

<b>Item No.</b>  2	<b>Classification</b>  OPEN	<b>Decision Level</b>  Borough and Bankside Community Council	<b>Date</b>  26.3.2007
<b>From</b>  Interim Head of Development and Building Control		<b>Title of Report</b>  DEVELOPMENT CONTROL	
<b>Proposal</b> (06-AP-2333)  Demolition of existing building and the erection of a 4 storey building comprising 2, one-bedroom flats. 1, one bedroom maisonette and 1, two-bedroom flat.		<b>Address</b>  36-38 DECIMA STREET, LONDON, SE1 4QQ  <b>Ward</b> Chaucer	

## PURPOSE

- 1 To consider the above application which is for Community Council consideration due to the number of objections received.

## RECOMMENDATION

- 2 Grant planning permission subject to conditions

## BACKGROUND

### Site location and description

- 3 The application property comprises of a two storey building located on the northern side of Decima Street which is being used for storage purposes. The area is predominantly residential in nature, primarily due to existing business floorspace being converted or new build being for residential purposes. To the west of the site is a new residential development comprising of 5 storeys and providing 12 self-contained flats with gym and office use. This was built on the site of a former storage area.
- 4 To the south are the residential properties of the Meakin Estate, generally four storeys in height. To the north are the Icon Apartments and live/work units which were formed out of a converted commercial building with a roof extension providing an additional floor. To the east is Shelbourne House an attractive brick built two storey property in use, according to planning records, as a boys club.
- 5 The property is not situated within a conservation area, nor is it listed. The site is not located within an employment area, a preferred office or industrial location but is just within the Central Activities Zone.

### Details of proposal

- 6 The proposal is for the erection of a four storey building comprising of 3, one bedroom units and 1, two bedroom self-contained flats together with the provision of cycle and refuse storage on the ground floor.
- 7 The building is of a modern design and has a maximum depth of 13.4 metres on the ground floor and a maximum width of 9.5 metres with a height of 11.7 metres. The front elevation has been designed with large sliding doors in the upper floors with small balconies. At the ground floor there is a sliding door and small terrace, although

no details of railings or balustrades have been submitted. The materials used comprise of resin impregnated timber cladding with render and metal grille balconies. The rear elevation materials comprise of silicon impregnated render. The side elevation also features the render and timber cladding with fire rated obscured glazing.

8

The proposal is a storey lower than the proposal that was refused in November of last year. The proposal no longer provides office accommodation and the number of flats have been reduced although there are now some two bedroom units.

### **Planning history**

9 In respect to the planning history for this site, permission was granted in the 1970's for the change of use of the industrial building into a shop. However, this appears not to have been implemented. A previous application for a new residential building was withdrawn by the applicant last year.

10 Planning permission was refused on 3.11.2006 for the demolition of existing building and erection of a five storey building comprising of office units on the ground floor and 5, one bedroom self-contained flats and 1, one bedroom maisonette on the first, second, third and fourth floors together with the provision of a roof terrace and an office on the ground floor (05-AP-2094 ) for the following reasons:-

*'The proposed development, due to its height and form and its positioning immediately southwards, of the Icon Apartments 15 Cluny Place, would constitute an oppressive feature thereto resulting in the creation of an undue sense of enclosure, a reduction in natural light/sunlight entry, and also a general loss of outlook and privacy, all to the detriment of the Icon Building's occupiers. The proposal is therefore contrary to policies 3.2 Protection of Amenity, 3.10 Efficient Use of Land, 4.2 Quality of Residential Accommodation of the Southwark Plan 2006 [Modifications Version] and policies E.3.1 Protection of Amenity, H.1.5 Dwelling Mix for New Housing and H.1.8 Standards for New Housing of the Unitary Development Plan 1995.*

*The proposed units show mainly north facing bedrooms which, compounded by the proximity to the Icon Building, would mean that the future residents would suffer both a loss of privacy, lack of outlook and limited natural light entry. The proposal is contrary to Policies 4.2 Quality of Residential Accommodation and 3.2 Protection of Amenity of the Southwark Plan 2006 [Modifications Version]'*

### **Planning history of adjoining sites**

11 Planning permission was granted in 11 July 2003 for the demolition of 20 Cluny Place, the building to the rear of the application property and construction of new four storey building in connection with the conversion and of provision of additional storey to 14-19 Cluny Place. Use of new four storey building for office purposes on the ground floor with 4 'live/work' units and 7 flats on the upper floors.

12 Planning permission was granted on 21 June 2002 for the construction of a five storey building to provide 12 no self contained flats, gymnasium and office use at the Former Barrow Stores 40 Decima Street, the property to the west.

13 Planning permission was granted in 2002 for the installation of a condenser unit on Sherbourne House 34 Decima Street, the property to the east.

### **FACTORS FOR CONSIDERATION**

## **Main Issues**

- 14 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
  - b] impact on the amenities of adjoining occupiers.
  - c] parking and traffic issues
  - d] appearance and design of the building

## **Planning Policy**

- 15 At its meeting on 24th January 2007 the Council resolved to adopt the emerging Southwark Unitary Development Plan [Jan. 2007] subject to referral to the Secretary of State. The policies in the Southwark Unitary Development Plan 2007 now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory development plan until such time as the Southwark Unitary Development Plan 2007 is formally adopted, the Council will give predominant weight to the 2007 plan policies in determining pending applications unless material considerations indicate otherwise.

### Emerging Southwark Unitary Development Plan [Jan 2007]

#### Central Activities Zone

1.4 Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations.

3.2 Protection of Amenity

3.12 Quality in Design

3.13 Urban design

4.1 Density of Residential Development

4.2 Quality of Residential Accommodation

4.3 Mix of Dwellings

5.6 Parking

5.7 Parking Standards for the Mobility Impaired

### Southwark Unitary Development Plan 1995 [UDP]

B.1.2 Protection outside employment areas

E.2.1 Layout and Building Line

E.2.2 Height of Buildings

E.2.3 Aesthetic Control

E.3.1 Protection of Amenity

H.1.5 Dwelling Mix for New Housing

H.1.8 Standards for New Housing

E.1.1 Safety and Security in the Environment

T.1.3 Design of Development and Conformity with Council Standards and Controls

SPG 1997 No. 5

## **Consultations**

Site Notice 3 January 2007

Press Notice N/A

Internal Consultees

Traffic

Statutory and non-statutory consultees

None

Neighbour consultees

Archdale House, Long Lane

1-10 Priter Way

Cluny Place House 30, 14-19, 20 Cluny Place

Rooms 1-37 and Wardens Flat, Cluny Place House, Cluny Place

62-123 Meakin Estate Rothsay Place

1-38 Archdale House Cluny Street

1-11 Icon Apartments 15 Cluny Place

34 and 36, Bermondsey and Lansdowne Medical Surgery Decima Street

Flats 1 to 12 Barrow Store Court 40 Decima Street

Re-consultation

All neighbours renotified of revised plan

**Consultation replies**

Internal Consultees

Traffic - Given the servicing requirements of the commercial use the development will not cause any significant additional vehicle movements.

Statutory and non-statutory consultees

None

Neighbour consultees

Flat 1 Icon Apartments 15 Cluny Place

This is the fourth application in two years, the previous three having been refused or withdrawn. Considers it should be refused again for the following reasons:-

Positioning

Proposed development is closer to her building than the existing building this will make her terrace a dark cul de sac; it would be extremely oppressive and create an undue sense of enclosure.

Obstruction and Daylight and Sunlight

Proposed building is higher than the existing building and the increased height and proximity will very considerably limit the light entering her windows and curtail the free flow of air around the property. Believe that it breaches Building Research Establishments sunlight and daylight regulations Digest 209 and has requested that a sunlight and daylight study is done.

Site Ownership

In order to build this development the area edged in red would have to be acquired.

Understand that the applicant has requested that her objections are ignored because her flat is part of a live work unit and therefore does not have rights to light and air and that we do not have permission for a terrace.

She would like to make it clear that neither of these points are valid, should they be making these allegations again.

2 Icon Apartments 15 Cluny Place objects to the proposal on the grounds that the proposed building due to its height and size and position would be oppressive to the Icon building. That it would create an oppressive sense of enclosure, a reduction in sunlight and daylight and loss of outlook and privacy.

Flat 9 Icon Apartments objects as the building is too high and too close and has an adverse effect on the Icon Apartments. It should be lower and more widely separated.

## Re-consultation

Owner of Flat 1 Icon Apartments objects to the revised drawings on the following grounds:-

### Proximity

As I have stated before, one of the reasons for purchasing my ICON apartment was the light and airy workspace. This proposed development still encroaches on my apartment being considerably closer and higher than the existing buildings. At present the space between my terrace and 38 Decima St is 1950mm narrowing to 1500mm.

Drawing 201 rev K shows a space now of 1000mm, which is an improvement on the previous application; but this measurement is misleading as it does not show the convergence of the buildings, and though 1000mm at the widest point it tapers to 550mm which I still consider too close.

The current 36 Decima St is 6m high and 38 Decima St 8m. The proposed new building is 11.8m throughout. Therefore it is still much closer and higher, the 36 Decima St part would be almost doubled in height.

### Obstruction of Daylight and Sunlight

The greatest problem for me is this increase in height of the 36 Decima St part of the development. At present the direct sunlight which enters my workspace does so over this roofline, and currently I see blue sky when seated at my workspace. If this development goes ahead with these plans then instead of sky I shall gaze on a wall instead.

I believe this application breaches the right to light guidelines set out in BRE Digest 209 'Site Layout Planning for Daylight and Sunlight' and I therefore request that the planning department carry out a daylight and sunlight survey prior to determining this application.

### Ownership of the Site

Previous applications have included part of 34 Decima St [Sherborne House] within the plans. These plans do not, however they show a window in the rear ground floor bedroom which would actually be through the party wall into the storage area which is part of Sherborne House. The trustees of Sherborne House have intimated that they do not intend to sell the area. Therefore this window would not exist and the bedroom would rely on the obscured panel filtering light down from the floor above, and there would be no means of ventilation. Similarly the lower part of the rear bedroom window on the first floor would be affected.

I appreciate that this application is less oppressive than the previous ones on this site and I have tried to look for a compromise that would make it acceptable to us.

If the rear bedroom in flat 3 was removed making it a one bedroomed flat then more light would reach our terrace and windows and the increase in height and the increased depth on the first floor would be less of a concern.

The other option would be to leave the bedroom and remove the entire third floor.

I have drawn the first option onto the plans and will send this to you with a hard copy of this letter.

If the applicant was prepared to further amend the plans to include one of these suggestions then I would support the application

In conclusion, I would like to reiterate that whilst I would fully support a development on this site of similar scale and height to the existing building or the present scheme

with one of the amendments I have suggested, I consider the proposed development will have a significant adverse impact on my apartment and others in the Icon Building and I would request that the application should therefore be rejected.

Owner of Flat no. 7 in the Icon Apartments at 15 Cluny Place which is positioned at the rear of 36-38 Decima Street. The reasons for my objections are as follows:

1) The proposed building would be three floors higher than the current building on the site. Flat no. 7, 15 Cluny Place is on the fourth floor and at the moment has unrestricted light. The height of the proposed building would still affect the floor to ceiling window in the lounge. It is difficult to see properly from the plans (the street elevation plan is incorrect in the positioning of the three windows in my 3<sup>rd</sup> floor flat.) I would still be looking out on to the wall of the proposed building and therefore block all views and light.

2) The proposed building would be built closer to 15 Cluny Place than the current building. The closeness of the rear wall, together with the height of the building would create an encroachment of space between 15 Cluny Place and the proposed new building.

I am not against the demolition of the current building and the redevelopment of the site as long as it is broadly within the current envelope. The revised proposed plans are still far too obtrusive for the residents of 15 Cluny Place. I would like to continue to record my strong objection to the proposed plans.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

- 16 The proposed redevelopment for residential purposes is considered acceptable although the proposal will result in the loss of commercial floorspace and is situated within the Central Activities Zone. However, the application site is on the periphery of the Zone and the property itself is in poor condition. The proposal will result in the loss of 240 square metres of commercial floorspace. The area itself is primarily residential and the road is very narrow which impedes servicing of commercial properties. It is considered that the physical constraints of the site would warrant the loss of employment floor space.
- 17 In respect to other policies the density of the proposal is 780 habitable rooms to the hectare (hrh) which is comfortably within the Council's residential range in the emerging Southwark Plan of 650 - 1100 hrh.
- 18 In respect to housing policies, the room sizes are all above the Council's minimum room sizes. There is little outlook to the rear bedroom windows but it is considered that the amount of light is acceptable. The main living rooms are situated at the front of the building with small balconies. The proposal complies with policies in respect to mix of units and in respect to affordable housing the proposal is not subject to this requirement due to its scale.

### **Environmental impact assessment**

- 19 Not required due to the scale of the proposal.

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

- 20 There have been a number of objections on grounds of loss of amenity, particularly for residents of Icon Apartments to the north of the site in Cluny Place.
- 21 The Icon apartments are a block of live/work units on the lower floors and residential flats on the upper floors. The lower floors facing onto the application property comprise of the work element for the live/work units. However, a terrace has been formed at 1 Icon Apartments which the occupier states is used for residential amenity. The approved drawings for the Icon Apartments clearly show a door accessing this space and no condition was imposed to prevent this flat roof from being used as a sitting out area.
- 22 Concern was also expressed in terms of a lack of circulation of air and the creation of a sense of enclosure. The proposal has been amended and set back from the rear of the terrace of 1 Icon Apartments by 1 metre. The applicant has confirmed that there will be a minimum of 1 metre distance the entire width of the proposed building and the terrace. In terms of circulation of air, no concerns were raised by the Building Control Section.
- 23 In respect to loss of sunlight and daylight the applicant has demonstrated that the second, third and fourth floors of Icon Apartments will not be affected by the proposal. However it would appear that the first floor would be affected by the three storey element to the rear. The BRE guidelines referred to by the objector relate to rooms being used for residential purposes. The approved planning drawings show that the room with access to the terrace is the work element of the property and therefore these regulations do not apply to this room.
- 24 The proposal has also been reduced by one storey and the fourth floor has been set back from the boundary with the Icon apartment by a further 5 metres and the roof terrace is no longer proposed on the roof. It is considered that, on balance, the proposal has been amended sufficiently that planning permission is now recommended subject to conditions.

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

- 25 The area is predominantly residential except for the adjoining property Shelbourne House and the work element of the live work units in Icon Apartments. Shelbourne House does not appear to have given rise to problems in respect to noise and disturbance for future occupiers. The work element in Icon Apartments have been designed to be business uses that can be carried out in a residential area.

#### **Traffic issues**

- 26 In this location a car free scheme is considered to be acceptable due to good bus links. The Ptal rating for the property is 3, which is average. The Traffic group consider that as the property was being serviced as a commercial building the change to a residential property would not would have any significant additional vehicle movements.

#### **Design issues**

- 27 It is considered that a building to this scale is acceptable, given the precedent set on the adjoining site at 40 Decima Street. Concern has been expressed that the external materials proposed are too numerous and over busy. However, given the small scale of the building and the fact that the adjoining building at the Barrow Stores uses similar materials these are considered acceptable. The proposal is considered to be a high quality building with good quality materials. The proposal would provide an

improvement to the visual amenity of the area given the poor condition of the existing building. The proposal would comply with the Council's policies in respect to quality in design and urban design.

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

- 28 The property is not situated within a conservation area nor is it situated near to listed buildings.

#### **Planning obligations [S.106 undertaking or agreement]**

- 29 None required as the proposal is under ten units

#### **Other matters**

- 30 An objector has raised the issue of the development proceeding due to the applicant not having the right to build on the piece outlined in blue on the site. The drawings have been amended to delete a habitable room, a bedroom, at ground floor level with a window on this boundary as it would not have been possible to provide the window while the existing single storey element was retained. This revision was not subject to additional consultation as it would have no impact on the residents of Icon Apartments. It has resulted in the loss of a two bedroom unit to a one bedroom unit as a result of the loss of this bedroom.

#### **Conclusion**

- 31 The proposal is considered acceptable and permission is recommended subject to conditions.

#### **COMMUNITY IMPACT STATEMENT**

- 32 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- 33 a] The impact on local people is set out above.
- 34 b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as possible loss of daylight to residents in Icon Apartments.
- 35 c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above. After careful consideration the proposal is not considered to affect loss of daylight to habitable rooms.

#### **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

- 36 The proposal will make better use of this brownfield site than the current building.

LEAD OFFICER	David Stewart	Interim Head of Development and Building Control
REPORT AUTHOR	Michèle Sterry	Team Leader Development Control [tel. 020 7525 5453]
CASE FILE	TP/37-34	

Papers held at: Regeneration Department, Council Offices, Chiltern, Portland Street  
SE17 2ES [tel. 020 7525 5403]

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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.

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**Applicant** Euronova Development  
**Application Type** Full Planning Permission  
**Recommendation** Grant

**Reg. Number** 06-AP-2333

**Case Number** TP/37-34

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Demolition of existing building and the erection of a 4 storey building comprising 2, one-bedroom flats, 1, one bedroom maisonette and 1, two-bedroom self-contained flats.

**At:** 36-38 DECIMA STREET, LONDON, SE1 4QQ

**In accordance with application received on** 04/12/2006

**and Applicant's Drawing Nos.** 04-002/P/200 E, 201L, P100 J, P101 J, E200 A, E101 & E100 A and Design Statement

**Subject to the following conditions:**

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

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan 1995 and Policies 3.11 'Quality in Design' and 3.13 'Urban Design' of the Revised Deposit UDP, The Southwark Plan, February 2005.

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

Reason

In order to protect construction employees and future occupiers of the site from potential health-threatening substances in the soil in accordance with Policy E.1.1: Safety and Security in the Environment of Southwark's Unitary Development Plan.

- 4 The cycle storage facilities as shown on drawing P100 J shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with Policy E.3.1 'Protection of Amenity' and T.1.3 'Design in Conformity with Council Standards' of the Southwark Unitary Development Plan.

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

**Reason**

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy E.3.1: Protection of Amenity and Policy T.1.3: Design of Development and Conformity with Council's Standards and Controls of Southwark's Unitary Development Plan.

**Reasons for granting planning permission.**

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

- a] Policies 1.4 Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations, 3.2 Protection of Amenity, 3.12 Quality in Design, 3.13 Urban design, 4.1 Density of Residential Development, 4.2 Quality of Residential Accommodation, 4.3 Mix of Dwellings, 5.6 Parking, 5.7 Parking Standards for the Mobility Impaired of the emerging Southwark Unitary Development Plan [Jan.2007].
- b] Policies B.1.2 Protection outside employment areas, E.2.1 Layout and Building Line, E.2.2 Height of Buildings, E.2.3 Aesthetic Control, E.3.1 Protection of Amenity H.1.5 Dwelling Mix for New Housing, H.1.8 Standards for New Housing, E.1.1 Safety and Security in the Environment, T.1.3 Design of Development and Conformity with Council Standards and Controls SPG 1997 No. 5 of The Southwark Unitary Development Plan 1995

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.