bermondsey Street and Tyers Gate but by virtue of its design and materials, it would not conflict with policy nor have negative impacts on the street scape, nearby listed buildings and areas special character. As such, the proposal is compliant with guidance in PPS 5 Planning for the Historic Environment, and the Council's policies which seek to protect heritage assets.

Impact on trees

- 53 None.

Planning obligations (S.106 undertaking or agreement)

- 54 Not required.

Sustainable development implications

- 55 The proposal would provide enhanced teaching and office accommodation in an accessible area within a town centre.

Other matters

- 56 None arising.

Conclusion on planning issues

- 57 Subject to conditions, this proposal would provide a mixed use development with enhanced teaching and office accommodation that, on balance, would comply with policy, safeguard amenity and preserve the character of the conservation area. For this reason, it is recommended that planning permission be granted.

Community impact statement

- 58 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.
- 59 a) The impact on local people is set out above.

Consultations

- 60 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 61 3 objections received. Main concerns were that the scheme would adversely impact

upon residential amenity.

Human rights implications

- 62 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.
- 63 This application has the legitimate aim of changing the use of the property from an Office (Use Class B1) to a mixed use (Use Class D1/Use Class B1). 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 64 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/11-104 Application file: 11-AP-1845 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5461 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Daniel Davies, Planning Officer	
Version	Final	
Dated	30 November 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team		24 February 2012

Consultation undertaken

Site notice date: 16/9/2011

Press notice date: 25/08/2011

Case officer site visit date: 16/09/2011

Neighbour consultation letters sent: 24/08/2011

Internal services consulted:

Environmental Protection Team.
Transport Planning.

Statutory and non-statutory organisations consulted:

Environment Agency.

Neighbours and local groups consulted:

FLAT 5 2 TYERS GATE LONDON SE1 3HX
FLAT 6 2 TYERS GATE LONDON SE1 3HX
FLAT 3 2 TYERS GATE LONDON SE1 3HX
FLAT 4 2 TYERS GATE LONDON SE1 3HX
90 BERMONDSEY STREET LONDON SE1 3UB
FLAT 7 2 TYERS GATE LONDON SE1 3HX
1 TYERS GATE LONDON SE1 3HX
FLAT A 90 BERMONDSEY STREET LONDON SE1 3UB
GROUND FLOOR 82-86 BERMONDSEY STREET LONDON SE1 3UD
FLAT 1 2 TYERS GATE LONDON SE1 3HX
FLAT 2 2 TYERS GATE LONDON SE1 3HX
FLAT B 90 BERMONDSEY STREET LONDON SE1 3UB
3 TYERS GATE LONDON SE1 3HX

Re-consultation: Not required.

Consultation responses received

Internal services

Transport planning

Transport DC have no objections to this application. However, we would look for any D1 permission to exclude other D1 uses and be personal to the applicant. We would also look for the applicant to provide cycle parking, however we would not consider this a reason for refusal if this cannot be provided.

We would look for any D1 permission granted to exclude all other D1 uses other than its current use of a language training school. Additionally, we would look to make any permission granted personal to the applicant. These are requested due to the significant highway impact certain D1 uses can have on the highway network.

Car Parking

This proposal is located in an area with a medium TfL PTAL rating (3) which reflects the area's high level of access to all forms of public transport. The site is also located within the CAZ. Developments in this area are required to be car free in order to promote more sustainable transport choices, reduce congestion and pollution within Southwark, as per Strategic Policies 18 and 19. The applicant is proposing a car free development, which is deemed acceptable.

Cycle Storage

Table 15.3, the Southwark Plan, states that the secure parking standard for cycles is 1 space per 250m² of commercial (A & B1) floor space (minimum of 2). In light of this we would look for the applicant to provide a minimum of two cycle parking spaces. However, as there are site constraints and the development is not a new build in this instance we would not consider this a reason for refusal should it not be able to be provided.

In order to satisfy Policy 5.3 of the Southwark Plan cycle parking provision must be convenient, secure and weatherproof and to the minimum standards as detailed in Appendix 15 of the Southwark Plan. For reasons of convenience, cycle storage must be of the dimensions as stated in the Manual for Streets, sections 8.2.21-8.2.24 and should comply with best practice guidance. The applicant is required to submit to the Council, for approval, detailed and scaled drawings to demonstrate the provision of cycle storage.

Disabled Parking

No wheel chair acceptable units have been provided in association with the proposed development. As there are site constraints and opportunities to park in the local area (admittedly for short time periods) it is deemed acceptable.

Servicing and refuse vehicle access

As existing. Servicing and refuse collection will be undertaken from Bermondsey Street. Given the nature of the proposed development it is not thought there will be:

- many service vehicle movements associated with the above application
- B) refuse vehicles stationary in the highway for an extended period.

Trip Generation/Highway impacts (if any)

The proposals for 62m² of B1 and 95m² of D1 land use are not forecast to cause significant highway impact. This is due to the following reasons:

The proposals are not forecast to cause more trips than the permitted use of 107m2 B1 use:

The site benefits from a Central London location within the CAZ:

The site benefits from a relatively good PTAL rating and good walking links:

The nature of the land use means that it is not forecast to have many vehicular trips associated with it.

Environmental Protection Team

I do not envisage that this change of use and extension are likely to generate additional noise during operation

Construction Management Plan

Should application for extension be approved, the construction phase may impact on local residents

I do not require a full EMP rather – ref to EPT for prior consent COPA 74 for agreeing working methods and hours, this can be done with informative

Statutory and non-statutory organisations

Environment Agency

The proposal will not in result in any increase in flood risk. The Environment Agency therefore have no objections on flood risk grounds. No further comments.

Neighbours and local groups

The following objections were expressed by 3 neighbours

Flat 90a Bermondsey Street

That the roof extension would confine the adjoining roof terrace to the detriment of the their enjoyment of this space, privacy, and views.

That its scale would not be in keeping with the adjoining terrace.

Flat 5, 2 Tyers Gate SE1 3HX

That the extension would restrict views from this property and result in the loss of light.

Noise and disturbance would result from the use of the roof terrace.

Occupier at 2 Tyers Gate

Harmful impact on daylight and sunlight on occupiers at 2 Tyers gate

Loss of privacy

No letters of support were received in connection with this proposal.

Officer comments

The comments outlined above have been address in the main report.

Further comments were received concerning the development's impact on the value of adjoining properties. These comments have been addressed in this report as they are not a 'planning' matters.

RECOMMENDATION LDD MONITORING FORM REQUIRED

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.

Applicant	Mr Pinna World Languages Consultants	Reg. Number	11-AP-1845
Application Type	Full Planning Permission	Case Number	TP/11-104
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.

At: 88 BERMONDSEY STREET, LONDON, SE1 3UB

In accordance with application received on 08/06/2011 08:00:14

and Applicant's Drawing Nos. DP/ 134 [P] 1 B, DP/134 [P] 2 and DP/134[P]Sk1. Design and Access Statement. Flood Risk Assessment.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Strategic Policy 12 - (Design and Conservation) which requires the highest possible standards of design for buildings and public spaces and Strategic Policy 13 - (High Environmental Standards) which requires developments to meet the highest possible environmental standards of The Core Strategy (2011).
- b] Saved policies 1.4 (Employment sites outside the Preferred Office Locations and Preferred Industrial Locations) which advises that sites that have an established employment use would be protected unless there are good reasons, in accordance with policy, to permit the loss of employment floor space; 3.2 (Protection of amenity) which advises that development should not harm amenity; 3.12 (Quality in design) which advises that development should achieve a high quality of architectural design; 3.13 (Urban design) which advises that development should relate well to its surroundings; 3.16 (Conservation areas) which advises that development should preserve or enhance the character or appearance of the conservation area; 5.3 (Walking and Cycling) which advises that adequate provision should be made for pedestrians and cyclists; and 5.6 (Car Park) of the Southwark Plan (2007) which advises that development should minimise the number of car parking spaces provided.
- c] Bermondsey Street Conservation Area Appraisal (2003) seeks to ensure that development makes a positive contribution to the Bermondsey Street Conservation area
- d] Planning Policy Statements [PPS] 5 (Planning and the historic environment) advises that new development should make a positive contribution to the character and local distinctiveness of the historic environment.
- e] Ministerial Statement: Planning for Growth (March 2011) and Draft National Planning Policy Framework (2011)

Particular regard was had to the loss of floorspace in office use (Use Class B1) that would result from the proposed development and concerns that the scheme would result in the loss of privacy to nearby dwellings. However, the loss of this floor space was considered acceptable as, in accordance with policy, the site would retain some floor space in B Class use and retain jobs and employment on Bermondsey Street and its design would be such that it would not result in harm or injury to the extent that would warrant refusal of planning permission. As such, it was established that, subject to conditions, the scheme would create improved facilities for the language school whilst preserving the character and appearance of the Bermondsey Street Conservation Area whilst safeguarding residential amenity. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

- 1 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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: DP/ 134 [P] 1 B and DP/134 [P] 2.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Class D1 of the Town and Country Planning (Use Classes) Order (as amended) and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders), the use hereby permitted shall be only as a language school and not for any other purpose falling within the D1 use class category.

Reason

To ensure no loss of amenity through noise and disturbance to the adjoining residential occupiers, in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Notwithstanding the details shown on the approved drawing DP/134 [P] 1, the roof terrace balustrade shall be installed as shown on approved drawing DP/134 [P] 2 unless otherwise approved in writing by the local authority.

Reason

To ensure no loss of privacy through overlooking to the adjoining residential occupiers, in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

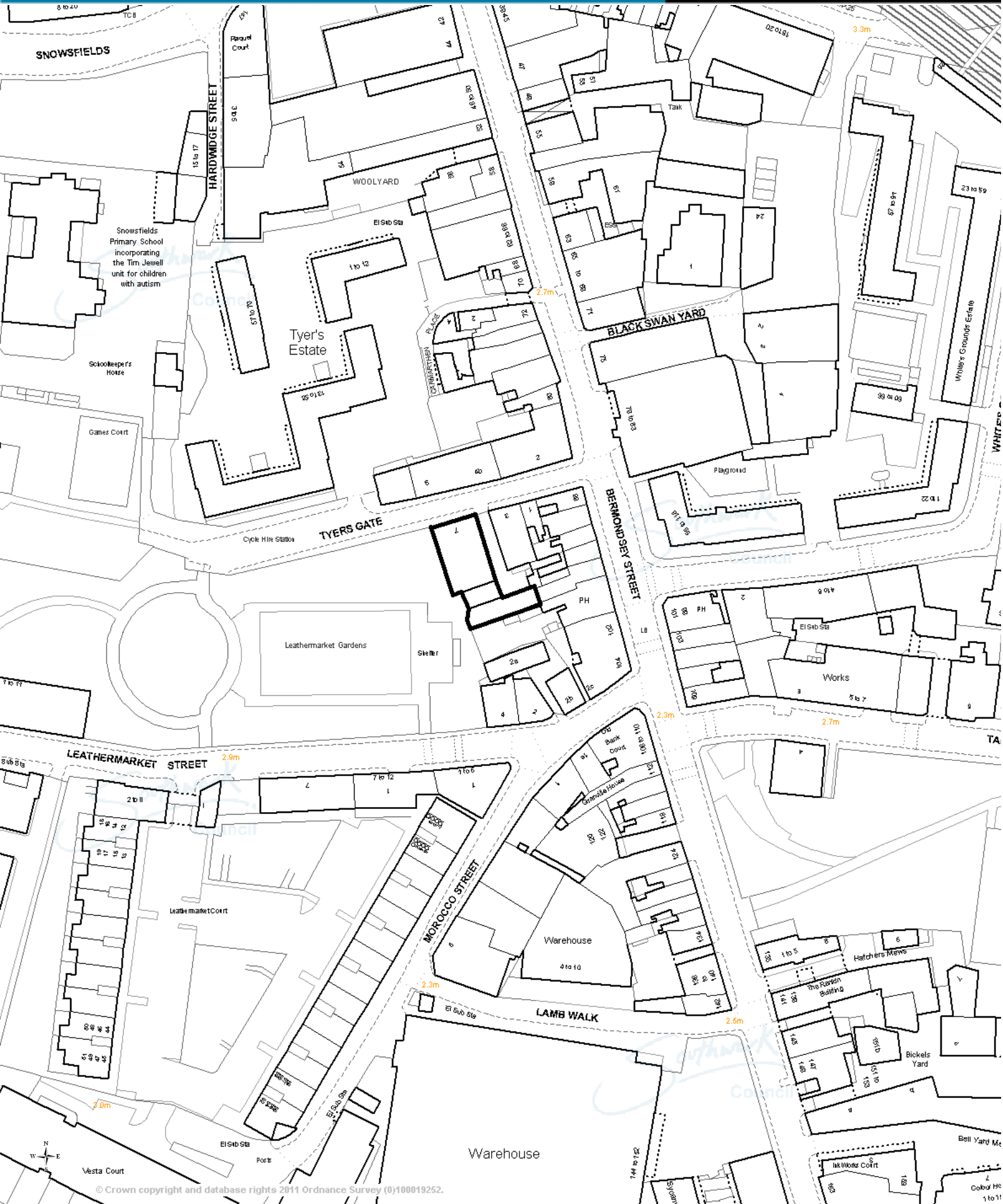
- 5 The use hereby permitted for a language school (non-residential teaching institution) (Use Class D1), shall not be carried on outside of the hours 08:00 to 19:00 on Monday to Friday. There shall be no access to, or use of, the roof terrace hereby approved outside these hours. There shall be no access to the roof outside of the area enclosed by the balustrade at any time, excepting for means of escape or maintenance purposes.

Reason

To ensure no loss of amenity through noise and disturbance to the adjoining residential occupiers, in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

Ordnance Survey

Date 27/2/2012



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Item No. 6.5	Classification: Open	Date: 8 March 2011	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-2261 for: Full Planning Permission Address: 5 TYERS GATE, LONDON, SE1 3HX Proposal: Partial demolition of the existing building to create a part two-storey and part four-storey building to accommodate 2 residential units (2 X 2 bed) at first, second and third floor levels. Partial change of use of existing studio/office unit (B1 Class) to form a self contained 2 storey mews house (C3 Class). The existing monopitch roof is to be removed and replaced with a double pitched roof. Creation of a mezzanine floor between lower ground and upper ground floor level to accommodate B1 class floor space.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 30 July 2011		Application Expiry Date 24 September 2011	

RECOMMENDATION

- 1 Grant planning permission subject to conditions and a grampian condition to prevent future occupiers obtaining parking permits.

BACKGROUND INFORMATION

Site location and description

- 2 No. 5 Tyers Gate is a double height space used as a studio (Class B1) with adjoining office accommodation in the former stables block, which is linked to No. 5 at the rear of the yard. Access to No.5 is obtained via the existing open yard between 3 and 7 Tyers Gate.
- 3 The part of the site to which this application relates lies at the rear of nos. 92-96 Bermondsey Street, and faces onto Leathermarket Gardens. The building is not listed, but is located within the Bermondsey Street Conservation Area. The site area is 0.0143 Ha.
- 4 No.'s 3, 4, 6, 7 and Tyers Gate are on the draft Local List.
- 5 Site Constraints/Policies that apply to the site:
 Central Activity Zone (London South Central)
 Conservation Area (Bermondsey Street)
 Archeological Priority Zone (Borough, Bermondsey and Rivers)
 Air Quality Management Area

Strategic View (Wider Consultation Zone)
 Strategic View (London Plan)
 Flood Risk Area

Details of proposal

- 6 The development proposed is very similar to the previous application that was granted permission on appeal. Overall, the proposal will create a new building fronting on Leathermarket Gardens appearing as ground, first, second and third floors, incorporating a two storey mews building at the rear. As approved, that mews building would have provided B1 office space.

It is now proposed to use the two storey mews building as a self contained dwelling.

- 7 No alterations to the appearance of the building are proposed other than those already approved under permission 09/AP/1399 (appeal reference 2137510).
- 8 It is proposed to retain the office/studio space within the ground floor of the approved development. A mezzanine level is to be created at lower ground floor level by excavation and lowering the floor of the building. This does not result in any changes to the external appearance of the building.
- 9 The revised development as a whole comprises of the partial demolition of the existing building to create a part two-storey and part four-storey building to accommodate 2 residential units (2 X 2 bed) at first, second and third floor levels and a partial change of use of existing studio/office unit (B1 Class) to form a self contained 2 storey mews house (C3 Class). The existing monopitch roof is to be removed and replaced with a double pitched roof. Also proposed is the creation of a mezzanine floor between lower ground and upper ground floor level to accommodate B1 class floor spaces.

Planning history

- 10 09/AP/1399 Refused permission; allowed on appeal:
 Partial demolition of the existing building to create a part two-storey and part four-storey building to accommodate 2 residential units (2 X 2 bed) at first, second and third floor levels. Existing studio (Class B1 use) on ground and upper ground floor levels will be retained.
- 11 An earlier application was granted for the partial demolition and reconstruction of studio and ancillary office (06/AP/1920).

Planning history of adjoining sites

- 12 88 Bermondsey Street Current application
 Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.
- 13 7 TYERS GATE, LONDON, SE1 3HX
 09/AP/0279 GRANT PERMISSION to
 Replace 18 windows on the west and east elevations. Replace 1 gable end window on the south elevation as well as additional security bars at 1st floor level on the west elevation.

- 14 1 TYERS GATE, LONDON, SE1 3HX

09/AP/2447 GRANT PERMISSION

Loft extension to existing loft room, including a new rear dormer, which would 'infill' the existing balcony, providing additional residential accommodation. Installation of window to rear elevation of existing mansard roof.

- 15 09/AP/1416 GRANT PERMISSION

Demolish existing rear kitchen and lean-to and erection of single storey rear extension to dwelling; providing additional residential accommodation.

- 16 SECOND FLOOR AND THIRD FLOOR FLAT, 96 BERMONDSEY STREET,
LONDON, SE1 3UB

08/AP/1980 GRANT PERMISSION

Conversion of the existing pitched roof on extension at rear of the building into a flat green (planted) roof to provide additional outside amenity space for the upper floor flat (Use Class C3).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 17 The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic policies.

b] the impact of proposed development on the amenity of adjoining occupiers and the surrounding area.

c] the impact of adjoining and nearby uses on occupiers and users of proposed development

d] Quality of residential accommodation

e] Design and Conservation issues

f] Traffic Issues

g] Refuse and Recycling

h] Flood Risk

Planning policy

- 18 Core Strategy 2011

- 19 Strategic Policy 1 – Sustainable development
Strategic Policy 2 – Sustainable transport
Strategic Policy 5 – Providing new homes
Strategic Policy 10 – Jobs and businesses
Strategic Policy 12 – Design and conservation
Strategic Policy 13 – High environmental standards

20 Saved Southwark Plan 2007 (July) - saved policies

- 21 1.4 Employment sites outside the POLs and PILs
 3.2 Protection of Amenity
 3.7 Waste Reduction
 3.11 Efficient use of land
 3.12 Quality in Design
 3.13 Urban Design
 3.14 Designing out Crime
 3.16 Conservation Areas
 4.1 Density of Residential Accommodation
 4.2 Quality of Residential Accommodation
 4.3 Mix of dwellings
 5.3 Walking and Cycling
 5.6 Car Parking
 5.7 Parking Standards for Disabled People and mobility impaired.

Residential Design Standards SPD (2011)

London Plan 2011

- 22 Policy 3.3 Increasing Housing Supply
 Policy 6.1 Strategic Approach
 Policy 7.4 Local Character
 Policy 7.5 Public Realm
 Policy 7.6 Architecture

23 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 24 PPS 1 Delivering Sustainable Development
 PPS 3 Housing
 PPS 5 Planning for the Historic Environment
 PPG13 Transport
 PPS 25 Development and Flood Risk

25 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

26 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Principle of development

27 The application site is located within the Bermondsey Street Conservation Area, and does not comprise a listed building, although there are listed buildings nearby. The site is located within the Central Activity Zone. Saved Policy 1.4 Employment Sites outside the POLs and PILs states that development will be permitted where there is no loss of Class B use.

28 The proposal would result in the loss of 15 sq. m of the existing B1 floorspace (138 -

15) leaving a net floorspace of 123 sq. m. It is proposed to retain the office/studio space within the ground floor of the approved development. A mezzanine level is proposed within the space to provide B1 floor space. It is proposed to lower the ground floor level by 1.57 m to accommodate this mezzanine level.

- 29 While there is some loss of B class floorspace, it is not considered that the loss of 15 sq. m is sufficient reason to refuse the application in this instance. The remaining floorspace is high quality office floorspace which ensures that an employment use remains at this location.

Environmental impact assessment

- 30 Not applicable in this instance. The site falls below 0.5ha and the development is not considered to have significant environmental impacts.

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

- 31 Saved policy 3.2 'Protection of Amenity' seeks to ensure that new development does not compromise the amenities enjoyed by existing neighbours.
- 32 No additional works are proposed for this development, over and above that allowed on appeal (local authority reference 09/AP/1399 and appeal reference 2137510). As such the consideration in this instance is the impact of the additional residential unit in the form of the proposed mews house.
- 33 It is not considered that this would raise any additional amenity issues over and above the approved development. No additional windows or terrace/balcony areas are proposed. The windows of the house face towards the office windows at 3 Tyers Gate. However it is not considered that any harmful amenity issues are raised due to this, given the commercial nature of No. 3 Tyers Gate.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 34 The character of the locality is one of mixed use, with residential and commercial uses. This is reflected in the land uses within the development, and as such, it is not considered that there will be any incompatibility with the proposed development.

Design issues and Impact on character and setting of a listed building and/or conservation area

- 35 Saved Policies 3.12 Quality in Design and 3.13 Urban Design require new development to be of high quality design and to relate well to local townscape. It is noted that no external works are proposed over and above those allowed on appeal. As such consideration is limited to the impact of the residential use of the mews building on the character and appearance of the Bermondsey Street Conservation Area and on the surrounding locally listed buildings.
- 36 It is not considered that an additional residential unit would impact negatively on the character of the conservation area nor nearby historic buildings. The area is mixed use in character and as such a residential unit at this location is not considered to harm the heritage interest of the area.

Quality of Residential Accommodation

- 37 The application proposes an additional residential unit in the form of a mews house,

over and above that allowed on appeal. The application now proposes a total of 3 residential units.

- 38 In relation to the proposed mews house, the floor area (70 sq. m) meets the requirement for a two-bed flat (min 61 sq. m) but does not meet the requirement for a two-bed two-storey house (which is 83 sqm). However, the requirements for a two-storey two bed house are normally applied to new-building developments. Given that this is a conversion, and having regard to the standard of accommodation provided (in relation to individual room sizes), it is considered that the overall standard of accommodation is acceptable. The outlook of the unit is acceptable and, while the unit is single aspect, there will be sufficient daylight and sunlight to each of the habitable rooms.

Cycle Storage

- 39 The applicant proposes to provide storage for 2 residential cycle parks and a cycle storage area in the commercial space at lower ground floor level. The number of spaces that can be accommodated here is not specified. A total of 3 residential spaces and 2 commercial spaces are required. Details of the commercial cycle storage should be required by condition as well as plans showing a cycle spaces for the proposed mews dwelling.

Car Parking

- 40 This proposal is located in an area with a medium TFL PTAL rating (3) reflecting the area's medium level of access to all forms of public transport.
- 41 Developments in areas with this PTAL rating are required to provide on site parking in order to minimise overspill parking on the road network.
- 42 However, given there are site constraints and that this is in a CPZ, it is not expedient to request on site parking.
- 43 In order to prevent possible overspill parking from the development, it is recommended a grampian condition is applied to any permission preventing any occupiers of this development being eligible for on-street parking permits.

Archaeology

- 44 The proposal involves lowering the existing ground floor level of main building by 1.57m. This may have an impact on archaeology in situ. The submitted archaeology report does not appear to address this. It is considered that conditions in relation to archeology should be imposed on any permission so as to ensure that any groundworks take account of any archeology in situ.

Refuse and Recycling

- 45 Refuse storage is proposed at ground floor level adjacent to the ground floor commercial use. No commercial refuse is indicated on the plans. Commercial refuse storage was originally proposed for the area where the proposed mews house is now located. Details of proposed refuse storage for the commercial space should be required by condition.

Flood risk

- 46 The applicant has submitted a revised Flood Risk Assessment. This states that the flood risk has increased slightly but notes that the B1 use is a less vulnerable use and states that the raised ground floor level will provide a refuge area. In relation to the mews house, officers note that there are no bedrooms provided at ground floor level to

this residential unit. Any comments from the Environment Agency will be reported in the supplementary.

Construction Works

- 47 It is considered reasonable in this instance to impose conditions on construction hours in order to limit the impact on surrounding amenity (9am to 5.30pm Monday to Friday with no work to be carried out at weekends or Bank Holidays). A construction logistics plans should be submitted also in order to limit the impact on the surrounding road network.

Trees

- 48 There is a small cherry tree directly in front of the site, within the park. A condition is recommended to safeguard this during construction as it is noted that the basement works have the potential to impact on this tree, though the Tree Officer has noted that the risk to the tree is minimal due to the relatively small size of the tree.

Conclusion on planning issues

- 49 Having regard to the above the proposal is acceptable and the recommendation is to grant permission.

Community impact statement

- 50 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.
- 51 a) The impact on local people is set out above.

Consultations

- 52 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 53 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 55 A total of 8 separate objections have been received. Issues raised include:

inadequate consultation for this revised planning application
 description of development
 no notification of the appeal decision
 disruption that the work may cause including noise and disturbance
 impact on stability of adjoining buildings
 traffic impacts
 blocks the fire escape door to no. 7
 air conditioner will need to be relocated
 what are the limitations on hours?
 impact on archaeology
 would create two planning units

impact on adjoining businesses
 applicant has limited rights of access
 additional residential units will place further constraints on adjoining commercial occupiers where conflict between business and residential users is already apparent.
 high level of noise, vibration and dust
 access issues
 security issues where it may be possible for easier access to be gained to the surrounding developments as a result of works.
 adding more residential and is a different height
 short consultancy period
 impact on sewers
 sunlight/daylight issues

Human rights implications

- 56 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.

This application has the legitimate aim of providing a mixed-use development. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 57 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/80-1 Application file: 11/AP/2261 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5420 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ronan O'Connor, Planning Officer	
Version	Final	
Dated	27 February 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team	27 February 2012	

Consultation undertaken

Site notice date: 25/08/11

Press notice date: 11/08/11

Case officer site visit date: 25/08/11

Neighbour consultation letters sent: 10/08/11 & 06/12/11

Internal services consulted:

Transport planning
Tree Officer

Statutory and non-statutory organisations consulted:

Environment Agency (consulted 23/02/12)

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

06/12/11

Consultation responses received

Internal services

Transport Planning - require details of cycle storage and unilateral agreement
 Tree Officer - Recommends a condition to safeguard the cherry tree but notes that the risk to the tree is minimal given its small size.

Statutory and non-statutory organisations

None at time of report writing

Neighbours and local groups

A total of 8 separate objections have been received. Issues raised include:

- inadequate consultation for this revised planning application
- description of development
- no notification of the appeal decision
- disruption that the work may cause including noise and disturbance
- impact on stability of adjoining buildings
- traffic impacts
- blocks the fire escape door to no. 7
- air conditioner will need to be relocated
- what are the limitations on hours?
- impact on archaeology
- would create two planning units
- impact on adjoining businesses
- applicant has limited rights of access
- additional residential units will place further constraints on adjoining commercial occupiers where conflict between business and residential users is already apparent.
- high level of noise, vibration and dust
- access issues
- security issues where it may be possible for easier access to be gained to the surrounding developments as a result of works.
- adding more residential and is a different height
- short consultancy period
- impact on sewers
- sunlight/daylight issues

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 11-AP-2261

TP No	TP/80-1	Site	5 TYERS GATE, LONDON, SE1 3HX
App. Type	Full Planning Permission		

Date Printed	Address
10/08/2011	FLAT 4 4B TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 3 4B TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 2 4B TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 5 4B TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 1 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	6 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 6 4B TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 1 4B TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 5 2 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 4 2 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 3 2 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 6 2 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 7 2 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 2 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	PART GROUND FLOOR AND FIRST FLOOR 5 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 2 8 TYERS GATE LONDON SE1 3HX
10/08/2011	FIRST FLOOR FLAT 96 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	90 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	FLAT 5 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	FLAT 4 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	FLAT 3 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	FLAT 6 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	LANTERN HOUSE 102 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	2B MOROCCO STREET LONDON SE1 3HB
10/08/2011	FLAT 7 LANTERN HOUSE 2C MOROCCO STREET LONDON SE1 3HB
10/08/2011	LIVING ACCOMMODATION 98 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	UNIT 1 8 TYERS GATE LONDON SE1 3HX
10/08/2011	SECOND FLOOR AND THIRD FLOOR FLAT 96 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	NAVIGATOR HOUSE 4A TYERS GATE LONDON SE1 3HX
10/08/2011	1 TYERS GATE LONDON SE1 3HX
10/08/2011	98 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	88 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	FLAT 6 7 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 3 8 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 3 7 TYERS GATE LONDON SE1 3HX
10/08/2011	GROUND FLOOR 82-86 BERMONDSEY STREET LONDON SE1 3UD
10/08/2011	FLAT 4 8 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 5 7 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 4 7 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 2 7 TYERS GATE LONDON SE1 3HX
10/08/2011	FLAT 1 94 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	2-2A MOROCCO STREET LONDON SE1 3HB
10/08/2011	4 LEATHERMARKET STREET LONDON SE1 3HN
10/08/2011	FLAT 2 2 TYERS GATE LONDON SE1 3HX
10/08/2011	3 TYERS GATE LONDON SE1 3HX
10/08/2011	104 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	FLAT A 90 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	FLAT 3 94 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	FLAT 2 94 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	UNIT 1 7 TYERS GATE LONDON SE1 3HX
10/08/2011	96 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	94 BERMONDSEY STREET LONDON SE1 3UB
10/08/2011	FLAT B 90 BERMONDSEY STREET LONDON SE1 3UB
20/06/1837	Ground Floor 7 Tyers Gate London SE1 3HX
20/06/1837	
06/12/2011	FLAT 1, 7 TYERS GATE LONDON SE1 3HX
06/12/2011	UNITS 2 7 TYERS GATE LONDON SE1 3HX
06/12/2011	UNITS 4 7 TYERS GATE LONDON SE1 3HX
06/12/2011	UNITS 6 7 TYERS GATE LONDON SE1 3HX
06/12/2011	8 TYERS GATE LONDON SE1 3HX
06/12/2011	UNIT THREE 7 TYERS GATE LONDON SE1 3HX
06/12/2011	FLAT 1 2 TYERS GATE LONDON SE1 3HX
06/12/2011	92 BERMONDSEY STREET LONDON SE1 3UB

06/12/2011 FIRST FLOOR FLAT 96 BERMONDSEY STREET LONDON SE1 3UB
06/12/2011 PART GROUND FLOOR AND FIRST FLOOR 5 TYERS GATE LONDON SE1 3HX
06/12/2011 2 TYERS GATE LONDON SE1 3HX
06/12/2011 4B TYERS GATE LONDON SE1 3HX
06/12/2011 5 TYERS GATE LONDON SE1 3HX
06/12/2011 98 BERMONDSEY STREET LONDON SE1 3UB
06/12/2011 82-86 BERMONDSEY STREET LONDON SE1 3UW
06/12/2011 UNIT 5 7 TYERS GATE LONDON SE1 3HX
06/12/2011 Lantern House 2b Morocco Street London SE1 3HD
06/12/2011 Lantern House 102 Bermondsey Street London SE1
06/12/2011 63 MICHELDEVER ROAD LONDON SE12 8LU
06/12/2011 2ND FLOOR 88 BERMONDSEY STREET (CORNER WITH TYERS GATE) LONDON SE1
06/12/2011 1ST FLOOR 88 BERMONDSEY STREET (CORNER WITH TYERS GATE) LONDON SE1
06/12/2011 Unit 5 Five Plantain Place Crosby Row London SE1 1YN
06/12/2011 Lumley House Hartswood Manor Nr Reigate Surrey RH2 8BZ
06/12/2011 4 Tanner Street Southwark London SE1 3LD
06/12/2011 Brilliant House 14 Ship & Mercant Row London SE1 3QN
06/12/2011 Bermondsey Street Area Partnership c/o Unit 1, The Glasshouse 3 Royal Oak Yard London SE1 3GE
06/12/2011 46 Tyers Gate London SE1 3HX
06/12/2011 43 ST JOHN STREET LONDON EC1M 4AN
06/12/2011 Flat A 96 Bermondsey Street London Se1 3UB
06/12/2011 2 Morocco Street Bermondsey London SE1 3HB
06/12/2011 GROUND FLOOR 82-86 BERMONDSEY STREET LONDON SE1 3UW
06/12/2011 Metal Work Block K 175 Bermondsey Street London SE1 3UW
06/12/2011 LEATHERMARKET COMMUNITY CENTRE LEATHERMARKET GARDENS LEATHERMARKET STREET LONDON SE1 3HU
06/12/2011 BASEMENT AND GROUND FLOOR 8 TYERS GATE LONDON SE1 3HX
06/12/2011 96B BERMONDSEY STREET LONDON SE1 3UB
06/12/2011 9 LEATHERMARKET COURT LEATHERMARKET STREET LONDON SE1 3HS
06/12/2011 c/o Unit 1 The Glasshouse 3 Royal Oak Yard London SE1 3GE
06/12/2011 92A BERMONDSEY STREET LONDON SE1 3UB
06/12/2011 43 St John Street London EC1M 4AN
06/12/2011 94 Bermondsey Street London SE1 3UB
06/12/2011 7 Tyers Gate London SE1 3HX
06/12/2011 2nd & 3rd floor 96 Bermondsey Street London SE1 3UB
06/12/2011 43 St John Street Clerkenwell London EC1M 4AN
20/06/1837 Design Consultancy 7 Tyers Gate London SE1 3HX
20/06/1837 43 St John Street Clerkenwell EC1M 4AN

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.

Applicant	Mr R. Patel Malcolm Pawley Architects	Reg. Number	11- <u>AP</u> -2261
Application Type	Full Planning Permission	Case Number	TP/80-1
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Partial demolition of the existing building to create a part two-storey and part four-storey building to accommodate 2 residential units (2 X 2 bed) at first, second and third floor levels. Partial change of use of existing studio/office unit (B1 Class) to form a self contained 2 storey mews house (C3 Class). The existing monopitch roof is to be removed and replaced with a double pitched roof. Creation of a mezzanine floor between lower ground and upper ground floor level to accommodate B1 class floor space.

At: 5 TYERS GATE, LONDON, SE1 3HX

In accordance with application received on 12/07/2011 08:20:16

and Applicant's Drawing Nos. S01, S02, S03, S04, S05, S06, S07, S08, S09 (X2), S10, S11, S13

PA01, PA02, PA03, PA04, PA05, PA06, PA07, PA08, PA09, PA10

P01 Rev A, P02, P03, P04, P05

Flood risk assessment
Heritage Statement
Design and Access Statement
Archaeology Reports Parts 1 and 2

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Core Strategy 2011

Strategic Policy 2 - Sustainable transport: We will encourage walking, cycling and the use of public transport rather than travel by car. This will help create safe, attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 5 - Providing New Homes: Development will meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive environments, particularly in our growth areas.

Strategic Policy 10 - Jobs and businesses: We will increase the number of jobs in Southwark and create an environment in which businesses can thrive. We will also try to ensure that local people and businesses benefit from opportunities which are generated from development.

Strategic Policy 12 - Design and conservation: Development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.

Strategic Policy 13 - High environmental standards: Development will help us live and work in a way that respects the limit's of the planet's natural resources, reduces pollution and damage to the environment and helps us to adapt to climate change.

b] Saved Policies of the Southwark Plan 2007

Policy 3.1 (Environmental effects): seeks to ensure there will be no material adverse effect on the environment

and quality of life resulting from new development.

Policy 3.2 (Protection of amenity): advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.12 (Quality in design): requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 (Urban design) seeks to ensure that principles of good urban design are taken into account in all developments.

Policy 3.14 (Designing Out Crime) seeks to ensure that development is designed to improve community safety and crime prevention.

Policy 3.18 (Setting of listed buildings, conservation areas and world heritage sites) states that Permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building; or

Policy 3.19 ("Archaeology") seeks to ensure that the impact of development on any archaeological remains is assessed and preserved, protected and safeguarded.

Policy 4.2 ("Quality of residential accommodation") ensures that good quality housing is provided for the accommodation needs of the borough.

Policy 4.3 ("Mix of Dwellings") requires all major residential new development to provide a mix of dwelling sizes and types to cater for the range of housing needs of the area.

Policy 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 ("Walking and cycling") requires development to provide adequate facilities for pedestrians and cyclists.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided

c] London Plan 2011

Policy 3.3 Increasing Housing Supply, Policy 7.4 Local Character, Policy 7.5 Public Realm, Policy 7.6 Architecture,

d] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS1 – Delivering Sustainable Development, PPS 3 Housing, PPS5 Planning for the Historic Environment, PPS 25 Development and Flood Risk

Particular regard was had to the impact of the proposal on the amenity of adjoining residents, especially those residents occupying properties on Bermondsey Street. However, it was considered that the impact on the amenity on these properties would not be significantly material. Particular regard also was had to design considerations and the impact of the proposal on the character and appearance of the Bermondsey Street Conservation Area. The proposal was considered acceptable having regard to design and it was not considered that it would have a negative impact on the character and appearance of the Conservation Area. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

- 1 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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

PA01, PA02, PA03, PA04, PA05, PA06, PA07, PA08, PA09, PA10

P01 Rev A, P02, P03, P04, P05

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 Samples of the materials for the walls and roof to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of materials in the interest of the appearance of the building in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policy 3.12 Quality of Design in the Southwark Plan 2007.

- 4 Details and sampling of the trellis (proposed for the south elevation) as well as a detailed maintenance plan for the 'living wall' shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of materials in the interest of the appearance of the building in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy 2011 and saved Policy 3.12 Quality of Design in the Southwark Plan 2007.

- 5 The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4) (a)-(d) of the Town and Country Planning Act 1990 in relation to the development until, following negotiation with the local planning authority, a planning obligation pursuant to Section 106 of the said Act relating to the land has been made and lodged with the authority and the persons submitting the same have been notified that it is to the local planning authority's approval. The said obligation shall provide an appropriate contribution towards the costs of amending the Traffic Management Order in order to exempt future occupiers of the premises from applying for parking permits in the area.

Reason

To ensure highway and pedestrian safety and to encourage the use of alternative means of transport and reduce reliance on the use of the private car in accordance with Strategic Policy 2 Sustainable Transport of the Core Strategy 2011 and saved Policy 3.2 'Protection of Amenity' and saved policy 5.3 'Walking and Cycling' of The Southwark Plan July 2007.

- 6 Further details of the facilities to be provided for the secure storage of all cycles associated with the commercial and residential use shall be submitted to (2 copies) and approved in writing by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made. The drawings should indicate a total of 5 spaces (3 residential and 2 commercial).

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Strategic Policy 2 Sustainable Transport and saved policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 7 No development shall take place within the proposed development site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the programme of works for the archaeological project in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy 2011 and saved policy 3.19 of the Southwark Plan (July 2007).

- 8 No development shall take place within the proposed development site until the applicant has produced a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works,

which have been submitted to the planning authority and approved in writing. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the foundations and groundworks accord with the programme of archaeological mitigation works to ensure the preservation of archaeological remains by record and in situ in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy 2011 and saved policy 3.19 of the Southwark Plan (July 2007).

- 9 The development hereby approved shall not commence until details of a Construction Management Strategy has been submitted to, and approved in writing by the Local Planning Authority. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and TV reception emanating from the site and will include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with saved Policy 3.2 'Protection of Amenity' of The Southwark Plan 2007.

- 10 No work shall commence on site until full particulars and details (2 copies) of the condenser units, including details of sound attenuation for any necessary plant, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order to that the Council may be satisfied that the condenser units will not result in an noise nuisance and will not detract from the appearance of the building in accordance with saved Policy 3.2 'Protection of Amenity' and 3.12 'Quality in Design'.

- 11 All demolition and construction work shall not be carried on outside of the hours 0900 to 1730 on Monday to Friday, unless otherwise agreed in writing by the Local Planning Authority. It shall not be carried out on Bank Holiday Mondays, or Saturdays and Sundays.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with saved Policy 3.2 'Protection of Amenity' of The Southwark Plan 2007.

- 12 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied 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 Policy 3.2 Protection of Amenity and 3.7 Waste Reduction of the Adopted Southwark Plan 2007.

- 13 Prior to the commencement of works, details of the refuse storage arrangements for the commercial (B1) use shall be submitted to the local authority for approval in writing. The refuse arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises is commenced and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied 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 saved Policy 3.2 Protection of Amenity and 3.7 Waste Reduction of the Southwark Plan 2007.

- 14 Details of the means by which the existing trees within Leathermarket Gardens are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment shall be submitted (2 copies) to and approved by the Local Planning Authority before any work is begun, and such protection shall be installed and retained throughout the period of the works.

Reason

In order to preserve the character and appearance of the Gardens and to protect the trees, in the interests of amenity, in accordance with saved Policy 3.2 Protection of Amenity of the Adopted Southwark Plan 2007.

- 15 Before any work hereby authorised begins, details of the foundation works (including details of any trial hole(s) or trench(es) to check for the position of roots) to be used in the construction of this development showing how the roots of the tree(s) will be protected shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given. All works shall adhere to National Joint Utility Group, Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area in accordance with Policies 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

- 16 All windows on the east facing elevation of the building on first to third floors shall be obscure glazed and be of restricted opening/fixed shut and shall not be replaced or repaired otherwise than with obscure glazing without the prior written approval of the Local Planning Authority. Details of the means by which any of the windows that need to be openable shall have the degree of opening restricted shall be submitted to and approved by the Council prior to occupation of the building.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises to the rear of Bermondsey Street from undue overlooking in accordance with saved Policy 3.2 Protection of Amenity of the Adopted Southwark Plan 2007.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the mew house, without the prior written consent of the Council, to whom a planning application must be made.

Reason

The site is very enclosed and control should be retained over any future alterations or extensions to the mews house, in the interests of the amenity of neighbouring occupiers and in accordance with saved policy 3.2 Protection of Amenity of the Southwark Plan 2007 and strategic policy 13 High Environmental Standards of the Core Strategy 2011.

- 18 Details of a survey and investigation of the soil conditions of the site (2 copies), sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal, or remove the contaminating substances, shall be submitted to and approved by the Local Planning Authority and thereafter shall be carried out before any works in connection with this permission are begun.

Reason

In order to protect construction employees and future occupiers of the site from potential health-threatening substances in the soil in accordance with saved Policy 3.1 Environmental Effects of the Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy.

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