



Appeal Decision

Site Visit made on 22 June 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/A5840/W/20/3261317

Raquel Court, 147 Snowfields, London, SE1 3TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trademark Property & Investments Limited against the decision of London Borough of Southwark.
 - The application Ref 20/AP/0744, dated 6 March 2020, was refused by notice dated 6 July 2020.
 - The development proposed is demolition of existing buildings and construction of a 10 storey building plus basement consisting of 17 residential units, commercial at ground floor and basement and associated cycle and waste storage and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan (2016) policies referred to in the decision notice on the planning application have been replaced by policies in the New London Plan adopted in March 2021 (NLP) which attract full weight in consideration of this appeal.
3. The Council is preparing a New Southwark Plan (NSP) to replace the Southwark Core Strategy (2011) (SCS) and the Saved Policies of the Southwark Plan (2007) (SSP). The NSP needs to be in general conformity with the NLP. There remains uncertainty on when the NSP will be adopted; its policies therefore carry limited weight. The SCS and SSP policies referred to in the Council's decision notice attract weight to the degree they remain in conformity with the National Planning Policy Framework (the Framework) and the NLP.
4. The Framework was updated in July 2021. Whilst appeal submissions have referred to the 2019 version of the Framework, I have noted changes made to the content and paragraph numbers in preparing this Decision.
5. The appeal is accompanied by a planning obligation relating to matters including affordable housing, parking permits, external amenity space provision and replacement tree planting.

Main Issues

6. The main issues are (a) the impact of the proposal on the character and appearance of the surrounding area and (b) on the adjacent conservation area both with respect to its height and massing, and (c) the adequacy of living conditions for future occupiers of the proposed dwellings with respect to the size of private external amenity space.

Reasons

Character and appearance

7. The appeal site is located on the eastern side of the junction of Hardwidge Street with Snowsfield. It is occupied by Raquel Court which has 4 main storeys and a recessed additional storey and comprises commercial use on the ground floor with 11 dwellings above. The site is within the designated Central Activities Zone (CAZ) and the Bankside, Borough and London Bridge Opportunity Area (BBLBOA).
8. The immediately surrounding area has buildings of similar height and massing to Raquel Court. Abutting the site's southern boundary is a 4 storey building fronting Hardwidge Street. There is open land with mature trees opposite this and along the southern side of Snowsfield. On the northern side of Snowsfield to the north-west of the appeal site is a 4 storey terrace with shops at ground floor level. To the north-east of the site close to the junction of Snowsfield with St Thomas Street is Vinegar Yard, enclosed by hoardings and where a flea market is held. The site's eastern boundary is to a service yard for buildings fronting Bermondsey Street. To the northern side of the service yard entrance is 40 Bermondsey Street, a 4 storey building with a long flank elevation to the southern side of Snowsfield. To the southern side of the service yard is 42-44 Bermondsey Street, another building primarily of 4 storeys.
9. Whilst Raquel Court is of recent construction having obtained permission some 20 years ago, it has limited design merit and the Council do not object to its replacement. The proposed building would be similarly sited replicating its curved wall to Snowsfield where the road bends to the north. It would have an articulated design to its prominent western and northern elevations facing Snowsfield. The design approach to these elevations at ground floor level and to upper floors would compare favourably with the blander present building. Whilst there would be no windows to the long eastern elevation to the boundary with the service yard, the articulation to this wall would be an improvement on the present featureless back wall to Raquel Court.
10. But the height and massing of the proposed building would result in a marked departure from the consistent scale of buildings that form the present context for the site. This would be most apparent in the sharp change from 4 to 10 storeys along the southern boundary. Whilst the narrowness of the carriageway to Hardwidge Street would constrain some views of this change and trees within the open ground opposite and street trees may filter views to a degree, particularly in summer months, the change would still be perceived from several locations around the site as an awkward transition. The curved wall would form a backdrop in views from the west along Snowsfield due to the bend in the road. Notwithstanding design improvements compared with Raquel Court, its height and width would be overbearing and not sit comfortably with the coherent scale and character of buildings to the west of the site.
11. The massing of the rear wall would appear stark and incongruous from the service yard and rear of buildings fronting Bermondsey Street. It would also be a conspicuous feature from the junction of St Thomas Street with Snowsfield beyond the 4 storey form of 40 Bermondsey Street. The building would also appear as an isolated prominent feature in views further along St Thomas Street across the openness of Vinegar Yard.

12. However, views from the east and north and the proposed building's impact on the wider character of the area would change with the likely redevelopment of the sites at Vinegar Yard and at 40-44 Bermondsey Street as a large scale development. Planning application 19/AP/0404 for the erection of buildings ranging from 5 to 17 storeys on these sites, known as the Sellar Scheme, was recommended for approval by Council officers but a decision deferred by the Council's Planning Committee. The Sellar Scheme includes buildings that would be higher than the 10 storeys to the appeal site on land to both sides of Snowsfield, but with the deferral there remains uncertainty therefore whether the Sellar Scheme will come forward as currently envisaged.
13. The Sellar sites are within a larger tract of land forming the St Thomas Street East Masterplan, a shared vision of a group of developers for the regeneration of sites to the south of London Bridge Station. Whilst the Masterplan has no formal planning status, it would appear to have been developed following consultations with the local community and the Council. It is a material consideration. My attention has been drawn to permission for a 39 storey building at the Capital House site and more recently to a resolution to grant permission at the Beckett House site adjacent to it to a scheme including a 27 storey building. These sites are at the far end of the Masterplan area and have little impact on the immediate environment of the appeal site. The schemes demonstrate a descending cascade of heights away from London Bridge in accordance with Masterplan objectives, but they do not directly inform the detailed layout of the Sellar site. I also note that a proposal including a 20 storey building on land bound by St Thomas Street and Vinegar Yard has been called in by the Mayor of London.
14. The existence of the Masterplan and collaboration between interested parties indicates that sites close to the appeal site are likely to come forward for development. But the details for particular sites and the timing of any development remains uncertain. The appeal site is outside the designated Masterplan area but has a boundary with it.
15. However, it is within the CAZ, where intensification of development is generally appropriate, and within the BBLBOA allocated for the highest proportion of growth across the capital. A '*Tall Building Study*' forming part of the Core Strategy evidence base includes the appeal site at the edge of a demarcated area along the St Thomas Street axis. The proposed building with an indicated height of 29.9m would fall just below the 30m threshold used by the Greater London Authority (GLA) for a tall building but would be within the definition in Saved Policy 3.20 of the SSP which references "*buildings significantly taller than their surroundings or likely to have a significant impact on the skyline*". A similar definition is used in Policy 12 of the SCS. The proposal would therefore amount to a tall building in the present context of the appeal site but could be dwarfed by much higher tall buildings in the emerging context of development on adjacent sites.
16. Given the CAZ and BBLBOA designations, a more intensive use of the appeal site is appropriate, but the appeal proposal still needs to be weighed against current planning policies including those relating to high buildings. I have noted the reasoning in the appellant's Design Appeal Statement, the Townscape and Heritage Appeal Statement and in the Design and Access Statement but am not persuaded that the proposal satisfactorily addresses both the site's current context and that emerging in relation to neighbouring sites.

17. Policy D4 of the London Plan (2021) replaces policies 7.4 and 7.6 of the London Plan (2016). The policy is strategic in scope encouraging use of masterplans and design codes and processes of design scrutiny not least in relation to tall buildings. Whilst the appellant's submissions include evidence of such design analysis it remains uncertain that the proposal would deliver the "*high quality design and place making*" aspired to by the policy in relation to the emerging context of development sites; it would fail to do this as a stand-alone scheme in the present context of Snowsfield.
18. Similarly, on the basis of current information, the proposal would not satisfy the design approach in Policy 12 of the SCS to "*achieve the highest possible standards of design for buildings and public spaces*". There would be conflict with Saved Policies 3.12, 3.13 and 3.20 of the SSP which require the height, scale and massing of high buildings to be appropriate to the local context and not to dominate its surroundings inappropriately.
19. The Framework at Paragraph 130 (c) sets out a balance for developments to be "*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*". The site appears to be suitable for an innovative change, but the proposal would not create the "*high quality, beautiful and sustainable buildings and places*" aspired to in Paragraph 126.
20. The proposal would result in the benefit of a net increase of 6 dwellings on the site and all proposed dwellings would be of a better quality than presently at Raquel Court in relation to current quality policy indicators such as size, overall amenity space provision and affordable housing. These benefits would be in accordance with the aim in the Framework to significantly boost the supply of homes. The Council has contested its latest Housing Delivery Test result in relation to disputed housing delivery figures. Having regard to the Council's housing delivery in recent years my judgement is that the presumption in favour of sustainable development at Paragraph 11(d) of the Framework should not apply, but even if it were to be applied, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The Council anticipates satisfactory housing delivery as major sites come forward and in this context the relationship between the appeal site and the Sellar sites is important to ensure achievement of housing and design objectives.
21. I have noted the appellant's references to differences in approach between the Council's report on the Sellar scheme and to the current proposal in relation to comments on the impact on the immediately surrounding area and the degree to which the appeal site has a backwater context. These do not change the findings I have reached on this issue.

Conservation Area

22. The appeal site and neighbouring buildings are not within a conservation area. However, the Bermondsey Street Conservation Area (BSCA) include buildings on the eastern side of Bermondsey Street, land to the west of Vinegar Yard and buildings to both sides of Snowsfield to the west of the appeal site beyond the junction with Kirby Grove. The BSCA covers an extensive area with varying characters and is divided into four 'sub-areas' two of which are of particular relevance.

23. Sub Area 1 relates to Bermondsey Street and has a village high street character with a diverse range of closely spaced buildings fronting the street and resulting in contained vistas. Sub Area 3 is centred on Weston Street to the west of the appeal site and includes sites redeveloped in the 19th Century to provide small warehouses and housing. The Guinness Trust Buildings and Arthur's Mission Building are notable facing buildings within the BSCA on opposite sides to Snowsfield beyond the junction with Kirby Grove.
24. Raquel Court can be seen from Bermondsey Street between nos. 40 and 42-44 and from Snowsfield beyond Kirby Grove. It is inconspicuous and does not relate to or detract from the significance of either adjacent sub-area. The proposed building would be higher but not unduly prominent when viewed from either location or from near the Horseshoe Inn in Melior Street within the BSCA to the north-west of the site. Whilst it would be seen as a backdrop in views out of the conservation area from these positions these limited views would not detract from their immediate setting and context. It is pertinent to note that higher buildings consented along the St Thomas Street Masterplan Area would provide a more prominent backdrop from many locations within the BSCA. The Sellar scheme would abut the Bermondsey Street Sub Area and would be seen as a higher backdrop than the appeal scheme when viewed from the Weston Street Sub Area, but the Council considered its impact on the BSCA to be acceptable.
25. The proposal would not adversely affect the significance of buildings or streets within the BSCA. It would not therefore conflict with Policy HC1 of the NLP which requires proposals affecting heritage assets, and their settings, to conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Nor would there be conflict with the conservation clauses within Policy 12 of the SCS or with Saved Policy 3.18 of the SSP which seeks to preserve or enhance the setting of conservation areas.

Amenity space provision

26. Recently adopted Policy D6 of the NLP states, where there are no higher local standards in borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. for each additional occupant. All proposed units would include private amenity space to meet this requirement but would not satisfy the higher standards set in the Council's Residential Design Standards SPD Technical Update (2015). The proposal would not provide the 50 sq.m. of communal amenity space required for each development.
27. The SPD is guidance and not policy, and it is therefore appropriate to exercise some flexibility in applying its aspirations. The site is close to public open space at Leathermarket Gardens which would compensate for the absence of communal amenity space provision. Saved Policy 4.2 of the SSP requires good quality living conditions including the provision of suitable outdoor/green space but does not quantify this.
28. The proposal would be compliant with NLP Policy D6 and with SSP Policy 4.2 but not with guidance in the SPD. It would otherwise provide satisfactory living conditions for future occupiers. Under the circumstances, a payment in lieu of the shortfall would be appropriate and consistent with the approach adopted by the Council on other schemes in the area brought to my attention.

29. The appellant has submitted a planning obligation including a payment of £21,771 to make up the shortfall, a figure agreed with the Council. I am satisfied that this payment would meet the tests set for planning obligations at Regulation 122(2) of the Community Infrastructure Levy Regulations (2010). However, as the appeal is to be dismissed in relation to other considerations it is not necessary for me to examine the planning obligation in detail.

Other Matters

30. I have already addressed many of the issues raised in representations from interested parties. Having regard to separation distances, there would not be a material adverse effect on the living conditions of the occupiers of the nearest residential dwellings in relation to sunlight and daylight loss, overlooking or through noise levels.

Conclusion

31. Whilst the proposal would intrude into the backdrop of views from the Bermondsey Street Conservation Area, it would not result in a material adverse effect on its significance. But the proposal's height and massing would result in a more localised adverse effect on the character and appearance of the area surrounding the appeal site, in its present context, as an unduly conspicuous and incongruous feature. I acknowledge that this context is likely to change in time as major developments come forward on neighbouring sites. However, in relation to the emerging context, it has not been demonstrated that the 10 storey wall on the site's rear boundary would contribute to a satisfactory overall appearance within a high quality and beautiful place. The appeal should therefore be dismissed.

Rory MacLeod

INSPECTOR