

| | | | |
|---|---|-------------------------------|--|
| Items No. 6.2 & 6.3 | Classification: Open | Date: 27 March 2012 | Meeting Name: Planning Committee |
| Report title: | Development Management planning application: Address: EMPIRE WAREHOUSE, 1 BEAR GARDENS, 1 & 2 ROSE ALLEY, LONDON SE1 9ED 1. Application for Full Planning Permission Reference: 11/AP/4297 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 museum) 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. 2. Application for Conservation Area Consent Reference: 11/AP/4298 Demolition of Empire Warehouse, Bear Gardens and No. 2 Rose Alley. Facade retention of No. 1 Rose Alley with the remainder of the building demolished. Retention and restoration of 1 Bear Gardens (to allow the construction of a new building of up to 8 storeys high comprising commercial units (either Use Class A1 retail /A2 services /or D1 museum) on ground floor and an apart-hotel (60 rooms) above. | | |
| Ward(s) or groups affected: | Cathedrals | | |
| From: | Head of Development Management | | |
| Application Start Date 10/01/2012 | Application Expiry Date 10/04/2012 | | |

RECOMMENDATIONS

- 1
 - i) That planning permission be granted subject to conditions and the applicant first entering into an appropriate legal agreement by no later than 10 April 2012. In the event that the s.106 is not completed and the decision is not issued prior to the 31 March, the development will be liable to pay the Mayoral CIL;
 - ii) That conservation area consent is granted subject to conditions;
 - ii) In the event that the legal agreement is not entered into by 10 April 2012, the Head of Development Management be authorised to refuse planning permission for the reasons set out in paragraph 138 of the report.

BACKGROUND INFORMATION

Site location and description

- 2 The site is bound by Rose Alley to the east, Bear Garden to the west, 58 Park Street (Globe Education Centre) to the south and Riverside House (2a Southwark Bridge Road) to the north. The site comprises four buildings: 1 Bear Gardens, 1 Rose Alley, Empire Warehouse and 2 Rose Alley. The whole of the site is currently vacant, Empire Warehouse having been so since the late 1950's. 1 + 2 Bear Gardens and 2 Rose Alley were however occupied up until 2008 having been in use as a museum with a permanent exhibition of 16th and 17th century theatre history. The whole site lies within the Bear Gardens Conservation Area.
- 3 1 Bear Gardens is a three storey building which stands between 58 Park Street and Empire Warehouse. It is setback from Bear Gardens behind a small courtyard area which includes two trees and a large shrub.
- 4 1 Rose Alley is a three storey building situated between 58 Park Street and 2 Rose Alley.
- 5 Empire Warehouse fronts both Bear Gardens and Rose Alley, and comprises of a total of three linked buildings. The largest of these is a three storey plus basement building fronting Bear Gardens. It also includes two smaller buildings which front Rose Alley comprising of a three storey plus basement annex, and a single storey plus basement warehouse.
- 6 2 Rose Alley is a narrow building fronting Rose Alley and is adjacent to the rear of Empire Warehouse.
- 7 To the south of the site at 58 Park Street lies the Globe's Education and Rehearsal Centre. To the east lies the Rose Court office block. Riverside House comprising restaurant space with offices above is located to the north. To the west lies the Bear Pit Apartments [previously known as Union Works], a residential block at 20-22 New Globe Walk and also Benbow House (a residential block). The surrounding area includes a mix of uses including commercial, retail, restaurants, residential, hotels and tourism uses.

Details of proposal

- 8 The proposal is for the development of site to provide an aparthotel with 60 rooms (suites and one and two bed units) from first to seventh floor level. At basement and ground floor level, flexible space for either class A1, class A2 or class D1 uses would be provided and would allow the provision of a range of uses which include those listed below:
Class A1: shops, post offices, travel agencies, hairdressers, dry cleaners, sandwich bars, internet cafes
Class A2: banks, building societies, estate agencies, driving schools, employment agencies, betting shops
Class D1: medical and health services, creche, nurseries, museums, libraries, art galleries, exhibition halls, education and training centres, places of worship, church halls
These uses would be provided within a building of up to 8 storeys in height, behind the partially rebuilt facade of Empire Warehouse.
- 9 Two separate applications have been made. The Conservation Area Consent application proposes the demolition of Empire Warehouse and No. 2 Rose Alley. The facade of No. 1 Rose Alley would be retained with the remainder of the building

demolished. 1 Bear Gardens would be retained and refurbished.

- 10 The planning application proposes to erect a new building and extensions incorporating the retained fabric to create a new building of up to eight storeys; the extensions would add a maximum of five storeys to the existing buildings. The overall building would be a maximum of 24.95m high (28.95m AOD).
- 11 At ground and basement level, commercial floorspace is proposed. The applicant has requested flexibility to use the space for either Class A1 (shops), A2 (financial and professional services) or D1 (non residential institutions e.g gallery/exhibition space) in order to allow for a range of potential occupiers to take the space. More details of the range of uses that could take the space are listed above at paragraph 8. These spaces would be accessed from Bear Gardens. The ground floor also contains two entrances of the aparthotel. The main pedestrian entrance is located in Bear Gardens. The second entrance is accessed from Rose Alley for those with cycles, or those coming from the taxi bay. The taxi bay, delivery bay, disabled parking bay and cycle storage would be accessed from Rose Alley.
- 12 The upper floors would provide the aparthotel accommodation, with ancillary facilities, including a gym. The accommodation provided would comprise of larger suites/flats than a conventional hotel, and so would be designed for longer stays. It would still fall within the Class C1 (hotels) use class, and to ensure the accommodation does not become permanent residential (Class C3), the stay would be limited to a maximum of 90 days.

Revised plans:

- 13 In order to respond to a number of issues and concerns raised on the original submission, from officers and neighbours, a series of additional information and revisions and were made to the scheme. In summary, these changes comprise of the following:
 - revised elevation drawings showing the detail of window arches and windows cills
 - details of the vertical bronze rods to reduce the impact of overlooking
 - the addition of photovoltaic panels onto part of the roof of the development
 - substitution of louvres on Rose Alley first floor elevation with a series of staggered vertical glazed panels
 - additional information on daylight impacts
 - the submission of a Draft Construction Traffic Management Plan
 - the submission of a tree survey

Planning history

- 14 At 1 Bear Gardens and 2 Rose Alley, planning permission was granted (ref: 01/AP/0795) on 7 August 2001 for the change of use from museum to premises for exhibition and sale of art (ground & 1st), artists studios (ground), print workshop (ground) with offices on 1st and second floors. This permission was implemented, and so the lawful use would be a mix of Class D1, and B1 offices.

Planning history of adjoining sites

- 15 At 58 Park Street, planning permission was granted (ref 06/AP/0864) on 29 June 2006 for the erection of a third floor extension to provide new education and rehearsal studios for the Shakespeare Globe Theatre. This extension has been built.
- 16 At 60 Park Street & 16 Globe Walk, planning permission was granted (ref 06/AP/1882) on 21 December 2006 for the part demolition of the existing buildings

and the erection of a part two, part six storey building for use as offices and retail/restaurant at ground and first floor level and 25 residential units above. This development has been completed, and is referred to as the Union Works or Bear Pit Apartments.

- 17 At Rose Alley adjacent to Rose Court and Bear Gardens adjacent to Riverside House, planning permission was granted (ref 10/AP/3698) on 4 November 2011 for the installation of retractable bollards across Rose Alley at junction with Park Street and installation of fixed and retractable bollards at the car park entrance to Riverside House off Bear Gardens. This permission has not been implemented at the time of writing.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 18 The main issues to be considered in respect of this application are:
- i) principle of the proposed development in terms of land use, including provision of a hotel and acceptability of commercial units;
 - ii) design and heritage issues, including demolition of historic fabric (Conservation Area Consent);
 - iii) impact on the amenities of occupiers of adjoining properties;
 - iv) impact of adjoining and nearby uses on occupiers and users of proposed development;
 - v) quality of hotel accommodation;
 - vi) traffic issues, including servicing and level of car parking;
 - vii) flood risk;
 - viii) sustainable development implications;
 - ix) planning obligations.

Planning policy

- 19 The site lies within the Central Activities Zone, Archaeological Priority Zone, Bear Gardens Conservation Area, Thames Special Policy Area, Air Quality Management Area, Bankside and Borough District Town Centre, Strategic Cultural Area and the Bankside, Borough and London Bridge Opportunity Area. It has a Public Transport Accessibility Level of 6a (on a scale where 1 represents low accessibility and 6b represents the highest public transport accessibility). It also lies in Flood Risk Zone 3a.

Core Strategy 2011

- 20 Strategic Targets Policy 1 - Achieving growth
Strategic Targets Policy 2 - Improving places
Strategic Policy 1 - Sustainable development
Strategic Policy 2 - Sustainable transport
Strategic Policy 3 - Shopping, leisure and entertainment
Strategic Policy 10 - Jobs and businesses
Strategic Policy 11 - Open spaces and wildlife
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards
Strategic Policy 14 - Implementation and Delivery

Southwark Plan 2007 (July) - saved policies

- 21 Policy 1.1 Access to employment opportunities
Policy 1.4 Employment sites outside the Preferred Office Locations and Preferred

Industrial Locations
 Policy 1.7 Development within town and local centres
 Policy 1.8 Location of developments for retail and other town centre uses
 Policy 1.11 Arts, culture and tourism uses
 Policy 1.12 Hotels and other visitor accommodation
 Policy 2.5 Planning obligations
 Policy 3.1 Environmental effects
 Policy 3.2 Protection of amenity
 Policy 3.3 Sustainability assessment
 Policy 3.4 Energy efficiency
 Policy 3.6 Air quality
 Policy 3.7 Waste reduction
 Policy 3.9 Water
 Policy 3.11 Efficient use of land
 Policy 3.12 Quality in design
 Policy 3.13 Urban design
 Policy 3.14 Designing out crime
 Policy 3.15 Conservation of the historic environment
 Policy 3.16 Conservation areas
 Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
 Policy 3.19 Archaeology
 Policy 3.22 Important local views
 Policy 3.28 Biodiversity
 Policy 3.29 Development within the Thames Policy Area
 Policy 3.31 Flood defences
 Policy 5.1 Locating developments
 Policy 5.2 Transport impacts
 Policy 5.3 Walking and cycling
 Policy 5.6 Car parking
 Policy 5.7 Parking standards for disabled people and the mobility impaired

London Plan 2011

- 22 Policy 2.9 Inner London
- Policy 2.10 Central Activities Zone – strategic priorities
 - Policy 2.11 Central Activities Zone – strategic functions
 - Policy 2.12 Central Activities Zone – predominantly local activities
 - 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 4.8 Supporting a successful and diverse retail sector
 - Policy 5.1 Climate change mitigation
 - Policy 5.2 Minimising carbon dioxide emissions
 - Policy 5.4 Retrofitting
 - Policy 5.7 Renewable energy
 - Policy 5.9 Overheating and cooling
 - Policy 5.10 Urban greening
 - Policy 5.11 Green roofs and development site environs
 - Policy 5.12 Flood risk management
 - Policy 5.13 Sustainable drainage
 - Policy 5.21 Contaminated land
 - Policy 6.1 Strategic approach (Transport)
 - Policy 6.2 Providing public transport capacity and safeguarding land for transport
 - Policy 6.3 Assessing transport capacity
 - Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.12 Road network capacity
 Policy 6.13 Parking
 Policy 7.2 An inclusive environment
 Policy 7.3 Secured by design
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.8 Heritage assets and archaeology
 Policy 7.11 London View Management Framework
 Policy 7.12 Implementing the London View Management Framework
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.19 Biodiversity and access to nature
 Policy 7.21 Trees and woodlands
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 23 PPS 1: Delivering Sustainable Development (February 2005)
 PPS 4: Planning for Sustainable Economic Growth (December 2009)
 PPS 5: Planning for the Historic Environment (March 2010)
 PPG 13: Transport (March 2001)
 PPS 22: Renewable Energy
 PPS 23: Planning and Pollution Control
 PPG 24: Planning and Noise
 PPS 25: Development and Flood Risk

Relevant Statements/SPD's/SPG's

- 24 Ministerial Statement, Planning for Growth, 23 March 2010
 Section 106 Planning Obligations SPD (July 2007)
 Design and Access Statements SPD (September 2007)
 Sustainable Transport Planning SPD (September 2008)
 Sustainable Design and Construction SPD (February 2009)
 Sustainability Assessment SPD (February 2009)
 Draft London Bridge, Borough and Bankside SPD (February 2010)
 Revised London View Management Framework 2010 (SPD to the London Plan)
 Draft London View Management Framework July 2011 (SPD to the London Plan)
 Use of planning obligations in the funding of Crossrail (2010) (SPG to the London Plan)
 Draft National Planning Policy Framework (July 2011)
 The Community Infrastructure Levy Regulations 2010
 Circular 05/05: Planning Obligations
 Draft Bear Gardens Conservation Area Appraisal 2003

Principle of development

- 25 PPS1 advises that developments should be promoted in locations that allow for the creation of linkages between different uses and which thereby create more vibrant places. PPS1 also promotes the efficient use of land. PPS4 seeks sustainable economic growth to reduce the need to travel and respond to climate change. PPS4 also states that economic growth including retail and hotel uses should be focussed in existing town centres.

- 26 In addition, the draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 27 Presumption in favour of sustainable development is a new policy designed to ensure that the planning system as a whole focuses on opportunities. The presumption, in practice, means that significant weight should be placed on the need to support economic growth through the planning system and local planning authorities should plan positively for new development and approve all individual proposals wherever possible. But development should not be allowed if it would undermine the key principles for sustainability in the Framework. The draft NPPF makes clear that the policies should apply 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits'.
- 28 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight). Consistent with that objective, the application proposal should ensure the effective and most efficient use of land and buildings, and they will also promote the vitality and viability of the town centre and will promote prosperity. In relation to the vitality and viability of the town centre, the draft NPPF requires planning policies to be positive and promote competitive town centre environments. This includes recognising town centres as the heart of the community, defining a network of centres and setting policies to be clear on which uses will be permitted.

Use as an apart-hotel

- 29 The last known use of the site was for warehousing, a museum and offices. The warehouse and offices are protected by Saved Policy 1.4 Employment sites outside the Preferred Office Locations and Preferred Industrial Locations of the Southwark Plan and also Core Strategy Policy 10 – Jobs and Businesses. However, the parts of the site last in use as warehousing are vacant, and has been for a considerable length of time (30 years). The majority of the floorspace, particularly in the main Empire Warehouse is severely dilapidated, structurally dangerous and has not been capable of use or occupation for decades. As such, it may be argued that the former use has been 'abandoned'. Given the length of time that has passed since the buildings were last used, it would be difficult to argue that Saved Policy 1.4 and Core Strategy Policy 10 would strictly apply, and the council's primary concern at this stage would be to encourage re-use of the site, for a use consistent with the character of the area.
- 30 There is a small amount of offices (259sqm) at 1 + 2 Rose Alley which would also be protected under Saved Policy 1.4 of the Southwark Plan and SP10 of the Core Strategy. The offices are mainly provided at first and second floor level, with a small amount also at ground floor level. Since the proposal would enable the re-use and refurbishment of the site, the loss of the this small quantum of offices is considered acceptable.
- 31 Consideration relating to the former museum use is discussed below at paragraph 46.
- 32 The site lies within the Central Activities Zone (CAZ), the London Bridge and

Bankside Opportunity Area, the Borough and Bankside District Town Centre and the Strategic Cultural Area. In these locations the London Plan, Saved Southwark Plan policies and Core Strategy seek to provide for high quality developments which will increase employment and also to support the provision of new retail space.

- 33 Saved policy 1.12 of the Southwark Plan states that hotels will be encouraged in areas with high public transport accessibility, but that they will not be permitted where they would result in a loss of residential accommodation, or an over dominance of visitor accommodation in the locality. Strategic Policy 10 - Jobs and businesses of the Core Strategy advises that hotels would be allowed in town centres, strategic cultural areas and places with good accessibility to public transport, providing that there is no harm to local character. In addition, the draft Borough, Bankside and London Bridge SPD advises that hotels should not lead to adverse impacts on the amenity of residential areas, and that public access to any hotel facilities should be provided.
- 34 Policy 4.5 London's Visitor Infrastructure of the London Plan states that the Mayor seeks to achieve 40,000 net additional hotel bedrooms by 2031 in town centres and opportunity areas, where there is good access to central London and international and national transport termini.
- 35 The site is located within the Bankside and Borough Town Centre, the Strategic Cultural Area and has an excellent transport accessibility level of 6a (on scale where 1 represents low accessibility and 6b represents the highest accessibility) and is within walking distance of Southwark, Blackfriars, Waterloo and London Bridge stations and several bus routes, with the nearest bus stops being on Southwark Bridge Road. The location therefore does meet the requirement for a town centre site with high public transport accessibility.
- 36 Notwithstanding that a hotel on this site may be appropriately located, the requirement for the proposal to not result in an over dominance of visitor accommodation needs to be considered. There are a number of existing hotels and consented hotels in the development pipeline in the wider Bankside area. An over-concentration of hotels can detract from the vitality of an area, reduce the opportunity for a range of other services to be provided, and can increase the transient population in an area, which does not help towards creating a stable and engaged community as well as potentially being detrimental to the character and functioning of an area.
- 37 The Bankside area has seen a strong growth in hotels and, whilst this growth helps meet a demand, it is important that this is balanced against the aim of fostering a stable community, and providing space for offices and other important facilities.
- 38 In the wider area there are a number of existing hotels including the Mad Hatter Hotel on Stamford Street (30 rooms), Southwark Rose Hotel (84 rooms) and Novotel London City South (182 rooms) on Southwark Bridge Road and a Travelodge (202 rooms) on Union Street. Two hotels also exist on Southwark Street; the Holiday Inn Express (88 rooms) and the Mercure (144 rooms). Planning permission was also granted in November 2009 for two hotels incorporating 477 rooms at 46-49 Blackfriars Road, and this is now under construction. Also under construction are the Premier Inn hotel on Lavington Street/Great Suffolk Street (122 rooms) and the Citizen M hotel at 20 Lavington Street (209 rooms). A luxury hotel (261 rooms) has been agreed as part of the 1 Blackfriars development. Further, planning permission has been granted for a 358 room hotel at Sea Containers House, Upper Ground; this development is expected to commence shortly.
- 39 The GLA's Hotel Demand Study (2006) indicates that approximately 2,500 additional

hotel rooms will be needed in the borough over the period 2007 to 2026. Given the number of new hotels built, and those that have consent, it is likely that this target can be reached.

- 40 However, the site is considered to be well suited for hotel use given its excellent accessibility to public transport and close proximity to a number of major tourist attractions. None of the existing or consented hotels are in close proximity to this site and overall, the scale of the hotel is relatively small compared to other consented schemes. Given that the wider area is still very mixed no concerns are raised in terms of over dominance of visitor accommodation. The proposal is therefore considered to comply with the requirements of saved policy 1.12; the issue of residential amenity is discussed further below at paragraphs 51-76
- 41 The apart-hotel would deliver 20 suites, 28 one bedroom apartments and 12 two bedroom apartments. The smaller units would most likely cater for business travellers, with the larger units being suitable for families. As the site lies in close proximity to a number of amenities, including cafe's and restaurants, no such facilities would be provided on site. This would also reduce the level of servicing required. A 24 hour staffed reception and concierge would however be available. The length of stay of guests would vary, with some guests staying up to one week, with other guests potentially opting to stay for over a month, but none more than 90 days. It is envisaged that as well as demand from tourists, there would be significant demand from local companies and businesses.
- 42 The applicant has submitted a Statement of Need as part of the application, which analyses the popularity of the Bankside area and the strong performance of the local hotel market. There is high demand for overnight accommodation in the area, because of the increasing number of large companies moving to Bankside and the growing popularity of the area as a base for leisure travellers. The submitted statement also refers to the increasing demand for aparthotels in London and the very limited supply of these facilities in Bankside.
- 43 In conclusion, the site meets the locational requirements for a hotel. There would be no harm the character of the area or any concerns about over concentration. The scale of the hotel is not such as to affect significantly affect amenity - see paragraphs 51-76 for more consideration on amenity impacts. The apart-hotel is therefore considered acceptable in principle.
- 44 10% of the rooms (6 in total) have been designed to be fully wheelchair accessible. A condition has therefore been attached requiring these details to be provided, together with a detailed access management plan.

Provision of retail/gallery uses

- 45 The last known use of 1 Bear Gardens and 1 + 2 Rose Alley (at ground and first floor levels) was as a premises for exhibition and sale of art.
- 46 In order to re-provide this exhibition use, the applicant has agreed to accept a condition limiting the use of the ground floor of 1 + 2 Rose Alley, and also 1 Bear Gardens to a Class D1 facility. This would therefore ensure that the cultural use would be re-provided in the scheme, and so would ensure compliance with Saved Policy 1.11 Arts, culture and tourism uses, which seeks to protect such uses.
- 47 The site's location within the Strategic Cultural Area would make it an appropriate location for a gallery, museum or exhibition space. A letter of support has been received from Shakespeare's Globe regarding the take up of that space by the Globe

to strengthen their activities and programmes. The close links with the Globe would make them an ideal tenant. Interest has also been received from the Tate. These letters of interest are noted, but they could not guarantee that these organisations would take the space.

- 48 The remainder of the basement and ground floor are proposed for Class A1 or A2 uses. These uses are supported and would be in line with policy aspirations to focus retail uses in town centres. These uses would help meet the needs of local residents, as well as visitors and businesses and would contribute towards the vitality and viability of the south bank. The applicant has advised that no discussions have been held with any supermarket or other food retail uses, and that it is unlikely that the space would be taken by such uses because of the constraints of the site and the small size of the units. The servicing concerns raised by residents regarding the take up of the space by a supermarket have been noted, but as the size of the unit is small, it is considered that it could be adequately serviced from the dedicated service area. Attaching a condition ensuring the space is used by a non food retailer (as requested by residents) would therefore not be reasonable or appropriate in this instance.
- 49 It is however considered appropriate to attach a condition ensuring that the space is not occupied or used as a place of worship, religious institution or betting shop, since these uses would give rise to different impacts that have not been assessed or considered in the application supporting documents. It would also be appropriate to restrict driving schools since these would have different patterns of vehicular movements which again have not been considered and assessed in the supporting documents.

Environmental impact assessment

- 50 The applicant submitted an application for a screening opinion on 8 May 2010 (11-AP-1338) to determine whether an Environmental Impact Assessment would be required for a larger development consisting of a 13 storey, plus basement tower to provide a 127 bedroom boutique hotel, with residential and gallery spaces. This development was not considered to constitute EIA development, based on a review of the scheme against both the EIA Regulations 1999 and the European Commission guidance. The scale of development being sought on the site has been substantially reduced, and since this larger development was not considered to require an EIA, it follows that this development would not require an EIA either. In summary, the proposed development would not be likely to have significant effects upon the environment of more than local significance by virtue of factors such as its nature, size or location and therefore an EIA would not be required.

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

- 51 Saved Policy 3.2 relates to the protection of amenity and states that permission would not be granted where a loss of amenity to present occupiers would be caused.

Daylight/Sunlight

- 52 A daylight and sunlight report has been submitted with the application. The report assesses the scheme based on the Building Research Establishments (BRE) guidelines on daylight and sunlight.
- 53 The BRE sets out three detailed daylight tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of

the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight can be reduced by about 20% of the original value before the loss is noticeable.

- 54 The second method is the No Sky Line (NSL) or Daylight Distribution (DD) method which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.
- 55 Another method of calculation is the Average Daylight Factor (ADF) which is a more detailed assessment and considers the amount of sky visibility on the vertical face of a window, but also the window size, room size and room use. The recommendations for ADF in dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 56 In relation to sunlight, the test is to calculate the annual probable sunlight hours (APSH) taking into account the amount of sun available in both the summer and winter for each given window which faces within 90 degrees of due south. The assessment requires that a window should receive a quarter of annual probable sunlight hours in the summer and at least 5% of sunlight hours during the winter months.
- 57 The daylight and sunlight impacts on the following adjoining residential properties has been considered in the submitted daylight report. The report has used the VSC and ADF tests to assess the impacts on daylight.
 - Bear Pit Apartments, 16 Globe Walk/60 Park Street
 - 20-22 New Globe Walk
 - Benbow House
- 58 Rose Court has not been assessed in the report since it is an office building.

Bear Pit Apartments, 16 Globe Walk/60 Park Street

- 59 This building is located directly opposite the site on Bear Gardens. It consists of a recently completed development, and has residential accommodation on the upper floors. The VSC and ADF analysis indicate that all of the residential properties would be fully BRE compliant. The majority of windows would only experience very small losses, with the greatest loss being 13.84% [a window at first floor level], which is well within the permitted 20%. The Average Daylight Factor analysis shows that there would only be very minor reductions. The impacts in relation to daylight to this building are therefore considered acceptable.
- 60 In relation to sunlight, the submitted results show there would be no reductions in the sunlight received by the building. The existing and proposed sunlight figures are identical, so no loss would be experienced. This is explained by the existence of the 10 storey Rose Court building to the east of the application site, which already restricts sunlight to the Bear Pit Apartments.

20-22 New Globe Walk

- 61 This building is also located across Bear Gardens. This building is fully compliant with the BRE guidance, all of the windows experience VSC reductions considerably less than the 20% permitted. The reductions range from 0% [i.e. no daylight loss] to 14.70% and as such there should be no noticeable reduction in daylight. The ADF analysis also indicates that there would only be minor losses. Therefore, this

building would not experience any significant reduction in daylight levels.

- 62 The sunlight analysis shows some reductions in both winter and summer sunlight, however in most cases the reductions are very minor and would result in small percentage losses which would be under 20%. There is one window [living/kitchen/diner on third floor] which would experience an overall reduction of winter sunlight by 30% but as existing, this window does not meet the BRE target for having 25% of annual probable sunlight hours in the summer months. The losses are therefore considered minor and should not be harmful.

Benbow House

- 63 Benbow House is located to the north-west of the site, also across Bear Gardens. The VSC analysis shows that all residential flats would be fully compliant with the BRE guidance, as the windows would experience reductions of below 20%. The losses are minor, ranging from 0.98% to 10.14%. Similarly, the ADF analysis shows only minimal losses. No adverse impacts from daylighting to arise to this property.
- 64 Only one window would experience a reduction in sunlight. This reduction would occur to a window at second floor level, and would affect the sunlight received in the winter months. The sunlight received would reduce from 6% to 5%, but the loss would still meet the minimum 5% requirement for sunlight hours during the winter months. The reduction is therefore acceptable.
- 65 Overall, the impact of the proposal in relation to daylight and sunlight impacts is considered acceptable.

Overlooking

- 66 In order to prevent against harmful overlooking, the Residential Design Standards SPD 2008 requires developments to achieve a distance of 12m at the front of the building and any elevation that fronts a highway and a minimum of 21m at the rear.
- 67 The impacts in relation to overlooking need to be assessed with respect to the nearest residential occupiers of 20-22 New Globe Walk, the Bear Pit apartments and also Benbow House, all of which lie opposite the site across Bear Gardens. At the closest point (first and second floor level), the windows along Bear Gardens would be 6.1m away from the facing residential habitable room windows, which would be short of the required 12m required by the SPD. At third to fourth floor level, this distance would increase to 13.3m, and above that would increase to 15.7m, and to 20m at the top floor level. As such it is only the windows at first and second floor level which would fall below the 12m distance set out in the SPD.
- 68 Many of the objectors have raised concerns regarding loss of privacy, and have made suggestions as to how they feel overlooking could be mitigated. The applicant has taken their concerns on board and has proposed a solution which should help reduce the impacts of overlooking. The following measures have been proposed:
- i) windows which include a tinted base to offer a level of privacy control
 - ii) at first and second floor levels, the internal insertion of permanently fixed vertical bronze rods, staggered at 45mm centres to form a continuous screen to help prevent any direct overlooking either into or out of the rooms
 - iii) at third to fifth floor levels, the installation of externally fixed bronze rods, again in a staggered formation to create a continuous screen
 - iv) the installation of a curtain track to run the full width of the window – so that guests could close their curtains every night.

- 69 The site is located in a tight urban location, and to achieve the separation distances required by the Residential Design Standards SPD would heavily constrain the site and the form of building that it could provide. The first and second floors reflect the alignment of the existing building which conforms to the general building line of the street. The site has not been in use for many years and previously was a commercial building, so the re-use would generate some level of overlooking. The form of the building, with the main building line hard onto the street and upper floors set back, reflects that of the Bear Pit Apartments and 20-22 New Globe Walk.
- 70 The solution put forward is considered to be the most appropriate to ensure that residential amenity is protected as much as possible, whilst also allowing for a scheme that could successfully operate and function without any significant harm. The bronze rods should significantly reduce the extent of direct overlooking, and whilst there may still be some views to the residential flats, the nature of the overlooking should not be so harmful to warrant the application to be refused. It is considered reasonable and appropriate to attach a condition to the permission requiring the permanent retention and maintenance of the bronze rods at first to fifth floor levels, so that residents would be assured that they are incorporated into the design and fabric of the building.
- 71 To the east of the site, the distance to the Rose Court office block would be between 5.4m and 7.9m. As Rose Court is in use as offices, this close arrangement should not give rise to any overlooking concerns in the offices. It should be noted the upper levels of the Rose Alley elevation feature bronze perforated panels, which would help to minimise any loss of privacy.
- 72 It is recommended that, if planning permission is granted, a condition be attached preventing all roof areas from being used as roof terraces, in order to further protect the amenity of neighbouring residents.

Noise

- 73 The proposal would bring the redundant site back into re-use with the potential for vehicular and pedestrian movement to and from the site on a 24 hour basis given the hotel use. In addition, new retail/gallery uses are proposed at ground and basement levels of the building. The objections have commented that there would be an increase the noise levels in the area and raise concern about the impact upon the amenities of the area. The site is located in a central London environment and close to the busy visitor attractions along the river. Whilst the site would be more intensively used, including at late night hours, it is not considered that this would be unreasonable. The site is located in a town centre, where such activities are supported and some level of noise expected. However, in order to protect residential amenities, hours of opening for the basement and ground floor commercial uses (not outside of 7am - 11pm on Mondays to Saturdays and 8am - 11pm on Sundays and Bank Holidays) and hours for deliveries (not outside of 8am - 6pm Monday to Friday and 9am to 1pm on Saturdays).can be strictly controlled by condition which should help to mitigate unacceptable levels of noise.
- 74 Residents have suggested that a condition be attached requiring the main entrance to the aparthotel on Bear Gardens be closed from 11pm to 7am, in order to reduce noise and deter taxi's arriving late at night. Whilst there is a rear entrance to the hotel on Rose Alley, it would be unreasonable to request guests use this entrance only, and it is considered that attaching such a condition could not be properly enforced.

Air Quality

- 75 Policy 3.6 of the Southwark Plan states that permission will not be granted for a development that would lead to a reduction in air quality. The site falls within an Air Quality Management Area (AQMA) due to high levels of nitrogen dioxide concentrations attributable to road traffic emissions. Accordingly, an Air Quality Assessment has been submitted which assesses the impact of the scheme in terms of its effect on local air conditions and neighbouring residential amenity.
- 76 The scheme includes a mechanical ventilation system; however this would be sealed by the building and should not impact on local air conditions. The plant flue would discharge at an acceptable location. The servicing requirements for the development would be insignificant in terms of vehicle emissions. The impacts of the scheme in relation to air quality are therefore considered acceptable.

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

- 77 The immediate surrounding area contains a mix of uses including offices, retail, cultural and residential uses. In this context it is unlikely that any existing use in the locality would be detrimental to the amenities of future users of the proposed development.

Quality of accommodation

- 78 The apart-hotel would deliver 20 suites, 22 one bedroom apartments and 12 two bedroom apartments.
- 79 Internally, there are issues regarding the quality of the internal amenity to some of the hotel rooms. Some of the rooms do not have any direct access to natural daylight or outlook. These include five rooms at first floor level and three rooms at second floor level. The rooms at first floor level comprise of living accommodation, and they form part of the one and two bed apartments on the first and second floor [i.e. duplex apartments]. The three rooms at second floor level comprise of bedrooms, and also from duplex apartments, being linked to the living accommodation on first floor. A number of rooms at second floor level are also very deep in plan. The BRE publication does not provide any guidelines for assessing internal daylighting to this type of use, and only provides internal daylight standards for kitchens, living rooms and bedrooms within residential accommodation. So whilst some of these rooms would not have any direct access to natural daylight or outlook, the guests would only be occupying the accommodation on a short term basis, and so the units would not be expected to meet the standards required for residential accommodation.
- 80 The apart-hotel use would be strictly controlled through the Section 106 legal agreement, to ensure that it would provide temporary accommodation for visitors and guests only. This is particularly important given the layout and size of the units (12 of which are two bed), as they have been designed in a similar fashion to standard residential accommodation, and could be readily converted into this type of permanent accommodation. If the apart-hotel were to provide more permanent forms of accommodation, then the council's policies in relation to the creation of residential accommodation would apply, and would be enforced. In this respect it should be noted that the proposed apart-hotel units would not meet the current requirements for general needs housing in a number of important respects, including space standards, amenity space, wheelchair housing or affordable housing.

Traffic issues

- 81 Saved Policy 5.1 of the Southwark Plan requires major development to be located near transport nodes. Saved Policy 5.2 advises that permission will be granted for development unless there is an adverse impact on the transport network or if there inadequate provision is made for servicing. Saved Policy 5.3 seeks to ensure that provision is made for pedestrians and cyclists within the development and Saved Policies 5.6 and 5.7 concern car parking. Core Strategy Strategic Policy 2 - Sustainable transport reaffirms the commitment to encouraging walking, cycling and use of public transport rather than travel by car.

Access and servicing arrangements

- 82 An off-street loading bay has been provided, accessed from Rose Alley. The draft Service Management Plan submitted states that all deliveries would be carried out from that loading bay, with all deliveries/collections booked in advance. As referred to in paragraph 17, the Crown Prosecution Service have planning permission to install a security controlled bollard entry system to prevent vehicular access to Rose Alley other than for those with permitted access rights. The CPS have written in advising of the positive discussions held with the developer about how traffic could be managed within Rose Alley, should the application be successful. This would be secured by a legal agreement between the applicant and the CPS. Whilst a draft Service Management Plan has been submitted, a more detailed version will be required, containing information as to how the booking system would work.
- 83 The applicant has advised that they propose the servicing hours would be as follows: 8am - 6pm Monday to Friday and 9am-1pm on Saturdays, with no servicing at all on Sundays and Bank Holidays. The servicing would take place directly from the service bay accessed from Rose Alley, and therefore should not give rise to any concern from neighbours. Rose Alley has been widened through the pulling back of the building line to accommodate the servicing requirements of the hotel. A detailed version of the Service Management Plan would be required by condition; the condition would also make clear that servicing is undertaken only in accordance with the approved plan.
- 84 In relation to the apart-hotel use, deliveries are expected to be between three and four a week (for linen, stationary, vending, toiletries and materials). Deliveries for the retail/gallery space have been estimated at once or twice a week. Waste collection has been proposed to take place on street from Park Street, however, a better solution would be to use Rose Alley, and the bollards could be kept down in anticipation to receive such vehicles since they would be arriving at the same time every week.
- 85 Tracking diagrams have been submitted showing a transit van and large car entering/exiting the delivery bay.

Car parking

- 86 The site is located within the Central Activities Zone, a Controlled Parking Zone and benefits from being located within an area of very high public transport accessibility. Therefore a car free development would be expected, with the exception of disabled parking. With the exception of one space for disabled users, the proposal does not include any provision for car parking. In order to mitigate any overspill parking on the highway, it is recommended that future occupiers of the building be excluded from eligibility for parking permits through the legal agreement. The disabled parking bay would be accessed from Rose Alley and would be fitted with an electric charging

facility.

Cycle parking

- 87 The plans include the provision of 12 cycle parking spaces for staff, apart-hotel guests and for the retail/gallery space. The number of cycles provided is in line with Southwark Plan requirements (Saved Policy 5.3). The cycle storage areas for staff and apart-hotel guests would be accessed from Rose Alley, and those for visitors would be accessed from Bear Gardens. However, it is unclear whether the cycle stands would achieve adequate separation distances, and so further details are required by condition.
- 88 The cycle parking must be safe, covered and secure with good lighting. The cycle spaces should comprise "Sheffield stands", as these are the council's preferred type since they are secure and convenient to use.

Taxi set down and drop-off

- 89 Provision has been made for a taxi drop off bay, accessed from Rose Alley. As referred to in paragraph 17, the Crown Prosecution Service have planning permission to install a security controlled bollard entry system to address security concerns. Concerns have been raised by residents that this taxi drop off bay would not be utilised, and that in reality, taxi's would drop guests at the entrance to the apart-hotel on Bear Gardens. Residents are concerned that this activity would cause additional disruption along Bear Gardens. Bear Gardens is a cul-de-sac, with only limited room for vehicles to pass and turn around.
- 90 Whilst a taxi drop off bay has been provided, there would be no mechanism or control in place to ensure that taxi's pick up and drop off only from this bay. The applicant has stated that the website for the apart-hotel would advise where taxi's need to drop off, and that guests would be contacted prior to their arrival to establish when they would be arriving. Those arriving by taxi would be instructed to use the dedicated taxi bay, and the CPS informed of the anticipated time of arrival so that they would be ready to lower the bollards. However, in practice, taxis are likely to drive up Bear Gardens and drop off/pick up residents from there.
- 91 As the proposal is for an apart-hotel, taxi trips are likely to be limited to the arrival/departure of guests. The nature of the trips would be different to that of a conventional hotel, and therefore the trip generating characteristics would be significantly lower. The applicant has estimated that the apart-hotel would generate on average three taxi movements between 0700 and 1000 (guests leaving) and three taxi movements between 1300 and 1900 (guests arriving) each day. Whilst this may be an underestimate, since it takes no account of the leisure trips, the increase in vehicle movements would not be considered significant. The D1 leisure use may also result in some taxi movements, however, these would be likely to be less frequent than those for the apart-hotel, so similarly could not be considered significant.
- 92 Residents have suggested that s.106 monies be used to install a bollard at the entrance to Bear Gardens from Park Street, with only residents and commercial users along Bear Gardens having access to a fob controlling access. However, this solution would not be workable, or reasonable given the scale of the development and its impacts.
- 93 The proposal would result in a more intensive of use on the site with the potential for vehicular and pedestrian movement to and from the site on a 24 hour basis given the

hotel use. However, the site is located in a central London environment as a busy part of the Strategic Cultural Area. The nature of the area has changed significantly in recent years with new cultural, restaurant and high density residential developments on Bankside and New Globe Walk. Bear Gardens has remained quiet mainly because of empty/derelict buildings and as buildings generally front onto other roads. Whilst the nature and usage of the site would be more intensively used, with taxi's picking up and dropping off guests, it is not considered that this would be unreasonable. The site is located in a town centre, where such activities are supported.

Coaches

- 94 Under normal circumstances a hotel would be expected to include provision for coach set-down and pick-up. Since the site is within a coach ban area it is not appropriate to make such provision. As guests in an apart-hotel would typically stay for longer periods than a conventional hotel, it is accepted that the apart-hotel would not be suitable for coach parties.

Travel plan

- 95 A Travel Plan has been submitted with the application. However, the Travel Plan needs further work before it can be considered acceptable. It should set out details of travel surveys to be undertaken and should include a commitment to work with the Better Bankside Travel Planning Group. A sum of £3,000 would also be required for the monitoring of the travel plan.

Construction management

- 96 A Draft Construction Traffic Management Plan has been submitted as part of a set of further information received on the application. It proposes a number of highway and footway closures in order to facilitate construction. Swept path drawings would be required so that construction vehicles can adequately access the site without causing any highway or pedestrian disruption. A condition is recommended requiring a revised plan to be submitted incorporating these comments. The plan should also recognise other construction activity taking place in the area, including the Tate extension.
- 97 The applicant has committed to set up a "Community Working Group" to enable local interested parties to air their views on all aspects of the development, including construction activity, and also longer term activity, including servicing and deliveries. This measure is welcomed and would ensure that there is a process in place for dealing with any complaints and would ensure that they be promptly investigated and remedial action taken.

Design and heritage issues

Demolition of historic fabric (Conservation Area Consent)

- 98 Saved Policies 3.15 and 3.16 require that development should preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance. Planning proposals that have an adverse effect on the historic environment will not be permitted. The character and appearance of conservation areas should be recognised and respected in any new development within these areas. Policy HE7.2 of PPS5 also requires that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. The particular significance

of this conservation area is based around the character and appearance of the Victorian warehouse and industrial buildings which form its core. Any re-development within the conservation area must use this as the reference point to which it responds with a sensitive design approach, which incorporates building forms and aesthetics of a suitable scale and visual/physical impact.

- 99 The Bear Gardens Conservation Area Appraisal has not been adopted, but the draft states in section 4.1.2, that the Empire Warehouse is an unlisted building that makes a positive contribution. The small scale of the conservation area means that there is a limited stock of historic buildings and the character and appearance of this building, in a late Victorian style, clearly adds significantly to the industrial character of its townscape.
- 100 Saved Policy 3.16 Conservation areas, requires that within conservation areas, development should preserve or enhance the character or appearance of the area. With regards to demolition within conservation areas, there will be a general presumption in favour of retaining buildings that contribute positively to the character or appearance of the conservation area. Planning permission will not be granted for proposals that involve the demolition or substantial demolition of a building that contributes positively to the character or appearance of the conservation area, unless, in accordance with PPS5 or any subsequent amendments, it can be demonstrated that:
- i. Costs of repairs and maintenance would not be justified, when assessed against the importance of the building and the value derived from its continued use, providing that the building has not been deliberately neglected; and
 - ii. Real efforts have been made to continue the current use or find a viable alternative use for the building; and
 - iii. There will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition; and
 - iv. The replacement development will preserve or enhance the character or appearance of the conservation area and has been granted planning permission.
- 101 The structural report by Pell Frischmann, dated 27/07/2010, clearly states that the building as a whole has become unstable due to water penetration through the roof and structural movement. Much of the roof covering has disintegrated and this has led to the degradation of structural steelwork and reinforcement, as well as all timber framing. Of particular concern is the fact that the main wall to Bear Gardens has actually slipped off its foundations by a number of inches, which renders the whole structure as unstable and beyond repair.
- 102 Officers have visited the site, along with officers from English Heritage, and viewed the decay in-situ; the slippage of the Bear Gardens wall was clearly visible, along with the other elements of decay. The applicant has proposed the retention of the main entrance/stairwell bay to Bear Gardens, along with the frontages to No.2 Bear Gardens and its facade onto Rose Alley; all other elements would be demolished, and the main wall of Empire Warehouse to Bear Gardens would be re-built to match existing. With the retention of certain elements, and the re-building of the main facade, it is considered that the demolition of the remainder of the structure can be justified, subject to the attachment of conditions requiring a building survey and recording.
- 103 Several structural reports have been submitted along with the application that state the case for the demolition of the main bulk of the warehouse, and this has been accepted by officers following site inspections. While the main warehouse building cannot be saved itself, the main entrance bay (which has the detailing of most interest) will be retained and incorporated into the re-built Bear Gardens façade. The facades of No.1 Rose Alley will also be retained, to the front and also the rear to

Rose Alley, so a considerable amount of the conservation area streetscape will be retained by this proposal.

- 104 The entire facade of No.1 Rose Alley would be retained, with the interior and roof of the building being demolished; the facade of No.1 Rose Alley is considered to make a positive contribution to the conservation area, and its retention was considered to be an essential part of this site's re-development. The interior and roof of this unlisted building have much less heritage significance, and the poor physical condition of these elements and cost of repair/retention is not justified relative to their heritage value. The entirety of No. 2 Rose Alley is also proposed for demolition, but this is a later low-level infill building (narrow in width and two-storey in height) with no architectural or historical interest; its poor quality is considered to be a neutral/negative contributor to the conservation area and its demolition raises no issues relative to PPS5 testing. The retention of the facade of No.1 Rose Alley, combined with the retention of No.1 Bear Gardens, represents the elements that are of most value to the conservation area. The submitted Townscape and Conservation Assessment considers that these building's heritage value is de-valued and overwhelmed by the scale of Rose Court opposite; this is not a relevant issue/material consideration as the buildings are assessed on their own merits, not relative to the impacts of buildings that are outwith the conservation area.
- 105 Empire Warehouse has been vacant for decades and the long period without repair or maintenance has resulted in decay which is no longer feasible to restore. It should be noted that the applicant acquired the site in 2008, so the condition of the building is not the result of their deliberate neglect. In accordance with the PPS5 tests, the cost/feasibility of the repair could not be reasonably justified, nor capable of re-use given the extent of structural instability. The re-building of the main facade is proposed to replicate the existing. There is therefore a justifiable case for granting conservation area consent, taking into account PPS5 and the saved policies of the Southwark Plan. The demolition is considered acceptable, subject to the building survey and recording being secured.

Height and scale

- 106 The height, scale and massing of buildings should be appropriate to the local context and should not dominate its surroundings inappropriately. The height of the proposal would match the height of 20-22 New Globe Walk and would be almost two storeys higher than the Bear Pit Apartments. It would be lower than Riverside House by three storeys. Although it would exceed the height of 58 Park Street by three storeys, at the southern end, it would match the height of the adjacent Globe roof-extension, which is acceptable and is more responsive to the site's physical context.
- 107 The bulk of the proposed development has been significantly rationalised and simplified into three main blocks, reflecting the main warehouse, its retained entrance-bay and No.2 Bear Gardens. The main block reflects the re-built/retained warehouse and with a 7.2m set-back from the Bear Gardens face it rises a further four-storeys, with a further set-back (3.5m) fifth-level. To the south of these elements is the two-storey addition to No.2 Bear Gardens. The general simplification and rationalisation of these forms is considered to be successful in terms of modelling, and should successfully relate to the surrounding context and the conservation area.
- 108 In terms of massing, the configuration of the main elements is not generally problematic to Bear Gardens. To Rose Alley there is very little modulation of the bulk, just the eight-storey mass rising directly from the base, with small set-backs at levels four-seven and eight. Rose Alley is a very narrow road, so the views to the rear of the development would always be oblique. This narrow width could create a canyon effect with the rear of Rose Court however the road is not a pedestrian

thoroughfare and the alley is dominated by the bulk of Rose Court. So on balance, the height and bulk would have no significant impact on the conservation area townscape.

- 109 The view southwards down Bear Gardens, on the approach from the river, should primarily be of the existing/re-built warehouse, with the extension coming into view and appearing above as a secondary element. This has now been indicated successfully. The activity afforded by the entrance to the apart-hotel and retail/gallery units should add interest to the streetscape in close views of the proposal.
- 110 The height of 24.950m which is indicated would be acceptable, but represents the maximum which could be reasonably accommodated, with no scope for plant or other structures to extend beyond this.
- 111 The site lies within the Thames Policy Area. The proposal would not have any adverse impact on the Thames or the Thameside area, and so would be in accordance with Saved Policy 3.29 Development within the Thames Policy Area. The building would not be defined as a 'tall building' under Saved Policy 3.20 Tall Buildings, even taking into account the lower 25m height limit for the Thames Special Policy Area.

Materials and elevations

- 112 To Bear Gardens the intention is to retain No.2 (the museum) and the entrance bay to the existing Empire Warehouse. The main body of the warehouse is to be re-built for structural reasons, which has been accepted as discussed above, but this should be done in a faithful recreation. As there is no way that the existing wall can be structurally retained in place, then the proposed re-build should seek to re-create the existing wall and windows faithfully, and preferably re-use the existing bricks where possible. To this end we will require by condition, a detailed record survey of all elements to be demolished to be submitted prior to demolition, and the re-building details to match those recorded in the survey. This would include, for instance, details of the brick window cills and arches, the eaves details and the glazing bar patterns.
- 113 The Bear Gardens facade on the upper levels is now characterised by a system of bronze vertical bars in front of the glazed panels, with a lighter treatment to the top-most levels. The bronze is an acceptable material to respond to the predominantly brick context and the resultant aesthetic should also add interest and variety to the facade.
- 114 The elevation to Rose Alley has the lower four storeys faced in brick, which also has three recessed bays to give some modulation to the form. Using a bronze finish on the ground-level service openings would introduce a level of consistency on this facade. The three levels above this introduce a castellated effect which as well as reducing potential overlooking, will add a certain drama and material richness to the facade. Above this are four levels of a glazing system, which includes perforated bronze cladding. The top-level continues the glazing system from the Bear Gardens facade, another example of design consistency (and simplicity) that enhances this proposal.
- 115 An amendment was received during the course of the application to substitute the louvered window design at first floor level (enclosing the plant) with a series of staggered vertical glazed panels that are fixed within a frame with a central transom to match the adjacent window details. This is a much improved solution and adopts the same framing and panel principles as the surrounding windows within the

elevation.

- 116 The key to this proposal's success will be in the restoration of the retained fabric, the quality of the replica facade to Empire Warehouse, and the richness of detailing and materials to the extension. If carefully carried out, the overall development should bring quality and enhancement to the conservation area.

Townscape views

- 117 A series of 14 views have been produced that indicate the limited visibility of the extension within Bear Gardens. The new upper levels would be more clearly visible at close range, especially from the courtyard area. However, the views demonstrate that there would be no significant harm caused to the character of the Bear Gardens Conservation Area.

Response to Design Review Panel comments

- 118 An earlier version of the scheme was presented to the Design Review Panel in March 2011; comments of which are summarised in appendix 2 of this report. The Panel considered that the scheme was overly complex in its form, and in terms of the materials used. They queried the quality of the accommodation and the constricted outlook from the rooms/suites. They commented that rather than demolish the front wall of Empire Warehouse, that it could be retained. They also encouraged the use of more sustainable features and a more comprehensive landscape approach.

- 119 Since then, the applicant has sought to take on board and respond to the Panel's comments. The overall form of the building has been rationalised. The materials used have also been revised, with the use of predominantly brick and bronze which is considered to be an appropriate choice for this conservation context. The outlook from the rooms has been improved since the earlier material of bronze perforated panels has been substituted for vertical bronze rods, although this needs to be balanced with the need to protect neighbours privacy. Additional sustainable features have been incorporated into the scheme such as living roofs and the re-use of materials where possible.

- 120 One aspect that could not be incorporated was the retention of the front wall of Empire Warehouse. As explained above, the wall is structurally unstable, and cannot be saved under the proposal.

Conclusion on design issues

- 121 Overall, the design of the proposal is considered acceptable. The design has evolved considerably over the last 3 years, with over six design iterations submitted at pre-application stage. Comments made by the Design Review Panel in March 2011 have also been taken on board, and the resultant design should enhance the conservation area. The scheme makes a contextual response and the composition and detailed design is considered acceptable. It would bring this redundant site back into use which would be beneficial in the townscape. The main Empire Warehouse buildings on the site are in a very poor structural state, and have been subject long periods of vacancy. The structural report makes clear that there is no prospect to restore the buildings. The scheme meets the relevant policy and PPS5 tests and should result in a high quality scheme, including the faithful rebuilding of the main facade.

Trees and landscaping

- 122 Many of the residents have objected to the loss of the Cherry tree from within the

courtyard, however this tree has already been removed since it was dead and presented a safety hazard. Currently on the site (within the courtyard) is an Apple tree in poor condition, and also a large shrub, which are both proposed for removal. The plans show the provision of a replacement mature tree [Field Maple] which would be a suitable replacement provided that the trunk girth exceeds that of the combined Cherry and Apple trees. Specifications and design details such as cross sections should be provided to ensure that the tree could successfully thrive and grow within the courtyard.

- 123 The incorporation of living roofs is welcomed, but the peripheral planting to levels three and seven could be incongruous to this heritage context. Further details of the landscaping should therefore be reserved by condition.

Flood Risk

- 124 The site is located within Flood Zone 3a which is considered to be an area of high risk of flooding due to the proximity of the tidal River Thames and therefore has a 1 in 200 or greater annual probability of flooding from the River Thames. A flood risk assessment has been submitted with the application and the associated breach analysis demonstrates that there are sufficient mitigating measures in place to account for this probability. As such the Environment Agency have advised that they have no objections to the proposed development on flood risk grounds, subject to the imposition of a condition requiring the scheme to be built in accordance with the submitted Flood Risk Assessment.

- 125 Consideration must be given to the sequential test, advocated in Planning Policy Statement 25 "Development and Flood Risk" which requires Local Planning Authorities to direct development towards lower flood risk zones and within development sites where the highest vulnerability uses should be located on parts of the site at lowest probability of flooding. A significant part of Southwark is within Flood Zone 3 and there are no sites at a lower risk of flooding for some distance. Whilst the application site is not designated for a hotel development, the development of brownfield sites such as this is encouraged in order to maximise the efficient use of land. The proposed scheme therefore meets the Planning Policy Statement 25 sequential test.

Archaeology

- 126 The Empire Warehouse, no. 1 Bear Gardens and no's 1 and 2 Rose Alley are located within the Borough, Bermondsey and Rivers Archaeological Priority Zone. Immediately to the south and east of the site is the Scheduled Ancient Monument of the Rose Theatre. Immediately to the north of the site are the remains of the Hope Theatre. Under the building known as the Bear Pit Apartments are the remains of Davies Bear Gardens. These archaeological remains are considered to be of national importance. The area also contained animal baiting arenas, and therefore there could be archaeological deposits containing animal bones.

- 127 The applicants have undertaken an archaeological evaluation and therefore a suitable level of baseline data has been supplied to enable the determination of the application. The applicants have also presented a study to enable a consideration to be made of the impacts of this proposal upon the preservation of the adjacent Scheduled Ancient Monument of the Rose Theatre. The applicants have submitted a letter from the Inspector of Ancient Monuments confirming the suitability of this document.

- 128 Both documents refer to a foundation design options document produced by Pell Frischmann which has not been supplied with this application. The submitted study

recommends six measures to be undertaken to assess the presence and levels of groundwater at the site in relation to the Rose Theatre. These measures can be secured by a suitable condition.

- 129 No details of the foundation design have been submitted with the application. It is necessary to recommend that conditions are imposed to secure a suitable foundation design. The archaeological evaluations undertaken on site confirm that the Hope Theatre is not present on site but other material of interest is present.
- 130 The proposed works will result in the demolition of the Bear Gardens facades of both buildings. Prior to the demolition works the buildings should be subject to a programme of archaeological recording, secured by condition. Conditions are recommended in relation to groundwater assessment and modelling and archaeological foundation design, mitigation and reporting.

Planning obligations (S.106 undertaking or agreement)

- 131 Policy 2.5 of the Southwark Plan and 6A.5 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Policy 2.5 of the Southwark Plan is reinforced by the Supplementary Planning Document (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations, and Circular 05/05, which advises that every planning application will be judged on its own merits against relevant policy, guidance and other material considerations when assessing planning obligations. Strategic Policy 14 – Implementation and delivery of the emerging Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments.
- 132 The applicant has submitted a proposed Heads of Terms based on the Council's Planning Obligations SPD. The following table sets out the contributions payable based on the Section 106 Planning Obligations SPD and what the applicant has proposed to offer.

| Topic area | S106 SPD | Applicant's S106 offer |
|---|--|--|
| Employment in the development | £7,286 | £7,286 |
| Employment during construction | £43,132 | Applicant to deliver a work place co-ordinator to the value of £43,132 |
| Employment during construction management fee | £3,497 | £3,497 |
| Public open space | £9,299 | £9,299 |
| Transport Strategic | £22,254 | £22,254 |
| Transport Site Specific | £30,000 | £30,000 |
| Crossrail | £294,040 (based on calculation in Crossrail SPD) | £294,040 |
| Public Realm | £45,000 | £45,000 |
| Archaeology | £4,993 | £4,993 |
| Admin charge | £9,190.02 | £9,190.02 |
| Total | £468,691.02 | £468,691.02 |

- 133 An amendment to the Traffic Management Order would be required to exclude the hotel and commercial occupiers from obtaining parking permits. The amount sought is £2,750.

- 134 The site specific transport and public realm contributions could be spent on upgrading the footways around the site. The monies could also be spent on a number of different projects to mitigate local impacts, and as such the legal agreement would not tie the monies to any given project.
- 135 A travel plan would also be required (for three years), together with terms to ensure travel plan monitoring, including the payment of the monitoring fee (£3,000). In addition, standard hotel clauses are required limiting hotel guests to no more than a 90 day occupation.
- 136 It is considered that the planning obligations sought meet the planning tests of Circular 05/05 and the CIL regulations. The contributions would be spent on employment and training, including job creation during construction and in the final development, improvements to open spaces and sports facilities given the increase in usage, improvements to increase the capacity of transport provision across the borough, improvements to the public realm and funds to secure archaeological monitoring.
- 137 The Mayor's CIL comes into effect in April 2012 and will apply a financial levy against all developments which will go towards the delivery of Crossrail. The levy is not discretionary and must be applied to all developments at a rate of £35 per square metre on the uplift in floorspace and will be prioritised over all other planning obligations. In this case, if the legal agreement is not prior to 31 March 2012, then CIL will need to be paid, based at £35 per square metre on the increase in floorspace at the site. This will however mean that the payment required for Crossrail (currently £294,040) will reduce by the amount of the Mayoral CIL.
- 138 In accordance with the recommendation, if the Section 106 Agreement is not signed by 10 April 2011, the Head of Development Management is authorised to refuse planning permission, if appropriate, for the reason below:
'In the absence of a signed Section 106 Agreement, there is no mechanism in place to avoid or mitigate the impact of the proposed development on the public realm, public open space, sports facilities, the transport network and employment and the proposal would therefore be contrary to Saved Policy 2.5 'Planning Obligations' of the Southwark Plan and Policy 14 – 'Implementation and delivery' of the Southwark Core Strategy, the Southwark Supplementary Planning Document 'Section 106 Planning Obligations' 2007, and Policy 8.2 Planning obligations of the London Plan 2011.

Sustainable development implications

- 139 Policy 5.2 of the London Plan Minimising Carbon Dioxide Emissions that requires development proposals should make the fullest contribution to minimising carbon dioxide and that they should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. The policy also states that buildings should deliver a carbon saving of 25% over the Building Regulations 2010. Policy 5.7 Renewable Energy seeks to increase the proportion of energy generated from renewable sources. Saved Policy 3.4 of the Southwark Plan seeks energy efficient development. Core Strategy Strategic Policy 13 - High environmental standards applies a similar energy hierarchy to the London Plan and requires the highest possible environmental standards including requiring major developments to achieve a reduction in carbon dioxide emissions of 20% from low or zero carbon sources of energy, and achieving a BREEAM "excellent" standard. These policies are expanded upon in the Council's Sustainable Construction and Design SPD. An Energy Strategy and Sustainability Statement has been submitted as part of the application.

Energy Efficiency

- 140 A range of energy efficiency measures are proposed for the building. These include enhanced building envelope, improved heat performance, integrated shading on east and west facades to limit solar gains and improved window insulation.

District Heating

- 141 There are currently no networks available in the surrounding district for the development to connect to. However, space would be available in the plant room for a connection to any potential future scheme.

Combined Heat and Power (CHP)

- 142 To gain benefit from a CHP system, the equipment would need to maximise its operation for as many hours of the year as possible. With year round requirements for electricity and hot water, the apart-hotel use would be suited to using a small scale packaged CHP. A CHP system is therefore proposed for the development. The CHP would deliver a 25.21% regulated carbon saving over the 2010 Building Regulations. This would meet the London Plan target since it would deliver a saving of over 25%.

Cooling

- 143 A cooling strategy has been developed to minimise overheating. The strategy consists of high performance windows, shading features and high insulation. It should be noted that owing to the height of surrounding buildings, the amount of sun that would reach the facades would be very limited, and this would also ensure that the building would be kept cool.

Renewable energy technologies

- 144 The submitted energy report has considered a number of renewable energy technologies for inclusion within the development. These include biomass, photovoltaics (pv's), wind energy, solar thermal and ground source heat pumps. Out of these technologies, photovoltaic panels would be the most compatible with the CHP. Solar thermals are not recommended for use with CHP's since they would serve the same purpose (i.e. hot water heating). Ground source heat pumps would be problematic due to potential damage of archaeological artefacts underground. Biomass was not considered appropriate as it would not be cost effective to install the expensive pollution abatement equipment necessary for the small size of plant needed. Initially the proposal made no provision for any form of renewable technology, since the majority of the roof would be heavily in shade. However, revised drawings were submitted which introduced an array of photovoltaic panels on a small area of roof that would not be in shade.
- 145 The photovoltaic panels would generate a carbon saving of 0.07%. Whilst this would be significantly under the 20% target, this is typical of using this type of technology. The proposal does seek to re-use some of the existing buildings (which itself is a sustainable measure), and the opportunities for introducing greater reductions from renewables are limited. The photovoltaic panels would be the best fit with the CHP, and the overall carbon saving would exceed the 25% target set by the London Plan.

BREEAM and Ecology

- 146 The BREEAM pre-assessment demonstrates that the development would achieve an 'excellent' standard.

- 147 Additional sustainable measures have been included such as the re-use of existing materials on the site where possible, and the installation of a green roof.
- 148 The bat survey submitted with the application notes that no bat roosts were recorded. Bats are active all along the Thames and therefore a condition requiring bat nesting boxes is required. Bird boxes should also be required, again secured by condition.

Other matters

- 149 Residents have requested that conditions in request that conditions be attached in relation to landscaping, lighting and environmental management plan. These conditions have been attached to the draft decision notice.

Conclusion on planning issues

- 150 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.
- 151 In relation to the demolition, the structural reports make clear that Empire Warehouse cannot be retained. The demolition of 1 and 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.
- 152 The impacts of the scheme in relation to daylight, sunlight and outlook are considered acceptable, and it is considered that no significant 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.
- 153 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.
- 154 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.
- 155 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.
- 156 It is therefore recommended that permission be granted, subject to conditions as set out in the attached draft decision notice, completion of a S106 agreement. In the event that the s.106 is not completed and the decision is not issued prior to the 31 March, the development will be liable to pay the Mayoral CIL.

Community impact statement

- 157 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.
- 158 A Statement of Community Involvement has been submitted with the application. The document sets out the extensive consultation that has been carried out with the immediate neighbours of the site, both in terms of residents and commercial operators. Consultation has also been carried out with the Bankside Residents Forum, Ward Councillors, plus the Cabinet Member for Regeneration.
- 159 In terms of the forms of consultation carried out, newsletters were distributed; meetings with neighbours and public exhibitions were held. A resident's round table meeting was also held. Further, a website was set up to enable residents to view the proposals and provide feedback electronically.
- 160 The pre-application consultation period began in November 2010. A series of 10 individual consultation events took place. The submitted statement has summarised the responses received during consultation and has set out how it has responded to any issues and concerns raised.
- 161 All comments made during this pre-application consultation process, negative and positive, were collated and considered by the applicant and responses to the feedback were developed, either as amendments to the design or an explanation as to why the comments were not carried forward into actions.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 163 21 objections received on grounds of height scale and massing, use as an apartment, objection to use as a supermarket, concerns over traffic impact including servicing and taxi drop off, loss of existing tree, loss of privacy and increase in noise. Local residents have also commissioned a review of the Transport Assessment querying the findings and assumptions made.
- 164 Two letters offering comments received, including one from the occupiers of Rose Court advising that negotiations are ongoing about how traffic could be successfully managed in Rose Alley.
- 165 Three letters of support received, including one from the Globe who are interested in taking up the Class D1 space.

Human rights implications

- 166 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with

conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

167 This application has the legitimate aim of providing works of demolition and extension, plus the use as an apart-hotel with ground floor commercial. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

168 N/A

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|---|
| Site history file: TP/1525-D Application file: 11-AP-4297 Southwark Local Development Framework and Development Plan Documents | Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5513 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken |
| Appendix 2 | Consultation responses received |
| Appendix 3 | Neighbour consultee map |
| Appendix 4 | Images |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | Gary Rice Head of Development Management | |
| Report Author | Kiran Chauhan | |
| Version | Final | |
| Dated | 14 March 2012 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Communities, Law & Governance | No | No |
| Strategic Director of Regeneration and Neighbourhoods | No | No |
| Strategic Director of Environment and Leisure | No | No |
| Date final report sent to Constitutional Team | | 15 March 2012 |

Consultation undertaken

Site notice date: 12/01/2012

Press notice date: 19/01/2012

Case officer site visit date: Numerous over past two years, most recent on 12/01/2012
[unaccompanied]

Neighbour consultation letters sent: 11/01/2012

Internal services consulted:

Archaeology Officer
Environmental Protection Team
Public Realm
Planning Policy
Transport Planning Team
Waste Management
Arboriculturalist
Ecology
Economic Development

Statutory and non-statutory organisations consulted:

Transport for London
Metropolitan Police
Environment Agency
London Fire & Emergency Planning
Thames Water
EDF Energy
Greater London Authority
London Borough of Westminster
English Heritage
Design Review Panel

Neighbours and local groups consulted:

Bankside Residents Forum
Southwark Heritage Association

Re-consultation:

The amended plans and information received would not trigger a reconsultation.

Consultation responses received

Internal services

1. Ecology: Agree with the bat report and note that no bat roosts were recorded. Because the site is close to the river it would be desirable to enhance the building for ecology by providing artificial nest and bat boxes. Bats are active all along the Thames and therefore a condition requiring bat nesting boxes is required. Bird boxes also required. If the roof is not intended to be used for sitting out, biodiverse brown roof covering 75% of the area would be desirable.
2. Public realm: The footway in front of the building on Bear Gardens should be resurfaced using Yorkstone. Dropped kerbs should be included to allow accessibility onto the footway. Where the carriageway is in a poor state, it should be repaired accordingly. On Rose Alley, drainage issues should be addressed. A s.278/36 agreement shall be entered into for any highway works – which should be secured through a s.106 legal agreement.
3. Environmental protection: The air quality and noise report adequately deals with all relevant issues, subject to the attachment of conditions relating to internal noise levels and plant noise. In relation to land contamination, a condition should be attached requiring the gassing assessment and monitoring to be undertaken (as referred to in the submitted report). A condition requiring a construction management plan should also be attached.
4. Transport group: Details are required in relation to how Rose Alley would be maintained to allow servicing to occur. The provision of the disabled parking bay is supported. Further details of cycle parking are required. The occupiers of the development should be prevented from obtaining parking permits. The numbers of taxi drop offs are not expected to be significant but it is accepted that taxi drop off could take place on Bear Gardens.

Statutory and non-statutory organisations

5. English Heritage: Do not wish to offer any comments on either the planning application or the conservation area consent application. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
6. City of Westminster: Do not wish to comment on the proposals.
7. Transport for London: The following points are made (identical to those made at pre-application stage):
 - As the site lies within the Central London Central Activities Zone Crossrail Charging area, as detailed in the mayor's draft Supplementary Planning Guidance (SPG) 'Use of planning obligations in the funding of Crossrail', a Crossrail payment will apply for the net increase in hotel and retail floorspace at a rate of £60sqm.
 - TfL is satisfied that the existing coach facilities provided on Southwark Bridge Road are sufficient to cater for coach trips to the site.
 - On site servicing and taxi drop off facilities from Rose Alley is welcomed, but the applicant will need to negotiate access with the Crown Prosecution Service

since they are seeking to erect bollards restricting access to Rose Alley.

- The taxi bay may be under utilised, and recommends that measures are proposed to encourage the bay's use and these should be detailed in the delivery and servicing plan.
 - Welcome the car free nature of the development, and this should be secured by legal agreement.
 - The delivery and servicing plan should also demonstrate mitigation of the impact of freight activity during the operational phases of the development. A construction management plan is also required.
 - Swept path analysis should be provided to demonstrate that both taxis and servicing vehicles can operate safely.
 - A full travel plan should be produced, monitored and reviewed by legal agreement.
8. London Fire and Emergency Planning: The development should comply with the requirements of B5 of Approved Document B of the Building Regulations and a full building consultation should take place when an application is received.
9. Thames Water: No impact piling shall take place until a piling method statement has been submitted and approved – this should be conditioned. If the developer proposes to discharge groundwater into a public sewer a groundwater discharge permit will be required. In relation to surface water, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In relation to water infrastructure, no objections are made.
10. Environment Agency: No objection, subject to the attachment of conditions relating to contamination, foundation design, surface water and flood risk.
11. Design Review Panel: An earlier version of the scheme was presented to Design Review Panel in March 2011. The Panel made the following points.
- The Panel felt the approach which broadly divided the front into three and the rear into two resulted in a complexity that was poorly resolved, did not relate to the arrangement of plots across the site and should be simplified to meet the context of the constrained site. They encouraged the architects to approach the site in terms of its two main components, the main warehouse and the existing museum
 - In relation to Empire Warehouse, the existing building has a notable presence which only extends half way into the site which the proposed scheme compromises with its complex multiple stepped form. A singular form should be developed, restricting its depth to the rear half of the site to reflect the historic plots.
 - In terms of response to the conservation area, the Panel felt the scheme had struck the right note. They were encouraged by the sensitive design and felt the A1 use on the ground floor was appropriate. They also considered that the Empire Warehouse building should be tested in views along Bear Gardens and Rose Alley.
 - The Panel were not satisfied with the proposal to faithfully recreate the main Empire Warehouse elevation and instead favoured the retention of the external wall and preserving it – and rebuilding behind it.
 - In terms of the elevations, the Panel felt the scheme lacked conviction in design and resulted in compromised accommodation. They noted that the scheme had two distinct faces, one on Bear Lane and one on Rose Alley and felt the use of different materials and textures was confused. The scheme should also reconcile the residential amenity of neighbours whilst achieving the desired quality of accommodation for its guests. The Rose Alley elevation has a constrained outlook which comprises the accommodation. The Panel referred to features such as angled or projecting bay windows to capture every

glimpse of view.

- The Panel questioned the sustainability of the building in the long term due to the depth of the floor plates and the poor levels of daylight penetrating through. Parts of the existing building could be re-used or adapted, and the applicant was asked to explore this. The introduction of further sustainable measures such as living roofs are encouraged, including thought to a more comprehensive landscape approach.
12. In conclusion, the Panel challenged the designers to review their scheme, to change the form of the building, reconsider their approach to the existing building, devise confident and appropriate elevations for the building and address the sustainability credentials of the scheme.

Neighbours and local groups

21 objections received.

- 13 Bankside Residents Forum: Object on following grounds:

- Height, scale, size, massing and design. The scheme is an overdevelopment of the site, and too close to several residential units. The west facing facade now includes vertical bronze threads on 3rd-5th floors but do not seem to guarantee this and will instead create a prison like appearance.
- Use as an apartment-hotel. There is no mechanism to control the length of stay and therefore the development would effectively be free to operate as a standard hotel with associated impacts on traffic and residents in the area. The use as a hotel would contravene council's policy (as contained in the Core Strategy and Bankside, Borough and London Bridge SPD policy 4.5) which aims to regulate the concentration of hotels. The minimum (5 days) and maximum lengths of stay (90 days) should be defined and agreed in the legal agreement. Terms to ensure that any change of use to a conventional hotel is prevented unless a full planning application is made.
- Object to Class A1 for the commercial units. Agree that an active frontage is needed but object to the A1 use as this includes sandwich bars and supermarkets. Such uses will require more deliveries than the anticipated 3 to 4 times per week and would give rise to waste and noise nuisance. There are also A1 units in the area unused. Support the D1 use – the units in 1-2 Bear Gardens and 1 Rose Alley were occupied by art galleries/museum until recently, for which planning permission was obtained. In accordance with policy, change of use from arts/culture/tourism is therefore not permitted. Only A2 and D1 use classes should be allowed and if A1 is allowed, a condition should be attached requiring non-food uses only. Opening hours should be 8am to 9pm with no opening on Sundays and Bank Holidays.
- Service Management Plans. Concern that several issues and activities are left to management plans over which local residents cannot have any input nor the council have enough substantial control. All management plans, including servicing and taxi drop off should be attached to the planning approval and not left to conditions. It should state that no servicing takes place from Bear Gardens, set out the types of vehicles and frequencies, and ensure that servicing takes place between 9am and 6pm during work days only.
- Request that the layout of the two commercial units on 1 Bear Gardens and 1 Rose Alley are amended to allow the two units to be functionally connected and allow the servicing of the unit on Bear Gardens to be carried out through the unit on Rose Alley and that a condition be attached requiring detailed drawings to this effect.
- Request that a condition be attached requiring the servicing bay and taxi drop off are permanently retained.

- Request that a condition be attached requiring the main entrance to the aparthotel on Bear Gardens be closed from 11pm to 7am. The reason is to deter the use of Bear Gardens by cabs and other vehicles or pick-up and drop-off.
 - Request the use of s106 planning obligations for the installation of retractable bollard at the southern end entrance to Bear Gardens from Park Street.
 - Object to the loss of the existing tree and landscaping of the courtyard at 1 Bear Gardens. The courtyard hosts a mature flowering Cherry tree which is a key feature of the locality. Further, in the absence of a smoking area at the rear of the development, the courtyard and fixed benches are likely to take up that role. The tree should be protected, benches removed in the courtyard area and a suitable space on Rose Alley be found for smokers.
 - Object on grounds of overlooking. The distances from the development and 3rd and 5th floor of 20 New Globe Walk range from 13m and 15.7m (and only 6 between the lower floors). On the over side of Bear Gardens, the distance is a mere 13m. These distances will cause unacceptable overlooking. It is unclear whether the bronze threads proposed at 3rd to 5th floors of the western elevation will be sufficient to prevent overlooking. In addition, they are not proposed for the 6th floor. Request that a condition be imposed requiring a test to show whether the threads will prevent overlooking be attached and that any amendments needed accordingly made. Conditions should also be attached requiring the clear glass be treated to prevent overlooking, that all facing materials are submitted and approved and that access to roof terraces is prevented apart from maintenance.
 - Object to increase in noise. Likely to generate additional noise disturbance from hotel guests watching televisions or listening to music, operation of air handling units and the activation of fire doors and security systems – neither of which have been addressed. It is unclear how the 8 air handling units at roof level will be shielded to prevent noise. Accordingly request that all windows facing Bear Gardens are prevented from opening and that acoustic glass is considered for all hotel room windows. Also request that a condition is attached requiring a scheme for noise mitigation to external amenity areas is submitted and approved.
 - Also request that conditions be attached in relation to landscaping, lighting and environmental management plan.
 - The scheme should offer s106 contributions in line with the toolkit without any reductions or exceptions – the costs of refurbishing and rebuilding are not relevant.
 - Refer to the independent review of the submitted transport assessment commissioned by local residents, and request that the points raised are adequately addressed.
14. Councillor Morris: Agree with the points raised by Bankside Residents Forum and object to this proposal.
15. 14 objection letters have been received from the following properties. The residents have co-ordinated their objections, and have raised the issues set out below :
- 16 Bear Pit Apartments, 14 New Globe Walk
 Apartment 18, Benbow House
 Apartment 47, 5th Floor, Benbow House, 24 New Globe Walk
 Flat 30, 20 New Globe Walk
 Flat 8, 20 New Globe Walk
 15 Bear Pit Apartments, 14 New Globe Walk
 Flat 4 Bear Pit Apartments, 14 New Globe Walk
 Flat 5, Bear Pit Apartments, 14 New Globe Walk

18 Bear Pit Apartments, 12-14 New Globe Walk
Flat 3, 20 New Globe Walk:
Flat 22, 20 New Globe Walk
Apartment 23, 20 New Globe Walk
Flat 25, 20 New Globe Walk
Flat 6, New Globe Walk

- Height, scale, size, massing and design. The scheme is an overdevelopment of the site, and too close to several residential units. The west facing facade now includes vertical bronze threads on 3rd-5th floors but do not seem to guarantee this and will instead create a prison like appearance.
- Use as an apartment-hotel. There is no mechanism to control the length of stay and therefore the development would effectively be free to operate as a standard hotel with associated impacts on traffic and residents in the area. The use as a hotel would contravene council's policy (as contained in the Core Strategy and Bankside, Borough and London Bridge SPD policy 4.5) which aims to regulate the concentration of hotels. The minimum (5 days) and maximum lengths of stay (90 days) should be defined and agreed in the legal agreement. Terms to ensure that any change of use to a conventional hotel is prevented unless a full planning application is made.
- Object to Class A1 for the commercial units. Agree that an active frontage is needed but object to the A1 use as this includes sandwich bars and supermarkets. Such uses will require more deliveries than the anticipated 3 to 4 times per week and would give rise to waste and noise nuisance. There are also A1 units in the area unused. Support the D1 use – the units in 1-2 Bear Gardens and 1 Rose Alley were occupied by art galleries/museum until recently, for which planning permission was obtained. In accordance with policy, change of use from arts/culture/tourism is therefore not permitted. Only A2 and D1 use classes should be allowed and if A1 is allowed, a condition should be attached requiring non-food uses only. Opening hours should be 8am to 9pm with no opening on Sundays and Bank Holidays.
- Service Management Plans. Concern that several issues and activities are left to management plans over which local residents cannot have any input nor the council have enough substantial control. All management plans, including servicing and taxi drop off should be attached to the planning approval and not left to conditions. It should state that no servicing takes place from Bear Gardens, set out the types of vehicles and frequencies, and ensure that servicing takes place between 9am and 6pm during work days only.
- Request that the layout of the two commercial units on 1 Bear Gardens and 1 Rose Alley are amended to allow the two units to be functionally connected and allow the servicing of the unit on Bear Gardens to be carried out through the unit on Rose Alley and that a condition be attached requiring detailed drawings to this effect.
- Request that a condition be attached requiring the servicing bay and taxi drop off are permanently retained.
- Request that a condition be attached requiring the main entrance to the aparthotel on Bear Gardens be closed from 11pm to 7am. The reason is to deter the use of Bear Gardens by cabs and other vehicles or pick-up and drop-off.

- Request the use of s106 planning obligations for the installation of retractable bollard at the southern end entrance to Bear Gardens from Park Street.
 - Object to the loss of the existing tree and landscaping of the courtyard at 1 Bear Gardens. The courtyard hosts a mature flowering Cherry tree which is a key feature of the locality. Further, in the absence of a smoking area at the rear of the development, the courtyard and fixed benches are likely to take up that role. The tree should be protected, benches removed in the courtyard area and a suitable space on Rose Alley be found for smokers.
 - Object on grounds of overlooking. The distances from the development and 3rd - 5th floor of 20 New Globe Walk range from 13m and 15.7m (and only 6m between the lower floors). On the over side of Bear Gardens, the distance is a mere 13m. These distances will cause unacceptable overlooking. It is unclear whether the bronze threads proposed at 3rd to 5th floors of the western elevation will be sufficient to prevent overlooking. In addition, they are not proposed for the 6th floor. Request that a condition be imposed requiring a test to show whether the threads will prevent overlooking be attached and that any amendments needed accordingly made. Conditions should also be attached requiring the clear glass be treated to prevent overlooking, that all facing materials are submitted and approved and that access to roof terraces is prevented apart from maintenance.
 - An independent assessment of the projected loss of light figures submitted with the application should be checked for accuracy.
 - Object to increase in noise. Likely to generate additional noise disturbance from hotel guests watching televisions or listening to music, operation of air handling units and the activation of fire doors and security systems – neither of which have been addressed. It is unclear how the 8 air handling units at roof level will be shielded to prevent noise. Accordingly request that all windows facing Bear Gardens are prevented from opening and that acoustic glass is considered for all hotel room windows. Also request that a condition is attached requiring a scheme for noise mitigation to external amenity areas is submitted and approved.
 - Also request that conditions be attached in relation to landscaping, lighting and environmental management plan.
16. Local residents have commissioned an independent review of the submitted transport report. In summary, it confirms local concerns that:
1. The analysis used in the transport report has omitted important aspects of the local context, including traffic orders, existing carriageways and the physical layout of Bear Gardens, Rose Alley and Park Street. Both Bear Gardens and Rose Alley are cul-de-sacs and there is inadequate room to perform a three point turn, neither are there any formal turn head facilities. Vehicles therefore have to reverse along Bear Gardens and Rose Alley. The actual movement of vehicles is already extremely restricted and congested.
 2. The assessment does not take into account the servicing needs if the commercial units are used as sandwich bars or supermarkets which will require deliveries six times a week or more. The servicing bay provided would not be large enough to accommodate food delivery vehicles.
 3. The retractable bollards in Rose Alley will be a deterrent for taxi and service vehicles to use and that taxis and service vehicles will use the easiest route and

drop off on Bear Gardens. Further, there is not enough room for a refuse vehicle to stop at the bollards without the back of the vehicle blocking through traffic along Park Street.

4. The assessment of the likely behaviour if taxis and delivery vehicles is aspirational and the reality would be different.
 5. The number of vehicle trips is underestimated – the assessment suggests a turnover of one room every 20 days, but should be based on one room every seven days. The provision of one taxi bay is insufficient and a second bay should be provided.
 6. The off street servicing bay can only accommodate a small transit vehicle and would not be able to accommodate anything larger. If larger vehicles are required, servicing should be undertaken off-street given the width restrictions and lack of turning head on surrounding roads.
 7. The swept path analysis show a transit van (length of 5.35m) to access/egress the delivery bay, but a typical Royal Mail or Parcel Force vehicle is around 7.5m, so the swept path analysis should be undertaken for a 7.5m tonne van. Further, it is plausible that deliveries of linen, materials, vending etc would be using a vehicle larger than a transit van.
 8. Even if the increase in traffic and number of generated journeys is correct, the swept path analysis demonstrates that several turning corners in Rose Alley, Bear Gardens and Park Street are too tight to allow for the increase in traffic that the hotel is likely to generate. The measures proposed in the Design and Access Statement are based on weak assumptions and they do not identify any operator who would be responsible to control their effectiveness and implementation.
17. Flat 12, 20 New Globe Walk: Object on the following grounds:
- The development is a ridiculous overdevelopment of a very small area of land with very poor access
 - Concern over traffic and construction impacts, particularly the disruption caused by the highway works ongoing between Southwark Bridge and New Globe Walk
 - The provision of a single taxi drop point would not cater for the 60 apart-hotel rooms, as visitors will arrive by private cars, limousines, rental cars etc.
- Bankside has already exceeded its capacity to absorb tourist visitors. Additional visitors will degrade the area.
18. Flat 29, 20 New Globe Walk (two letters received): Object on the following grounds:
- Overall height, size, scale and massing. The description on the application form is misleading – it refers to a part 5, part 6 and part 7 storey building. The proposed building is to comprise basement, ground and 7 upper storeys. The developer refers to the heights of Rose Court and Riverside House to demonstrate acceptability of heights, however, these buildings are not in the conservation area. The scheme is an overdevelopment of the site. Support reconstruction of Empire Warehouse, but the extra storeys are excessive and inappropriate.
 - The scheme will cause unacceptable levels of overlooking – the distance between the 3rd to 6th floors of the proposed building and the 3rd, 4th and 5th floors of 20 New Globe Walk is a mere 13.3m, and only 6.1m on the lower floors. The density of the proposed bronze threads is not sufficient to prevent overlooking. No measures are proposed to limit overlooking on the 7th floor. Concern that some roofs could be used as roof terraces – a condition should

be attached preventing access. Request that a test be carried out to consider how and if the vertical threads would prevent overlooking, also request that the clear glass windows be treated to prevent overlooking, and that all facing materials are approved.

- Risk that the vertical bronze threads will give the impression of bars on the windows and create a prison like appearance.
- Noise. Increase in noise from hotel guests, operation of air handling units, activation of fire doors and security systems. Noise from servicing and taxi collections is also an issue. Require that all windows on Bear Gardens be prevented from opening, that acoustic glass be used and that a scheme for noise mitigation be submitted and approved.
- Increase in traffic [refer to the review undertaken by local residents as referred to above].
- Request that a service management plan be submitted and approved, that the layout of the two commercial units on 1 Bear Gardens and 1 Rose Alley are amended to allow the two units to be functionally connected and allow the servicing of the unit on Bear Gardens to be carried out through the unit on Rose Alley and that a condition be attached requiring detailed drawings to this effect.
- Request a condition requiring the service management bay and taxi drop off be permanently retained for such use.
- Request a condition be imposed requiring the main entrance to the hotel be closed from 11pm to 7am.
- Request the use of s106 planning obligations for the installation of retractable bollard at the southern end entrance to Bear Gardens from Park Street.
- Request that a condition be imposed requiring a refuse area adjacent to Rose Alley to be permanently retained for such use,
- The proposals should be amended to include a second taxi bay.
- The proposals be amended so there are suitable loading facilities for vehicles larger than a transit van.
- Object to Class A1 for the commercial units. Agree that an active frontage is needed but object to the A1 use as this includes sandwich bars and supermarkets. Such uses will require more deliveries than the anticipated 3 to 4 times per week and would give rise to waste and noise nuisance. Permission is not needed for a change of use from A2 to A1, so even if the permission is only for an A2 use, it could revert to A1. A condition should be imposed for the A1 unit to be non food only.
- The units in 1-2 Bear Gardens and 1 Rose Alley were occupied by art galleries/museum until recently, for which planning permission was obtained. In accordance with policy, change of use from arts/culture/tourism is therefore not permitted.
- Support the Class D1 use, subject to a condition restricting it to an arts, culture and tourism use. The D1 use should be limited so that use as a public exhibition hall, public worship or religious institution is not permitted.
- Use as an apartment-hotel. There is no mechanism to control the length of stay and therefore the development would effectively be free to operate as a standard hotel with associated impacts on traffic and residents in the area. The use as a hotel would contravene council's policy (as contained in the Core Strategy and Bankside, Borough and London Bridge SPD policy 4.5) which aims to regulate the concentration of hotels. The minimum (5 days) and maximum lengths of stay (90 days) should be defined and agreed in the legal agreement. Terms to ensure that any change of use to a conventional hotel is prevented unless a full planning application is made.
- Object to the loss of the existing tree and landscaping of the courtyard at 1 Bear Gardens. The courtyard hosts a mature flowering Cherry tree which is a key feature of the locality. Further, in the absence of a smoking area at the

rear of the development, the courtyard and fixed benches are likely to take up that role. The tree should be protected, benches removed in the courtyard area and a suitable space on Rose Alley be found for smokers.

- Request that conditions be attached in relation to landscaping, lighting and environmental management plan.
 - Request that a condition be attached requiring the imposition of a condition requiring the installation and retention of internal screens to the windows to prevent overlooking to the adjoining residential premises.
19. 20-22 New Globe Walk [Tas Pide restaurant]: The restaurants shop front has been completely blocked with construction materials since early December 2011. This has reduced customers as our shop front is not visible. *[Officer comment: this objection relates to highway works being carried out outside the restaurant, and therefore is not a relevant planning objection to these applications].*
20. Finance officer, Shakespeare's Globe: The Shakespeare's Globe Trust own the building adjacent to 1 Bear Gardens. On a daily basis, up to 480 children ranging from 5 to 16 year olds visit our centre between 9am to 4pm. It is also used by older children and young adults into the early evening.
- Concerned that the scheme would increase traffic in the area and this would risk the children visiting the building.
 - Support the findings of the independent traffic review undertaken by residents, and support the requests for service management plans to be approved, which should state that no servicing should take place from Bear Gardens. Servicing should only be carried out during 9am and 6pm with no servicing during weekends or bank holidays.
 - The layout of the two commercial units on 1 Bear Gardens and 1 Rose Alley are amended to allow the two units to be functionally connected and allow the servicing of the unit on Bear Gardens to be carried out through the unit on Rose Alley and that a condition be attached requiring detailed drawings to this effect.
 - Request a condition requiring the service management bay and taxi drop off be permanently retained for such use.
 - Request the use of s106 planning obligations for the installation of retractable bollard at the southern end entrance to Bear Gardens from Park Street.
 - Object to the Class A1 retail use because of concerns about traffic and servicing. If A1 is allowed, a condition should be attached restricting it to non-food only.
 - Support the Class D1 use.
21. No address supplied: Concerns over the size and location of the development as a resident of Bear Pit Apartments. This part of Bankside is already packed and cluttered and developing a huge site such as this would be negative for the area. Query the construction start date and construction hours. May have to leave the area is noise levels/construction concerns are not met.

Three letters of support.

22. Chief Executive, Shakespeare's Globe: Met with the developers and architects a number of times over the past 18 months and are content with the way our concerns have been addressed. Pleased that the traffic management plan has ensured that Bear Gardens remains mainly a pedestrian environment and thus assisting with the safe flow of 100,000 students per year walking between the Globe and the Sackler Studios (give address). The addition of an apart-hotel would be of great benefit to the Globe and the wider area, with overseas actors, creative teams and directors staying at the hotel. The cafe at the Sackler Studios is open to the public during the daytime and look forward to offer our services to guests staying at the hotel. Also been in

discussions with the developer about being one of the tenants to the ground floor Class D1 use and would be keen to take the unit to strengthen our activities and programmes. The Globe would be a very appropriate tenant and bring the right mix of cultural use to the development.

23. Ofcom: Occupy the office building at Riverside House, 2a Southwark Bridge Road. Support the application as it will regenerate the site, enhance activity in the area and would ensure that neighbouring properties are not overlooked. The ground floor use has been designed to have low impact, and servicing would be directed to Rose Alley.
24. Tate: Generally supportive of the plans. The renewal of the derelict and dilapidated buildings in this key location is supported. Bringing the site back into beneficial use will make a positive contribution to the area and further improve the south bank. The uses are welcomed and the cultural use encouraged. The landscaping of the courtyard is welcomed and the Tate could recommend artists and creative practitioners to work on design development of the scheme.

Two letters of comment received.

25. Crown Prosecution Service [occupier of Rose Court to the east of the site]: As a Government department, refrain from commenting on the application. However, confirm that positive discussions have been held with the developer about how traffic could be managed within Rose Alley, should the application be successful.
26. Benbow House Residents Limited: The objection submitted by Bankside Residents Forum is noted but question their standing (a company limited by guarantee that is funded by Southwark Council) to make an objection on any planning matter. They are not a representative organisation and their views cannot represent those of Benbow House residents. Benbow House Residents Limited decided that it would not recommend that its leaseholders and residents object to the application but draw attention to comments made by other objectors to service the development from an off street dedicated servicing area.

Neighbour consultee map

