

Planning Sub-Committee A

Tuesday 23 January 2018

7.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Leo Pollak (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Nick Dolezal
Councillor Tom Flynn
Councillor Octavia Lamb
Councillor David Noakes
Councillor Kath Whittam

Reserves

Councillor David Hubber
Councillor Samantha Jury-Dada
Councillor Eleanor Kerlake
Councillor Sarah King
Councillor Cleo Soanes

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact: Gerald Gohler on 020 7525 7420 or email: gerald.gohler@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 15 January 2018



Planning Sub-Committee A

Tuesday 23 January 2018
7.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Order of Business

| Item No. | Title | Page No. |
|----------|--|----------|
| 1. | INTRODUCTION AND WELCOME | |
| 2. | APOLOGIES | |
| 3. | CONFIRMATION OF VOTING MEMBERS | |
| | A representative of each political group will confirm the voting members of the sub-committee. | |
| 4. | DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS | |
| | Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting. | |
| 5. | ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT | |
| | The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda. | |
| 6. | MINUTES | 1 - 5 |
| | To approve as a correct record the minutes of the meeting held on 21 November 2017. | |
| 7. | DEVELOPMENT MANAGEMENT ITEMS | 6 - 10 |
| | 7.1. FLAT 9, RANKIN HOUSE, 139-143 BERMONDSEY STREET, LONDON SE1 3UW | 11 - 27 |
| | 7.2. BURGESS PARK, ALBANY ROAD, LONDON SE5 0DG | 28 - 38 |

Date: 15 January 2018

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

Planning Sub-Committee

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

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

Contacts: General Enquiries
Planning Section, Chief Executive's Department
Tel: 020 7525 5403

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 21 November 2017 at 7.00pm in Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Leo Pollak (Chair)
 Councillor Nick Dolezal
 Councillor Tom Flynn
 Councillor Octavia Lamb
 Councillor David Noakes
 Councillor Kath Whittam

OFFICER SUPPORT: Dennis Sangweme (Development Management)
 Margaret Foley (Legal Officer)
 Sonia Watson (Development Management)
 Alex Cameron (Development Management)
 Tracy Chapman (Design and Conservation)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were apologies for absence from Councillor Ben Johnson (Vice-Chair).

3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as voting members for the meeting.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

The meeting noted that members had been sent a letter regarding item 7.2 pertaining to the protection of bats. The chair informed the meeting that this had been picked up in the

addendum report.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7 – development management items
- Members' pack.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 3 October 2017 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during this time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

7.1 43 BELLENDEN ROAD, LONDON SE15 5BB

Planning application reference number: 17/AP/2768

Report: see pages 11 to 28 and 48 to 50 and pages 1 and 2 of the addendum report.

PROPOSAL

Demolition of all existing buildings on site and the construction three storey plus basement building containing 9 x residential dwellings with associated car parking, landscaping, amenity space and other works.

The sub-committee heard an officer's introduction to the report and addendum report. Members of the sub-committee asked no questions of the officer.

The sub-committee heard representations from the objectors. The sub-committee asked questions of the objectors.

The applicant and applicant's agent addressed the committee. The committee asked questions of the applicant and their agent.

There were no supporters who lived within 100m of the development site, or ward councillors, present at the meeting and wishing to speak.

Members debated the application and asked further questions of officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

RESOLVED:

That planning permission for application number 17/AP/2768 be granted, subject to:

1. The conditions set out in the report and addendum report, and subject to the following additional conditions:
 - That obscure glazing be added to the balconies to a minimum height of 1.2 metres
 - That details of planting and landscaping on the southern boundary to provide screening be submitted to the planning authority for approval in writing.
2. The applicant agreeing to provide a unilateral undertaking by no later than 31 January 2018, and that in the event that an appropriate unilateral undertaking is not entered into by the above date, the director of planning be authorised to refuse planning permission for the reason given in paragraph 3.5 of the addendum report.

7.2 LAND ADJACENT TO 29 DULWICH WOOD AVENUE, LONDON SE19 1HG

Planning application reference number: 17/AP/2997

Report: see pages 29 to 47 of the agenda and pages 2 and 3 of the addendum report.

PROPOSAL

Construction of a part one-storey part two-storey three-bed dwelling.

The sub-committee heard the officer's introduction to the report and addendum report. Members of the sub-committee did not ask questions of the officer.

The sub-committee heard representations from the objectors. The sub-committee asked questions of the objectors.

The applicant addressed the committee. The committee asked questions of the applicant.

A supporter of the application who lives within 100m of the development site addressed the meeting. Members of the sub-committee did not ask questions of the supporter.

There were no ward councillors who wished to speak.

Members debated the application and asked further questions of officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

RESOLVED:

That planning permission for application number 17/AP/2997 be granted, subject to conditions set out in the report and the addendum report, and

- subject to an amended condition 6, requiring acceptable details of landscaping and boundary treatments to be submitted, including a boundary fence measuring 1.8 metres in height
- subject to additional conditions stipulating :
 - That bat bricks be added
 - That the cycle storage be located at the front of the building.

7.3 133 KENNINGTON PARK ROAD, LONDON SE11 4JJ**Planning application reference number: 17/AP/2632**

Report: see pages 51 to 77 of the agenda and pages 3 to 7 of the addendum report.

PROPOSAL

Conversion of the existing single family dwelling into x4 self contained residential units, entailing: the restoration of historic features; the reinstatement of timber sash windows; rear extension to the entrance 'side wing' at basement, ground and first floor levels; roof extension to the entrance 'side wing'.

The sub-committee heard an officer's introduction to the report and addendum report, and asked questions of the officer.

The sub-committee heard representations from the objectors. The sub-committee asked questions of the objectors.

The applicant and applicant's agent addressed the committee. The sub-committee asked questions of the applicant and their agent.

There were no supporters who lived within 100m of the development site, or ward councillors, present at the meeting and wishing to speak.

Members debated the application and asked further questions of officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

RESOLVED:

That planning permission for application number 17/AP/2632 be granted, subject to the conditions set out in the report and addendum report, and subject to an additional condition stipulating that ground floor window WG005 consist of obscure glazing to a minimum height of 1600mm.

7.4 133 KENNINGTON PARK ROAD, LONDON SE11 4JJ**Planning application reference number: 17/AP/2633**

Report: see pages 51 to 77 of the agenda and pages 3 to 7 of the addendum report.

PROPOSAL

Conversion of the existing single family dwelling into x4 self contained residential units, entailing: the restoration of historic features; the reinstatement of timber sash windows; rear extension to the entrance 'side wing' at basement, ground and first floor levels; roof extension to the entrance 'side wing'.

Item 7.3 and 7.4 were heard together, please see item 7.3 for further details.

A motion to grant listed building consent was moved, seconded, put to the vote and declared carried.

RESOLVED:

That listed building consent for application 17/AP/2633 be granted, subject to conditions as set out in the report and addendum report.

The meeting ended at 9.25 pm

CHAIR:

DATED:

| | | | |
|------------------------------------|--------------------------------|---------------------------------|--|
| Item No. 7. | Classification: Open | Date: 23 January 2018 | Meeting Name: Planning Sub-Committee A |
| Report title: | | Development Management | |
| Ward(s) or groups affected: | | All | |
| From: | | Proper Constitutional Officer | |

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 planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning sub-committee items members are asked, where appropriate:
 - a. 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.
 - b. 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.
 - c. 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.

6. 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.
7. 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 maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

12. A resolution to grant planning permission shall mean that the director of planning 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 director of planning 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.
13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning 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 director of law and democracy, and which is satisfactory to the director of planning. 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 director of law and democracy. The planning permission will not be issued unless such an agreement is completed.
14. 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. 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).

15. 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. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the 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).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make 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.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. 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.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|--|
| Council assembly agenda 23 May 2012 | Constitutional Team 160 Tooley Street London SE1 2QH | Gerald Gohler 020 7525 7420 |
| Each planning committee item has a separate planning case file | Development Management 160 Tooley Street London SE1 2QH | The named case officer as listed or the Planning Department 020 7525 5403 |

APPENDICES

| No. | Title |
|------|-------|
| None | |

AUDIT TRAIL

| | | | |
|---|---|--------------------------|-----------------|
| Lead Officer | Chidi Agada, Head of Constitutional Services | | |
| Report Author | Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development | | |
| Version | Final | | |
| Dated | 11 January 2018 | | |
| Key Decision? | No | | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | | |
| Officer Title | Comments sought | Comments included | |
| Director of Law and Democracy | Yes | Yes | |
| Director of Planning | No | No | |
| Cabinet Member | No | No | |
| Date final report sent to Constitutional Team | | | 11 January 2018 |

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Tuesday 23 January 2018

Appl. Type Full Planning Application
Site FLAT 9, RANKIN HOUSE, 139-143 BERMONDSEY STREET, LONDON SE1
3UW

Reg. No. 17-AP-3746
TP No. TP/11-139
Ward Grange
Officer Troy Davies

Recommendation GRANT PERMISSION

Proposal

Construction of a roof extension at third floor level with a roof terrace; removal of the uPVC conservatory at second floor level replacement with new facade

Item 7.1

Appl. Type Full Planning Application
Site BURGESS PARK, ALBANY ROAD, LONDON SE5 0DG

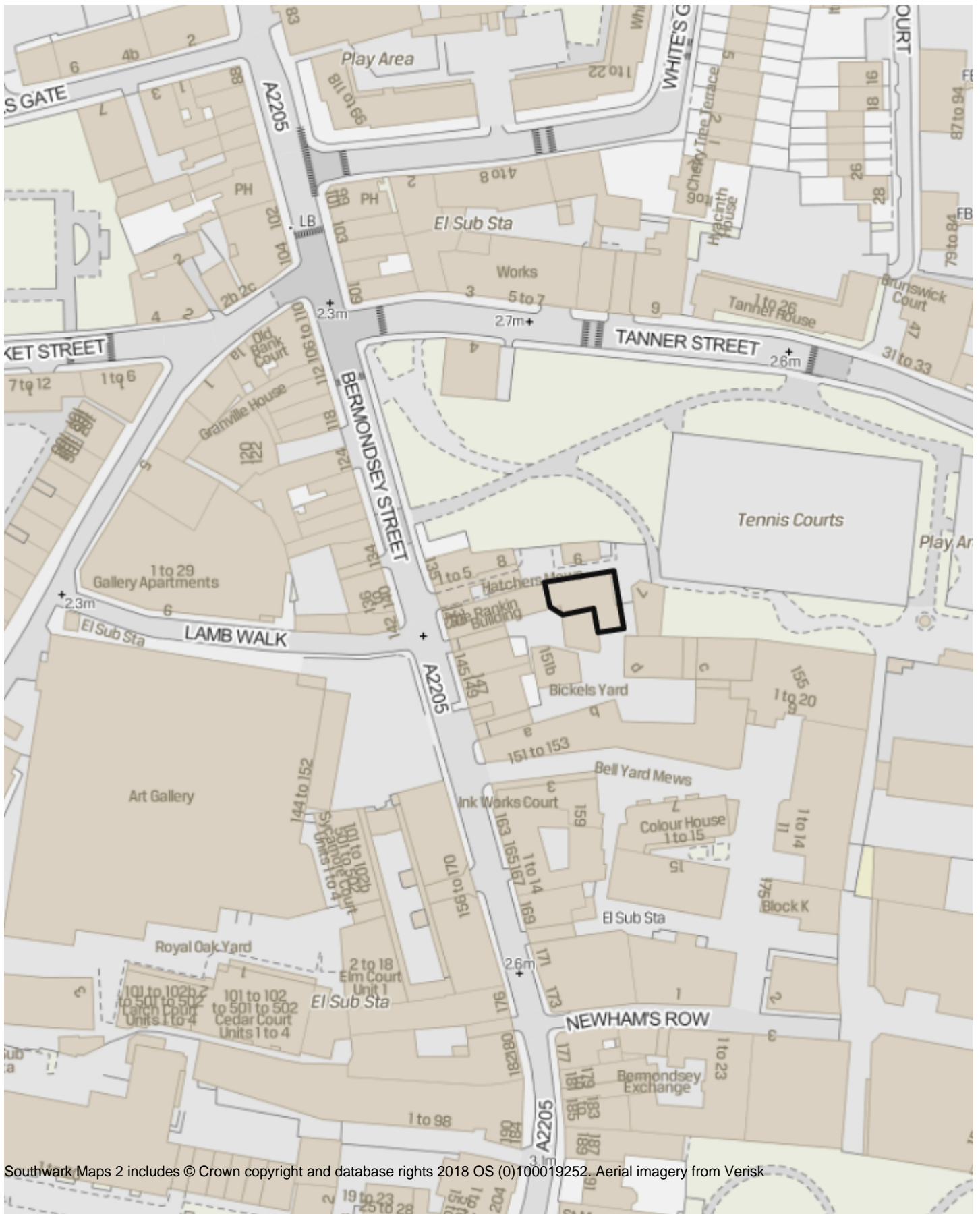
Reg. No. 17-AP-4299
TP No. TP/M2022
Ward East Walworth
Officer Mumtaz Shaikh

Recommendation GRANT PERMISSION

Proposal

Installation of public artwork comprising 10 replica houses to be located in 7 locations within Burgess Park

Item 7.2



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

RECOMMENDATION

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

BACKGROUND INFORMATION

Site location and description

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

Details of proposal

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

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

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

Planning history

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

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

Decision: Refused (REF)

The application was refused by the planning sub-committee.

Reasons for refusal:

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

Appeal decision date: 03/10/2016

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

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

15/AP/2835

Application type: Full Planning Application (FUL)

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

Decision date: 08/09/2015

Decision: **Refused (REF)**

Reason(s) for refusal:

16/EQ/0202

Application type: Pre-Application Enquiry (ENQ)

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

Decision date: 11/08/2016

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

16/AP/4385

Application type: Full Planning Application (FUL)

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

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

Planning history of adjoining sites

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

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

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

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

Planning policy

National Planning Policy Framework (the Framework)

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

The London Plan 2016

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

Core Strategy 2011

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

Southwark Plan 2007 (July) - saved policies

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

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

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

Consultation replies

- 18.

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

19. The matters raised by the consultation responses which constitute material planning considerations are as follows:

- The proposed single-aspect accommodation would not offer an acceptable quality of accommodation for future occupiers;

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

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

Principle of development

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

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

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

Daylight, sunlight and overshadowing

24. The nearest residential properties are: on the lower floors of the application building; at no. 135 Bermondsey Street; at nos. 1-8 Hatchers Mew, and; at nos. 151-153 Bermondsey Street (Bickels Yard), although this is a mixed-use residential/office building.
25. A previous planning application at this site, which proposed a scheme of larger proportions than that proposed by 17/AP/3746, was allowed on appeal (ref: 15/AP/1293). One of the Local Planning Authority's reasons for refusal was that "*the development would cause harm to the amenity of nearby residents*" but did not specify whether this harm would arise from loss of daylight/sunlight. Given that the Inspector ruled that the previous scheme would cause no daylight/sunlight harm to neighbours, it follows that the new proposal, being of comparatively lesser mass and scale, would similarly cause no sunlight/harm. Notwithstanding this, a sunlight/daylight assessment has been submitted by the applicant to demonstrate the effect of the proposal on neighbouring occupiers to the application site.
26. The assessment shows that the daylight/sunlight losses and overshadowing impacts would be not be as great as the previous (allowed at appeal) proposal and the change from the existing condition would not be discernible to nearby residents.

Overlooking

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

Sense of enclosure and quality of outlook

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

Design issues and impact on the Bermondsey Street Conservation Area

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

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

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

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

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

All other relevant planning matters

Quality of residential accommodation

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

Issues associated with the construction phase

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

neighbouring residents to provide access through their sites.

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

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

41. The scale of the proposed development is small such that, although some additional construction vehicle movements would be experienced on the local highway network, the number of additional trips would have a negligible effect.
42. Accordingly, the local planning authority is satisfied that the demolition and construction phases can, if conducted in a controlled manner, safeguard neighbours from undue disturbance or health and safety risks. As such, and in line with the appeal decision for the previous application (ref: 15/AP/1293), a condition is recommended requiring the Local Planning Authority to approve a construction method statement prior to the commencement of any demolition works.
43. Contractors must also abide by industry standards of health and safety.

Landscaping

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

Efficient use of land

45. Public consultation responses raised objection to the proposed development being used as additional residential accommodation rather than as a new standalone development, arguing that a new self-contained dwelling would contribute to the local housing stock and make more efficient use of the land.
46. The additional residential accommodation proposed by this planning application would not result in a significant change to the residential density of this site, and thus presents no conflict with Policy 3.11 of the Southwark Plan. Furthermore, the local planning authority must assess each application on its own merits; as such, there is no reason to object to the proposed development on the grounds that a hypothetical alternative form of development would make more efficient use of the land.
47. Public consultation responses also raised concerns that the proposed development may impact on the prospects of the pending planning application at Hatchers Mews (directly to the north of the application site) achieving planning permission. However, regard must be given to the extant permission at the subject site (ref: 15/AP/1293), which was for a proposal of a larger footprint and massing to that proposed by 17/AP/3746. As such, the development proposed by 17/AP/3746 would harm the development potential of the Hatchers Mews site no more than the consented application, 15/AP/1293.

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

48. None.

Community impact statement

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

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

Human rights implications

50. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

51. This application has the legitimate aim of providing additional accommodation to an existing flat. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Conclusion on planning issues

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

BACKGROUND DOCUMENTS

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

APPENDICES

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

AUDIT TRAIL

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

APPENDIX 1**Consultation undertaken****Site notice date:** 05/10/2017**Press notice date:** 12/10/2017**Case officer site visit date:** 02/11/2017**Neighbour consultation letters sent:** 06/10/2017**Internal services consulted:**

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

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

Re-consultation: n/a

APPENDIX 2**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

None

Neighbours and local groups

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

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 Daniel Pemberton | Reg. Number | 17/AP/3746 |
| Application Type | Full Planning Application | Case Number | TP/11-139 |
| Recommendation | Grant permission | | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of a roof extension at third floor level with a roof terrace; removal of the uPVC conservatory at second floor level replacement with new facade

At: FLAT 9, RANKIN HOUSE, 139-143 BERMONDSEY STREET, LONDON SE1 3UW

In accordance with application received on 02/10/2017 16:02:31

and Applicant's Drawing Nos. 0 01 - EXISTING SITE LOCATION

0 01 - PROPOSED SITE PLAN
 3 01 - EXISTING SECTION BB
 2 03 - EXISTING WEST ELEVATION
 2 02 - EXISTING SOUTH ELEVATION
 2 01 - EXISTING EAST ELEVATION
 2 00 - EXISTING NORTH ELEVATION
 1 02 - EXISTING THIRD/ROOF FLOOR PLAN
 1 01 - EXISTING SECOND FLOOR PLAN
 1 00 - EXISTING FIRST FLOOR PLAN
 0 02 - EXISTING SITE PLAN
 3 00 - PROPOSED SECTION AA
 2 03 - PROPOSED WEST ELEVATION
 2 02 - PROPOSED SOUTH ELEVATION
 2 01 - PROPOSED EAST ELEVATION
 2 00 - PROPOSED NORTH ELEVATION
 1 02 - PROPOSED ROOF FLOOR PLAN
 1 01 - REV A - PROPOSED THIRD FLOOR PLAN
 1 00 - PROPOSED SECOND FLOOR PLAN

Subject to the following six conditions:

Time limit for implementing this permission and the approved plans

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

3 00 - PROPOSED SECTION AA
 2 03 - PROPOSED WEST ELEVATION
 2 02 - PROPOSED SOUTH ELEVATION
 2 01 - PROPOSED EAST ELEVATION
 2 00 - PROPOSED NORTH ELEVATION
 1 02 - PROPOSED ROOF FLOOR PLAN
 1 01 - REV A - PROPOSED THIRD FLOOR PLAN
 1 00 - PROPOSED SECOND FLOOR PLAN

Reason:

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

- 2 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.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 3 No development shall commence until details of the external materials are submitted to and approved in by the local planning authority. These details shall include:
- i) Material samples/sample boards of all facing materials, and
 - ii) Section detail-drawings at a scale of 1:5 through:
 - parapets/roof edges;
 - balconies/terraces;
 - junctions between materials/levels; and
 - reveals, heads, sills and jambs of all openings.
- Development shall be carried out in accordance with the approved details.

Reason:

In order to ensure that the proposed works achieve an acceptable quality of design and are in the interest of the special architectural and historic qualities of the Conservation Area in accordance with: The National Planning Policy Framework 2012; Strategic Policy 12 (Design and Conservation) of The Core Strategy 2011, and; Saved Policies 3.12 (Quality in Design), 3.15 (Conservation of the Historic Environment) and 3.16 (Conservation Areas) of The Southwark Plan 2007.

- 4 No development shall commence until details of both hard and soft landscape works, including private amenity space and roof top gardens have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) surfacing materials;
 - ii) pathways layouts;
 - iii) materials and edge details;
 - iv) roof top planters;
 - v) biodiverse roof;
 - vi) all boundary treatments such as walls, fences and screens; and
 - vii) material samples of hard landscaping.
- The landscaping works shall be carried out in accordance with the approved details.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the development first being brought into use; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with: Parts 7, 8, 11 & 12 of the The National Planning Policy Framework 2012; Strategic Policies 11 (Open spaces and wildlife), 12 (Design and conservation) and 13 (High environmental standards) of the The Core Strategy 2011, and; Saved Policies 3.2 (Protection of amenity), 3.12 (Quality in Design), 3.13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction; and
 - v) a scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with: the National Planning Policy Framework 2012; Strategic Policy 13 (High environmental standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of amenity) of the Southwark Plan 2007.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 6 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 that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application was validated promptly.

Informative

Out of Hours Site Works S61 CoPA'74 – informative

All developers and contractors working on this development are given notice that standard site hours are:

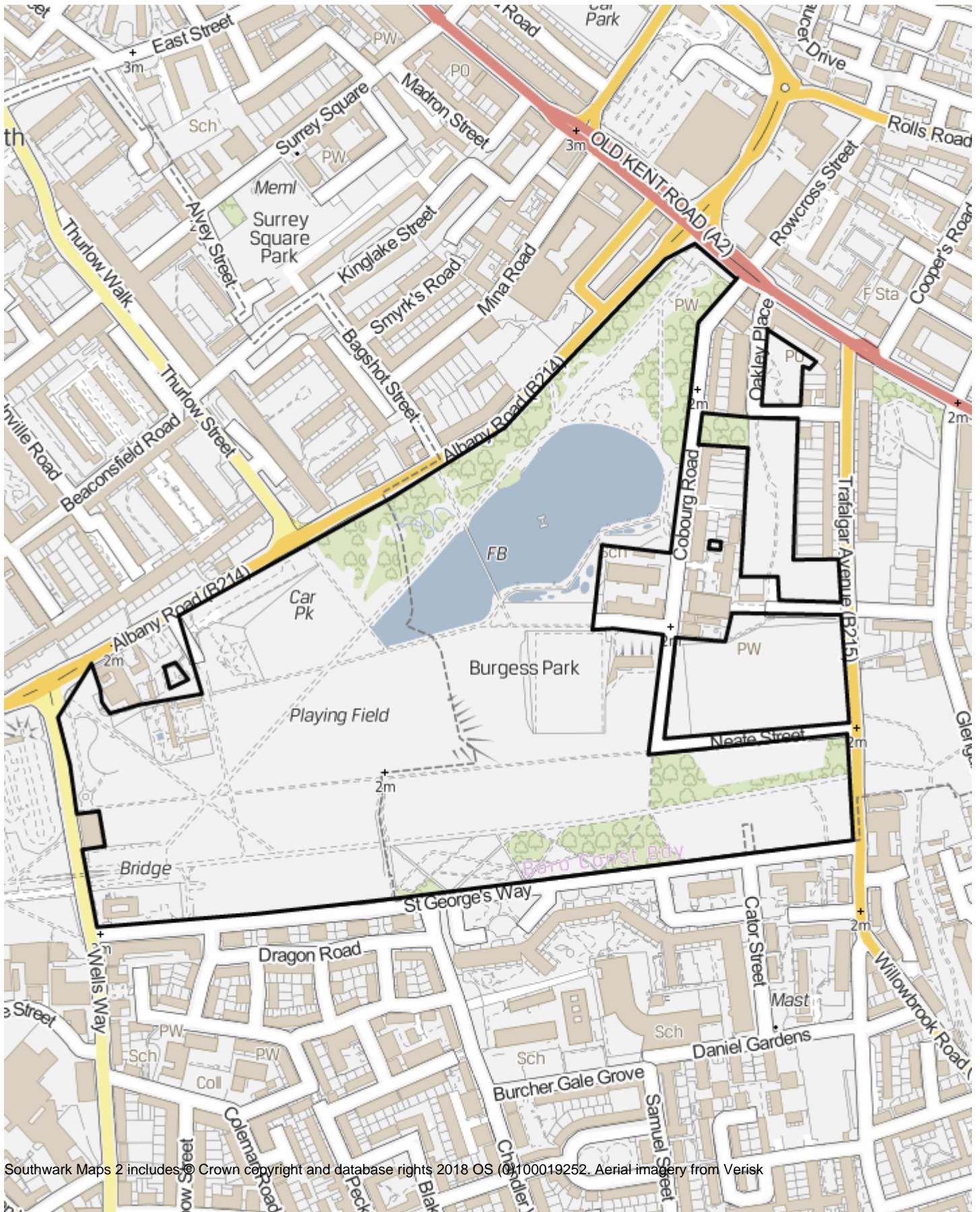
| | | |
|---------------------|---|------------------|
| Monday to Friday | – | 08.00 – 18.00hrs |
| Saturday | – | 09.00 – 14.00hrs |
| Sundays & Bank Hols | – | no works |

Any programmed/expected work required outside the standard site hours will require permission from Southwark's Environmental Protection Team under S61 of the Control of Pollution Act 1974 (e.g. regular extensions for set-up and clean down periods, extended concrete pours, the delivery and collection of abnormal loads, etc.). An application form can be found on the Southwark website - the link is:- <http://southwark.gov.uk/noise-and-antisocial-behaviour/construction-noise>

Follow the instructions on the web page to the form, complete it and submit it on-line. Forms need to be submitted a minimum of 28 working days before permission is needed to be in place for regular extended site hours and 5 working days before permission is needed to be in place for a short, temporary extension to site hours.

Agenda Item 7.2

BURGESS PARK, ALBANY ROAD, LONDON SE5 0DG



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| | | | |
|--|---|---|--|
| Item No. 7.2 | Classification: Open | Date: 23 January 2018 | Meeting Name: Planning Sub-Committee A |
| Report title: | Development Management planning application: Application 17/AP/4299 for: Full Planning Application Address: BURGESS PARK, ALBANY ROAD, LONDON SE5 0DG Proposal: Installation of public art work comprising 10 replica houses to be located in 7 locations within Burgess Park | | |
| Ward(s) or groups affected: | East Walworth | | |
| From: | Director of Planning | | |
| Application Start Date 20/11/2017 | | Application Expiry Date 15/01/2018 | |
| Earliest Decision Date 04/01/2018 | | | |

RECOMMENDATION

1. Grant planning permission subject to conditions.

BACKGROUND INFORMATION

2. This application is being presented to committee for consideration due to the location of the site within Metropolitan Open Land (MOL).

Site location and description

3. The proposal relates to the open grassed area located to the south of Albany Road sited to the north eastern end of Burgess Park. Seven locations have been identified which predominantly cluster around the lake area.
4. The application site is located within:
 - Metropolitan Open Land (MOL)
 - Site of Importance to Nature Conservation (SINC)
 - Aylesbury Action Area
 - Urban Zone
 - Air Quality Management Area
 - PTAL 3

5. The site is not located within a conservation area and the area does not host any listed structures. The site is also located on the fringe of the Old Kent Road Opportunity Area.

Details of proposal

6. Installation of 10 small replica houses (three different sizes categorised as small, medium and large) in seven identified locations within Burgess Park. The artworks are to commemorate 100 years since the Zeppelin attack on Calmington Road that killed

10 people.

7. The proposed replica houses would have the following dimensions:
- Small house would be 500mm (high) x 250mm (wide) x 400mm (deep)
 - Medium house would be 750mm (high) x 435mm (wide) x 650mm (deep)
 - Large house would be 1000mm (high) x 435mm (wide) x 650mm (deep)
8. Constructed from Jesmonite (a composite material) they would be finished in varying shades of pink and permanently secured to the ground.

Planning history

9. None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies for Metropolitan Open Land,
 - b) Design, appearance, siting, and impact on accessibility, trees and biodiversity.

Planning policy

National Planning Policy Framework (the Framework)

11. Section 7 - Requiring good design
 Section 8 - Promoting healthy communities
 Section 11 - Conserving and enhancing the natural environment
 Section 12 - Conserving and enhancing the historic environment

The London Plan 2016

12. Policy 2.18 - Green Infrastructure
 Policy 3.16 - Protection and enhancement of social infrastructure
 Policy 7.2 - An inclusive environment
 Policy 7.4 - Local character
 Policy 7.5 - Public realm
 Policy 7.8 - Heritage assets and archaeology
 Policy 7.17 - Metropolitan Open Land
 Policy 7.18 - Protecting open space and addressing deficiency
 Policy 7.19 - Biodiversity and access to nature
 Policy 7.21 - Trees and woodlands
 Policy 6.9 - Cycling
 Policy 6.10 - Walking

Core Strategy 2011

13. Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles
 Strategic Policy 11 - Open spaces and wildlife
 Strategic Policy 12 - Design and conservation

Southwark Plan 2007 (July) - saved policies

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

Saved Policy 3.2 - Protection of Amenity

Saved Policy 3.12 - Quality in design

Saved Policy 3.25 - Metropolitan Open Land

Saved Policy 3.28 - Biodiversity

Saved Policy 3.15 - Conservation of The Historic Environment

Saved Policy 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Saved Policy 5.3 - Walking and Cycling

The Aylesbury Area Action Plan 2010

15. Policy PL4 - Open Space
Policy PL5 - Burgess Park
Policy COM1 - Location of social and community facility
Policy COM5 - Community space and arts and culture

Principle of development

16. The application site is located within Metropolitan Open Land (MOL); as such saved policy 3.25 is applicable to the consideration of this proposal. This states that planning permission will only be permitted for the following purposes:
- i) Agriculture or forestry; or
 - ii) Essential services for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or
 - iii) Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or
 - iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling it replaces.
17. Policy 7.17 of The London Plan states that the strongest possible protection should be given to London's MOL, whilst Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy commits the council to protect open spaces against inappropriate development.
18. At their largest, the installations would stand at just 1m high and as such the proposed artworks would preserve the openness of the MOL and would not result in any sense of enclosure of land. No change of use would take place and the installations would be consistent with the existing recreational and cultural use of Burgess Park. They would not conflict with the purposes of including land within MOL and as such the development would be in accordance with local, regional and national policy with regard to MOL.

Design and appearance

19. Saved policies 3.13 and 3.12 seek to ensure new development is of the highest standard of design which should be coordinated wherever possible to avoid unnecessary clutter and to create an attractive environment.
20. The proposed artworks are small in scale and have been appropriately sited in various locations around the park so as to provide interest and significance. Their modest nature and sensitive positioning would not lead to either visual or practical clutter. They are considered to be in keeping with the character of the park and would enhance the cultural interest and historical heritage of the area.

Walking and cycling

21. The proposal would not give rise to any transport issues and the installations would be located so as to not restrict the movement of pedestrians or cyclists throughout the park.

Trees and ecology

22. No trees would be affected as a result of the proposed development and the ecological value of the SINC would be preserved.

Conclusion on planning issues

23. The proposed development would preserve the openness of the MOL in which the artworks would be sited. They would contribute positively to the cultural character and appearance of the area, and would not affect users of the park in terms of accessibility and mobility.
24. The proposal would be in accordance with the relevant policies of the Southwark Plan, the Core Strategy and the London Plan 2016. It is therefore recommended that planning permission be granted subject to conditions.

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.

Consultations

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

Consultation replies

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

Summary of consultation responses

28. One letter of support has been received. This welcomes the proposal citing the historical interest of the development and its unusual and engaging nature.

Human rights implications

29. 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.
30. This application has the legitimate aim of providing public artwork in Burgess Park. 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.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|--|--|
| Site history file: TP/M2022 Application file: 17/AP/4299 Southwark Local Development Framework and Development Plan Documents | Chief Executive's Department 160 Tooley Street London SE1 2QH | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0585 Council website: www.southwark.gov.uk |

APPENDICES

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

AUDIT TRAIL

| | | |
|---|-----------------------------------|--------------------------|
| Lead Officer | Simon Bevan, Director of Planning | |
| Report Author | Mumtaz Shaikh, Planning Officer | |
| Version | Final | |
| Dated | 9 January 2018 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Finance and Governance | No | No |
| Strategic Director of Environment and Social Regeneration | No | No |
| Strategic Director of Housing and Modernisation | No | No |
| Director of Regeneration | No | No |
| Date final report sent to Constitutional Team | | 11 January 2017 |

APPENDIX 1**Consultation undertaken**

Site notice date: 12/12/2017

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

1. 35 Sansom Street London SE5
7RD

Re-consultation: n/a

APPENDIX 2**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

None

Neighbours and local groups

35 Sansom Street London SE5 7RD

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 Matthew Couper Southwark Council | Reg. Number | 17/AP/4299 |
| Application Type | Full Planning Application | Case Number | TP/M2022 |
| Recommendation | Grant permission | | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Installation of public artwork comprising 10 replica houses to be located in 7 locations within Burgess Park

At: BURGESS PARK, ALBANY ROAD, LONDON SE5 0DG

In accordance with application received on 14/11/2017 08:00:34

and Applicant's Drawing Nos.

Site Location Plan
Proposed Locations document
Locations + Colour Overview
Installation Sheet

Subject to the following three conditions:

Time limit for implementing this permission and the approved plans

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

Proposed Locations document
Locations + Colour Overview
Installation Sheet

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 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.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 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 that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

The local planning authority delivered the decision in a timely manner.

PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2017-18

NOTE: Original held by Constitutional Team all amendments/queries to Gerald Gohler Tel: 020 7525 7420

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|--|--------------|-------------------------------|--------------|
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| Councillor Nick Dolezal | 1 | | |
| Councillor Tom Flynn | 1 | | |
| Councillor David Noakes | 1 | Communications | By |
| Councillor Kath Whittam | 1 | Louise Neilan, media manager | email |
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| Constitutional Officer, Hub 2 (2 nd Floor), Tooley St. | 6 | | |
| Jacqui Green/Selva Selvaratnam, Hub 2 (5 th Floor) Tooley St. | 3 | | |
| Margaret Foley, Legal Services Hub 2 (2 nd Floor) Tooley St. | 1 | | |