
RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Macro Investments Ltd	Reg. Number	11-AP-4297
Application Type	Full Planning Permission	Case Number	TP/1525-D
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

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

Retention and restoration of 1 Bear Gardens and the facade of 1 Rose Alley, and the demolition of all other existing buildings and structures on site to allow the construction of a building up to 8 storeys high with basement (maximum height 24.95m/28.95m AOD) comprising commercial units (either Use Class A1 retail/A2 services/or D1 leisure) at ground floor and an apart-hotel (60 rooms/units) at ground to seventh floors (including an ancillary gym), one disabled car parking space, off street taxi drop-off, off street servicing bay, cycle parking spaces, refuse storage, landscaping and associated plant.

At: EMPIRE WAREHOUSE, 1 BEAR GARDENS, 1 & 2 ROSE ALLEY, LONDON, SE1 9ED

**In accordance with application received on 21/12/2011
and revisions/amendments received on 07/03/2012**

and Applicant's Drawing Nos. BG-E-00-OS-01-01 Rev P1, BG-E-20-B1-01-01 P1, BG-E-20-OG-01-01 P1, BG-E-20-01-01-01 P1, BG-E-20-02-01-01 P1, BG-E-20-03-01-01 P1, BG-E-27-OR-01-01 P1, BG-E-25-MF-01-01 P1, BG-E-25-MF-01-02 P1, BG-E-25-MF-01-03 P1, BG-E-25-MF-01-04 P1, BG-E-26-MF-01-03 P1, BG-D-20-B1-01-01 P1, BG-D-20-OG-01-01 P1, BG-D-20-01-01-01 P1, BG-D-20-02-01-01 P1, BG-D-20-03-01-01 P1, BG-D-27-OR-01-01 P1, BG-D-25-MF-01-01 P1, BG-D-25-MF-01-03 P1, BG-D-26-MF-01-03 P1, BG-P-00-OS-01-01 P1, BG-P-20-B1-01-01 P1, BG-P-20-OG-01-01 P2, BG-P-20-01-01-01 P2, BG-P-20-02-01-01 P1, BG-P-20-03-01-01 P1, BG-P-20-04-01-01 P1, BG-P-20-05-01-01 P1, BG-P-20-06-01-01 P1, BG-P-20-07-01-01 P1, BG-P-27-OR-01-01 P2, BG-P-25-MF-01-01 P1, BG-P-25-MF-01-02 P1, BG-P-25-MF-01-03 P1, BG-P-25-MF-01-04 P1, BG-P-25-MF-01-11 P2, BG-P-25-MF-01-12 P1, BG-P-25-MF-01-13 P2, BG-P-26-MF-01-01 P1, BG-P-26-MF-01-02 P2, BG-P-26-MF-01-03 P1, BG-P-26-MF-01-11 P1, BG-P-26-MF-01-12 P1, BG-P-26-MF-01-13 P1, BG-E-25-MF-01-21 P1, BG-P-90-OG-01-01 P1, 08011-02-B-B, 08011-02-B-G, 08011-02-B-1, 08011-02-B-2, 08011-02-E1, 08011-02-E2, 08011-02-E3, 08011-02-E4, 08011-02-E5, 08011-02-S-AA, 08011-02-S-BB, 08011-02-S-CC, 10059-02-B-G, 10059-02-E-GA, 10059-02-E-GA, 10059-02-E-GA, 10059-02-E-GA

Energy Strategy Report, Shallow Groundwater Displacement Study, Daylight & Sunlight Report plus addendum, Air Quality Assessment, Bat Survey & Assessment Report, Archaeology, Statement of Community Involvement, Flood Risk Assessment, Planning Statement, Transport Assessment, Noise & Vibration Report, Sustainability Statement, Design & Access Statement, Townscape & Conservation Assessment, Tree Survey, Draft Delivery and Servicing Management Plan, Response to traffic and transport issues

Reasons for granting permission.

a) Saved Policies of the Southwark Plan (2007)

Policy 1.1 (Access to Employment Opportunities) advises that for all developments creating over 1000sq.m new or improved floorspace, the LPA will seek to enter into planning obligations in relation to training, employment opportunities, childcare, and facilities for those with disabilities.

Policy 1.4 (Employment Sites outside Preferred Office and Industrial Locations) advises that for all developments located outside POLs and PILs which have an established B Class Use, subject to certain criteria, development will be permitted provided there is no net loss of floorspace in Class B, subject to a number of exceptions.

Policy 1.7 (Development within Town and Local Centres) seeks to ensure that most new development for retail and other town centre uses are accommodated within existing town and local centres. Within the centres, developments providing a range of uses will be permitted providing a defined set of criteria is met.

Policy 1.11 (Arts, Culture and Tourism Uses) states that changes of use from arts, cultural and tourism uses will not be permitted unless the applicant demonstrates a lack of requirement for the facility.

Policy 1.12 (Hotels and Visitor Accommodation) which states that hotels would be encouraged in areas with high

public transport accessibility and that they would not be permitted where they would result in an over dominance of visitor accommodation in the locality.

Policy 2.5 (Planning Obligations) seeks to ensure that any adverse effect arising from a development is taken into account and mitigated, and contributions towards infrastructure and the environment to support the development are secured, where relevant, in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.1 (Environmental effects) seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

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

Policy 3.3 (Sustainability Assessment) protects against the loss of amenity, including disturbance from noise, to present and future occupiers on or in the vicinity of the application site.

Policy 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency.

Policy 3.6 (Air Quality) advises that permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

Policy 3.9 (Water) seeks to ensure that all developments should incorporate measures to reduce the demand for water, recycle grey water and rainwater, and address surface run off issues, and have regard to prevention of increase in flooding and water pollution.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure.

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

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention.

Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

Policy 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials.

Policy 3.19 (Archaeology) advises that planning applications within Archaeological Priority Zones (APZ) should be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.

Policy 3.22 (Important Local Views) advises that the Local Planning Authority will seek to protect and enhance identified views, panoramas, prospects and their settings. Developments that would impact negatively on important local views will not be granted.

Policy 3.28 (Biodiversity) requires biodiversity to be taken into account in the determination of planning applications and the inclusion in developments of features which enhance biodiversity will be encouraged.

Policy 3.31 (Flood Defences) advises that permission will not be granted for development sited adjacent to the River Thames unless it is set back at a suitable distance from the river wall to allow for the replacement/repair of flood defences and for any future raising to be undertaken in a suitable and cost effective manner.

Policy 5.1 (Locating Developments) states that location of development must be appropriate to the size and trip generating characteristics of the development, stating that schemes generating a significant number of trips must be located within easy access of public transport nodes.

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

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area

Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

Policy 5.7 (Parking Standards for Disabled People) requires development (subject to site constraints) to provide adequate car parking for disabled people and the mobility impaired.

b] Policies of the Southwark Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 3 Shopping, Leisure and Entertainment which defines a hierarchy of town and local centres which reflect their sizes and roles.

Strategic Policy 10 Jobs and Businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough.

Strategic Policy 11 Open Spaces and Wildlife protects important open spaces, trees and woodland from inappropriate development.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

Strategic Policy 14 Implementation and Delivery which ensure that the strategic vision and objectives for Southwark are implemented to ensure that the borough continues to be successful and vibrant.

c] The London Plan 2011

Policy 2.10 Central Activities Zone – strategic priorities, Policy 2.11 Central Activities Zone – strategic functions, Policy 2.13 Opportunity Areas and Intensification Areas, Policy 2.15 Town Centres, Policy 4.1 Developing London's economy, Policy 4.5 London's Visitor Infrastructure, Policy 4.7 Retail and town centre development, Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions, Policy 5.5 Decentralised energy networks, Policy 5.6 Decentralised energy in development proposals, Policy 5.7 Renewable energy, Policy 6.1 Strategic approach (Transport), Policy 6.13 Parking, Policy 7.4 Local character, Policy 7.5 Public realm, Policy 7.6 Architecture, and Policy 8.2 Planning obligations

d] Planning Policy Statements

PPS 1: Planning for Sustainable Communities; PPS4: Planning for Economic Growth, PPG 13: Transport; PPS5: Planning for the Historic Environment, PPS 22 Renewable Energy; PPG 23: Planning and Pollution Control; PPG 24: Planning and Noise; PPS 25: Development and Flood Risk;

e] Relevant SPD's/SPG's

Including Section 106 Planning Obligations SPD (July 2007), Draft London Bridge, Borough and Bankside SPD (February 2010), Revised London View Management Framework 2010 (SPD to the London Plan).

The location of the site makes it suitable for apart-hotel use, and criteria in relation to high public transport accessibility and town centre location are met. The hotel could not be considered to harm the character of the area as it would remain very mixed, with a wide range of uses. The provision of Class A and Class D uses are supported by policy.

In relation to the demolition, the structural reports make clear that Empire Warehouse cannot be retained. The demolition of 1 + 2 Rose Alley is also accepted, since they make a more neutral contribution to the conservation area. It should be noted that the facade of No. 1 Rose Alley is being retained. The height and form of the overall building is considered acceptable, and would be appropriate for the context. It is considered that the proposal would enhance

the Bear Gardens Conservation Area, particularly as it would bring this redundant site back into re-use.

The impacts of the scheme in relation to daylight, sunlight and outlook are considered acceptable, and it is considered that no harmful impacts would arise. In order to ensure that neighbouring residential premises have some degree of protection in relation to privacy, it is recommended that the device proposed [a series of bronze vertical rods] are permanently retained and maintained for as long as the development is occupied.

The off street servicing bay should adequately serve the servicing needs of the development. It is noted and accepted that some vehicles may use Bear Gardens [e.g taxi's], but the harm caused would not to so significant to warrant the application being refused.

The proposal would also make efficient use of land and re-use part of the existing buildings, which is a benefit in terms of sustainability.

In assessing and determining the application the council has applied the presumption in favour of sustainable development. The application would accord with sustainable principles and would positively promote a sustainable mixed use development and an effective use of land. It is located in an appropriate town centre site and within the Borough and Bankside town centre. It would therefore appear that the proposal would be consistent with the draft NPPF and the Planning for Growth statement.

It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 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 **Drawing numbers**

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

BG-E-00-OS-01-01 Rev P1, BG-E-20-B1-01-01 P1, BG-E-20-OG-01-01 P1, BG-E-20-01-01-01 P1, BG-E-20-02-01-01 P1, BG-E-20-03-01-01 P1, BG-E-27-OR-01-01 P1, BG-E-25-MF-01-01 P1, BG-E-25-MF-01-02 P1, BG-E-25-MF-01-03 P1, BG-E-25-MF-01-04 P1, BG-E-26-MF-01-03 P1, BG-D-20-B1-01-01 P1, BG-D-20-OG-01-01 P1, BG-D-20-01-01-01 P1, BG-D-20-02-01-01 P1, BG-D-20-03-01-01 P1, BG-D-27-OR-01-01 P1, BG-D-25-MF-01-01 P1, BG-D-25-MF-01-03 P1, BG-D-26-MF-01-03 P1, BG-P-00-OS-01-01 P1, BG-P-20-B1-01-01 P1, BG-P-20-OG-01-01 P2, BG-P-20-01-01-01 P2, BG-P-20-02-01-01 P1, BG-P-20-03-01-01 P1, BG-P-20-04-01-01 P1, BG-P-20-05-01-01 P1, BG-P-20-06-01-01 P1, BG-P-20-07-01-01 P1, BG-P-27-OR-01-01 P2, BG-P-25-MF-01-01 P1, BG-P-25-MF-01-02 P1, BG-P-25-MF-01-03 P1, BG-P-25-MF-01-04 P1, BG-P-25-MF-01-11 P2, BG-P-25-MF-01-12 P1, BG-P-25-MF-01-13 P2, BG-P-26-MF-01-01 P1, BG-P-26-MF-01-02 P2, BG-P-26-MF-01-03 P1, BG-P-26-MF-01-11 P1, BG-P-26-MF-01-12 P1, BG-P-26-MF-01-13 P1, BG-E-25-MF-01-21 P1, BG-P-90-OG-01-01 P1, 08011-02-B-B, 08011-02-B-G, 08011-02-B-1, 08011-02-B-2, 08011-02-E1, 08011-02-E2, 08011-02-E3, 08011-02-E4, 08011-02-E5, 08011-02-S-AA, 08011-02-S-BB, 08011-02-S-CC, 10059-02-B-G, 10059-02-E-GA, 10059-02-E-GA, 10059-02-E-GA, 10059-02-E-GA

Reason:

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

- 3 **Archaeological Building Recording**

Before any work, including demolition, hereby authorised begins, the applicant or successors in title shall secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the archaeological operations are undertaken to a suitable standard as to the details of the programme of works for the archaeological building recording in accordance with saved policy 3.19 of the Southwark Plan (July 2007) and policy 12 of the Core Strategy 2011.

- 4 **Archaeological Foundation Design**

Before any work hereby authorised begins, excluding demolition, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in

accordance with any such approval given.

Reason: In order that details of the foundations, ground works and all below ground impacts of the proposed development are detailed and accord with the programme of archaeological mitigation works to ensure the preservation of archaeological remains by record and in situ in accordance with saved policy 3.19 of the Southwark Plan (July 2007) and policy 12 of the Core Strategy 2011.

5 **Archaeological Mitigation**

Before any work hereby authorised begins, excluding demolition, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with saved policy 3.19 of the Southwark Plan 2007 and policy 12 of the Core Strategy 2011.

6 **Archaeological Reporting**

Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with saved policy 3.19 of the Southwark Plan (July 2007) and policy 12 of the Core Strategy 2011.

7 **Groundwater Assessment and Monitoring**

Prior to the commencement of the development, the measures included on page 6 of the Shallow Groundwater Displacement Study shall be undertaken as detailed in this document. These works will be undertaken in consultation with the Local Planning Authority and English Heritage.

Reason:

To ensure the preservation of the adjacent Scheduled Ancient Monument of the Rose Theatre through the maintenance of ground-water levels on site.

8 **Environmental Management Plan**

Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:

- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
- A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
- Details of arrangements for publicity and promotion of the scheme during construction;
- Details setting out when the River Walk would need to be closed, and steps to ensure that the closure would be minimised, including measures to keep the River Walk open during the period of the 2012 Olympic and Paralympic Games;
- A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance.
- A Delivery and Servicing Plan (all construction access routes and access details also need to be approved by TfL).

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Strategic Policy 13 - High Environmental Standards of The (Draft) Core

Strategy 2011, Saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

9 **Contaminated Land Assessment**

Before any work hereby authorised begins, the owner/developer shall procure at their own cost the services of a suitably qualified and competent consultant in the relevant field, and a Contaminated Land Assessment and associated remediation strategy, together with a timetable of works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given, which shall include:

a) Submission of a detailed site investigation in accordance with the approved methodology to establish the possible or actual presence of contamination and/or pollution in, on, under or over the site, to assess the nature and extent of the contamination or pollution including the actual or potential pollution of the ground and surface water environment. The method and extent of the site investigation shall be in accordance with established code of practice and should be agreed with the Local Planning Authority (Environmental Protection) before commencement of the investigation;

b) Submission of a comprehensive report containing the detailed findings of the investigation carried out together with a risk assessment of any pollutant or hazard identified in the report (using the source, pathway and receptor principle), a remediation scheme setting out the measures necessary to remove, neutralise or otherwise deal with the contamination and/or pollution (including measures to prevent and monitor pollution of ground water and surface water) so that the site may be used for the purposes for which it is being redeveloped. The remediation scheme shall be implemented at the owner/developer's cost in compliance with the reasonable conditions, stipulations, phasing timetable and other relevant matters subject to which such approval is granted.

At any time after the implementation of the approved remediation scheme, if the Local Planning Authority is reasonably satisfied that further remediation works are necessary to remove, neutralise or otherwise deal with any residual contamination and/or pollution in, on, under or over the site, the Local Planning Authority may by written notice require the owner/developer to carry out the remediation steps specified in the said notice which shall also specify the date by which the said remediation steps shall be carried out and completed. The failure on the part of the owner/developer to carry out and complete the said remediation steps to the reasonable satisfaction of the Local Planning Authority by the date specified in the said notice shall be deemed to be a breach of the owner's/developer's obligation under this consent. This does not affect any action that may be deemed necessary under Part II A of the Environmental Protection Act 1990 or other relevant legislation.

c) Submission of (following completion of remediation work) a detailed consultant validation report confirming that all reasonable skill, care and due diligence has been taken in the carrying out of the investigation, compiling the report, findings and remediation scheme, and ensuring the scheme has been properly implemented (see CLR11 for guidance). Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site.

Once the validation report at c) is submitted to and approved in writing by the Local Planning Authority the condition will be fully discharged.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity and 3.10 Hazardous Substances of The Southwark Plan 2007, Strategic Policy 13 High Environmental Standards of the Core Strategy and PPS23 Planning and Pollution Control.

10 **Design - materials**

Material samples/sample-panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with 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.

11 **Design - section details**

Section detail-drawings at a scale of 1:2, 1:5 through:

- principal features on the facades;
- parapets;
- roof edges;
- junctions with the existing buildings; and
- heads, sills and jambs of all openings,

shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the quality of the design and details is in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design; 3.13 Urban Design of The Southwark Plan 2007.

12 **No roof plant**

No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted.

Reason

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

13 **Method Statement**

Prior to commencement of works on site, a Method Statement(s) and Schedule of Works shall be submitted to the Local Planning Authority for approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

- i) Demolition of all elements
- ii) Support, protection and repair of elements to be retained
- iii) Re-use/re-cycling of demolition materials, including brickwork for re-use in the re-built facades.

Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building in accordance with PPS5, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

14 **Internal ambient noise levels**

All residential premises shall be designed to attain the following internal noise levels:

Bedrooms- 30dB LAeq,T* and 45dB LAfmax

Living rooms- 35dB LAeq, T*

A test shall be carried out after completion but prior to occupation to show that the criteria above have been met and the results submitted to the Local Planning Authority for approval.

*T- Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG 24: Planning and Noise.

15 **Landscaping**

Prior to the commencement of any works above grade, landscape-drawings, at 1:50, 1:10 and 1:5 scale drawings of the layouts, planting schedules, trunk girth and species, materials and edge details to be used in the carrying out of this permission including all the publically accessible spaces on the ground floor, shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and Strategic

Policy 12 Design & conservation of the Core strategy (2011).

16 **Wheelchair accessibility and access**

Before any works above ground level in connection with the hotel are carried out, a detailed access management plan shall be submitted to and approved by the Local Planning Authority, such plan to include as a minimum: details of proposed management measures to assist all disabled people to access and use the hotel and its facilities; details of the facilities by which non-ambulant disabled persons may gain access to and move within the building; detailed drawings showing the location and layout of at least 10% of the hotel bedrooms which are to wheelchair accessible standards, the structural requirements for which shall be provided upon implementation and retained as such for as long as the building is in use, with 5% fully fitted-out and available from first occupation; and a monitoring programme to allow for future fit-out of the other 5% of rooms as demand requires.

Reason

To ensure the provision of adequate means of access to the building for people with disabilities in accordance with Saved policies 3.11 Efficient use of land and 3.11 Urban design of the Southwark Plan 2007 and policy 7.2 An inclusive environment of the London Plan 2011.

17 **Green/brown roof**

Prior to the commencement of the relevant part of the work, details of the green and/or brown roofs (including a specification and maintenance plan) to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007 and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

18 **Biodiversity and ecological mitigation measures**

Details of bird and/or bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 8 nesting boxes including 4 swift bricks and 6 bat boxes or bat tubes shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes & bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 3D.14; and 4A.3; of the London Plan 2008, Policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy

19 **Hours of use**

The ground and basement floor Class A1/A2/D1 uses hereby permitted shall not be carried on outside of the hours 0700 hours to 2300 hours Mondays to Saturdays, and between 0800 hours and 2300 hours on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

20 **Energy**

The energy strategy shall be provided in accordance with the submitted details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains occupied.

Reason:

To ensure the development complies with Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions and Policy 5.7 Renewable energy of the London Plan 2011.

21 **BREEAM**

Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the BREEAM excellent rating has been met for the development.

Reason

To ensure the proposal complies with Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

22 Refuse storage

Before the first occupation of the buildings hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the dwellings and commercial units and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Policies 3.2 Protection of Amenity and 3.7 Waste Reduction of The Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

23 Service Management Plan

Prior to occupation, a Service Management Plan detailing how all elements of the site are to be serviced (including servicing hours of not outside of 0800 to 1800 hours Monday to Friday and 0900 to 1300 hours on Saturdays, and not at all on Sundays and Bank Holidays) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

The plan should include measures detailing how deliveries will be received, including details of the booking system.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

24 Travel Plan

a) Prior to occupation of the buildings, the applicant shall submit in writing and obtain the written approval of the LPA to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.

b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the use of non-car based travel is encouraged in accordance with Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

25 Electric vehicle charger point

Prior to the fit out of the service area, details of the installation (including location and type) of the electric vehicle charger point within the disabled parking bay shall be submitted to and approved in writing by the Local Planning Authority and the electric vehicle charger points shall be installed and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To encourage more sustainable travel in accordance with Saved Policies 3.1 Environmental Effects and 5.2 Transport Impacts of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

26 Cycle Storage- details to be submitted

Prior to the commencement of any works above grade, details of the cycle storage facility should be provided for the secure storage of cycles [for the commercial units, apart-hotel and staff and visitors] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise

in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Strategic Policy 2 - Strategic Transport of The Core Strategy 2011 and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

27 Noise creep from noise /vibration generation – commercial plant, extract ventilation & ducting

The noise level from any plant (e.g. refrigeration, air conditioning), together with any associated ducting, shall be 10(A) dB or more below the lowest measured external ambient L_{Aeq, T^*} at the site boundary. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

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

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- v) The lowest existing $L_{Aeq, T}$ measurement as already established.
- vi) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

* $L_{Aeq, T}$ $T = 1$ hr between 07:00 and 23:00 and 5min between 23:00 and 07:00.

Reason

To ensure that users of the surrounding area not suffer a loss of amenity by reason of noise nuisance and other excess noise from plant and that the operation of plant does not add by cumulative effect to the existing sound environment in accordance with Policy 3.1 'Environmental Effects' of the Southwark Plan 2007.

28 Flat roofs - not for sitting out

No areas of flat roof shall be used other than as a means of escape or for maintenance and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason

In order that the privacy of surrounding occupiers, particularly 20-22 New Globe Walk, Benbow House and the Bear Pit Apartments may be protected from overlooking in accordance with Saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of the Southwark Plan 2007, SP 13 High Environmental Standards of the Core Strategy 2011 and the Residential Design Standards SPD 2011.

29 Privacy screening

Prior to the first occupation of the development, the vertical bronze rods (as detailed on page 142 of the Design and Access Statement) shall be installed at first to fifth floor levels on the Bear Gardens elevation of the development and permanently retained and maintained as part of the structure of the building as such for as long as the development is occupied.

Reason

In order that the privacy of surrounding occupiers, particularly 20-22 New Globe Walk, Benbow House and the Bear Pit Apartments may be protected from overlooking in accordance with Saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of the Southwark Plan 2007, SP 13 High Environmental Standards of the Core Strategy 2011 and the Residential Design Standards SPD 2011.

30 Restriction within Use Class Order

Notwithstanding the provisions of Classes A2 and D1 of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders) the use hereby permitted shall not include any use as a betting shop, driving school, place of worship or religious institution.

Reason

In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Strategic Policy 2 - Sustainable Transport and Strategic Policy 13 - High environmental

standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 5.2 Transport Impacts of the Southwark Plan 2007.

31 Provision of Class D use

Notwithstanding the details shown on the plans hereby approved, the ground floor of No. 1 and 2 Rose Alley, and 1 Bear Gardens shall only be occupied by a Class D1 use (and shall occupy in accordance with the restrictions as referred to in condition 30).

Reason

To ensure that the proposal adequately replaces the previous Class D1 facility in accordance with Saved Policy 1.11 Arts, culture and tourism uses of the Southwark Plan 2007 and Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles of the Core Strategy.

32 Details of External Lighting and Security

Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority in writing before any such lighting or security equipment is installed. The development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with Strategic Policy 12 - Design and Conservation and Strategic Policy 13 – High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

33 Thames Water

No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Please contact Thames Water Developer Services on 0845 850 2777) to discuss the details of the piling method statement.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure.

34 Environment Agency - flood risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Environ (Report Ref UK14-16446, dated December 2011) and the following mitigation measures detailed within the approved FRA:

1. No sleeping accommodation/residential uses are to be provided below the 1 in 200 yr breach flood level (Refer to paragraph 3.6.2 of the approved FRA)
2. All ground floor finished levels are to be set at a minimum of 4.0mAOD
3. Basement areas should consider the implementation of flood resilient and resistant measures publication 'Preparing for floods (ODPM 2003)' <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>
4. Submit a Flood Response plan for approval by the local authority. This should set out provisions for safe refuge arrangements for ground floor occupants, details on safe access/egress routes in the event of an extreme event and procedures for residents to sign up to the Environment Agency's Flood Warning system
5. Implementation of a SUDS strategy incorporating the measures recommended within the approved FRA consisting of the use of green/brown roofs and shallow attenuation tanks (Refer to Section 4 and Appendix C). The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates in line with Policy 4A.14 of the Mayor's London Plan, which as a minimum, requires that discharge rates are reduced to 50% of existing rates, if the Greenfield rates are not achievable.

Reason

To reduce the impact of flooding both to and from the proposed development and third parties.

35 Environment Agency - surface water drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been

demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

Infiltrating water has the potential to cause remobilisation of contaminants which could ultimately cause pollution to groundwater.

36 Environment Agency - foundation design

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

Piling has the potential to create pathways for contaminants to reach the groundwater.

Informatives

Thames Water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of his minimum pressure in the design of the development.

Environment Agency

Contaminated soil that is evacuated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste legislation which includes:

Duty of Care Regulations 1991

Hazardous Waste (England and Wales) Regulations 2005

Environmental Permitting Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Environment Agency

The Environment Agency are generally supportive of soakaways and normally agree that roof water can discharge to ground. Run-off from access roads and parking areas for less than 20 private cars can usually discharge to soakaway via an appropriate pollution prevention system (except in Source Protection Zone 1) as long as there is greater than 10 metres unsaturated zone between the base of the soakaway and the water table. Some types of surface run-off however should always discharge to a treatment system or to mains. The Environment Agency take a site specific approach when negotiating the detailed design of a drainage system.