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| 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.